

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the home school district in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate SWBOCES as the school that the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one SWBOCES to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 - 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 - 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
- g) Considered an "unaccompanied youth":

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1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.
2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The term **"homeless child"** shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IEPs, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;

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- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

SWBOCES Liaison for Homeless Children and Youth

SWBOCES shall designate an appropriate staff person as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. SWBOCES will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison. The SWBOCES liaison will work with the school district liaison to insure that the educational needs of homeless children and youth are met.

Record and Reporting Requirements

SWBOCES shall maintain documentation regarding all aspects of its contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

SWBOCES shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq.
Education Law Section 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Adopted: 12/13/2022