



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

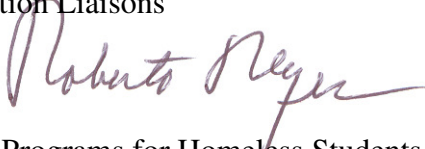
Office of Elementary, Middle, Secondary and Continuing Education

Office of School Improvement and Community Services (NYC)
Title I, School and Community Services
Room 365 EBA
Tel. (518) 473-0295
Fax (518) 486-1762

**NYS FIELD MEMO
NCLB McKinney-Vento
01 -2010**

May 2010

To: District Superintendents
Superintendents of Public Schools
Charter School LEA Administrators
Homeless Education Liaisons

FROM: Roberto Reyes 

SUBJECT: Universal Pre-K Programs for Homeless Students

Prekindergarten offers a crucial opportunity for young children to develop the social, emotional and cognitive skills that will serve as a foundation to life-long learning. However, because families in temporary housing are often forced to move between schools mid-year, it can be challenging to connect and retain homeless preschoolers within the programs and services that they need.

As registration for prekindergarten is underway in many districts, I am writing to remind you to consider the needs of homeless preschoolers. The McKinney-Vento Homeless Education Assistance Act of 2001 (42 USC §11431 et seq., “McKinney-Vento”) applies to students who lack a fixed, regular, and adequate nighttime residence, such as those who are sharing the housing of others due to loss of housing or economic hardship or are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations (42 USC §11434a[2]; Education Law §3209[1]). McKinney-Vento also applies to students in temporary living situations such as shelters and emergency or transitional housing, as well as to students living in places not designed for, or ordinarily used as, a regular sleeping accommodation including cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings (42 USC §11434a[2]; Education Law §3209[1]).

Pursuant to McKinney-Vento, State Educational Agencies (“SEAs”) must ensure that all homeless students have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth and that all homeless students have access to the education and other support services that they need to meet the same challenging State student academic achievement standards to which all students are held (42 USC §11431). To this end, McKinney-Vento requires SEAs and Local Education Agencies (“LEAs”) to review and revise

laws, regulations, practices, or policies that act as barriers to the enrollment, attendance, or academic success of homeless students, including preschoolers (42 USC §11432[g]). Moreover, each LEA is required to appoint a McKinney-Vento liaison to serve homeless students (42 USC §11432[g][1][J][ii]). The liaison must ensure that homeless children are identified and receive the educational services for which they are eligible, including preschool programs administered by the LEA (42 USC §11432[g][6][A]).

Children in temporary housing may find that universal pre-kindergarten (“UPK”) classes are full when their families move into a new school district. Long waiting lists can also create barriers to participation in UPK programs for children who may experience multiple moves throughout the school year.

Because McKinney-Vento requires that LEAs eliminate barriers to homeless students’ full participation and success in school, it is especially important that LEAs engage in proactive steps, such as those listed below, to ensure that homeless students are able to access UPK programming.

1. Upon request, SED may grant a class-size variance to help homeless students participate in UPK, even if the existing UPK classroom would otherwise be considered full. Commissioner’s Regulation 151-1.5(b)(7)(ii) specifies that SED will consider a variance request to promote the inclusion of preschool children with disabilities or who are homeless. To request a variance, an LEA can send a request letter to the Department’s Office of Early Education and Reading Initiatives. The letter should be addressed to Cindy Gallagher and can be sent by email to emsceeri@mail.nysed.gov. The request should state the number of students in the UPK classroom, the number of staff serving the classroom, and the fact that the variance from the class size restrictions is requested in order to serve one or more homeless students. The letter may also include any other special considerations that the LEA would like to bring to SED’s attention, such as unique characteristics of the site or strategies to meet program requirements and ensure appropriate child-staff ratios. Decisions will be made and communicated to the LEA as soon as possible. Questions about the variance process can be directed to the Office of Early Education and Reading Initiatives at (518) 474-5807 or by email to the above address.
2. LEAs are strongly encouraged to conduct targeted outreach to families in temporary housing. As noted above, each LEA is required to appoint a McKinney-Vento liaison who must ensure that homeless children are identified and receive the educational services for which they are eligible, including preschool programs administered by the LEA (42 USC §11432[g][6][A]). A designation form should be completed for each child who is enrolled in the district and is 3-5 years old. For example, if the child is enrolled in a public pre-K program, a private preschool program that receives UPK funding, or a Head Start program operated or funded by the district, the LEA should complete a designation form. A designation form should not be completed if the child is attending a private preschool that is not funded by the district (i.e. not receiving UPK funding or any other type of funding from the district) or a private daycare. The McKinney-Vento liaison should also work closely with the Pre-K Coordinator in the LEA to identify and advertise the target dates for enrollment in UPK, and the application process. The liaison should reach out to families in temporary housing to ask if they have prekindergarten-aged children and to ensure that these families know how, when and where to enroll in UPK programs. Calls should be made in spring, and again during the

summer months, to ensure that families are aware of the LEAs registration dates and procedures.

If an LEA does not offer UPK services, or if there are no seats available despite having taken the steps above, there are additional resources available to liaisons. For instance, liaisons can share information about Head Start programs, Even Start programs and private programs in the community. Families in temporary housing may often be unaware of these resources, and an appropriate referral from the LEA liaison is especially important.

Under the reauthorized Head Start Act, all preschool-age children in temporary housing are eligible for Head Start, and Head Start programs are required to prioritize such children for enrollment. Liaisons should collaborate with Head Start directors to identify children in temporary housing and to make appropriate referrals. For a list of the Head Start programs in your community, please refer to the Head Start Locator online at, <http://eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices>.

For a comprehensive listing of other child care resources, the local Child Care Resources and Referral Network can help. The Child Care Resource and Referral program (CCR&R) provides a list of all available preschool programs and child care resources in New York State, provided by community. Childcare networks are listed by county at the NYS Child Care Coordinating Council's website: www.nysccccc.org. Click on "Find your Local Child Care Resource and Referral Organization," or visit: http://www.nysccccc.org/affiliate_withmap.php.

For more information about programs for preschool-age children, including Universal Prekindergarten, Head Start, and Early Head Start, as well as child care programs throughout the state, please see [*Meeting the Educational Needs of Preschool-Age Children: A Description of Major Early Care and Education Programs in New York State*](#), which provides a detailed overview of preschool programs available to New York's children. To download a copy of this information, please visit the link on the NYS-TEACHS website at www.nysteachs.org.

For further information about McKinney-Vento, the rights of homeless students, and strategies that schools can implement to meet students' needs, please visit the NYS-TEACHS website, www.nysteachs.org, or contact NYS-TEACHS toll-free at **1-800-388-2014**. Additional information may also be obtained through the Department's Homeless Education Program Office by contacting Melanie Faby, Program Associate, at: (518) 473-0295.

Thank you for your attention to this important issue.

c: Ira Schwartz
Cindy Gallagher
Melanie Faby