

# Supporting Students in Temporary Housing:



## Creating a School District McKinney-Vento Homeless Policy



**NYSTEACHS.org**

The New York State Technical and Educational  
Assistance Center for Homeless Students

**Presented By: NYS TEACHS**  
**Thursday, October 24, 2024**  
**9:30am – 11:00am**



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# Webinar Format



- Today's session will be recorded.



- Your microphone will be automatically muted.



- Your camera will be automatically disabled.



- The in-webinar chat will allow you to communicate with the panelists and host only.



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# Housekeeping



- We will launch poll questions periodically throughout the session and ask you to put your answers in the chat.
- We won't be able to answer questions about specific situations in the chat, but we welcome you to call the Help Line to discuss these issues at 800-388-2014.
- The Help Line is open 24 hours a day. Specialists are available from 9:00am – 5:00pm. If you leave a message, you will be called back by the next business day.
- Following today's webinar, today's recorded session, attachments, and Q&As will be posted/accessible on the NYS TEACHS website.



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# Who is in the Room?

## Are you a...

- New McKinney-Vento Liaison (1<sup>st</sup> Year)
- McKinney-Vento Liaison (2–4 years)
- McKinney-Vento Liaison (5–9 years)
- McKinney-Vento Liaison (10+ years)
- Other School/District Staff



## Which region are you from?

- \* Western
- \* Finger Lakes
- \* Central
- \* Southern Tier
- \* Mohawk Valley
- \* Capital
- \* Hudson Valley
- \* New York City
- \* Long Island
- \* North Country



# Session Outcomes

By the end of today's webinar, participants will be able to:

- Describe the educational rights of students in temporary housing under the McKinney-Vento Act.
- Identify key components in a district homeless policy to improve the identification, enrollment, attendance and success in school of students in temporary housing.
- Communicate the role and responsibilities of the McKinney-Vento liaisons to ensure that the rights of students in temporary housing are known and fully protected.



# Today's Agenda



Welcome! Who is in the Room?



McKinney-Vento Act



Sample Homeless Policy Walk Through



Check for Understanding



Summary, Resources and Survey



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# Quick Poll

1. My district has a policy on the Education of Students in Temporary Housing.

- A. Yes
- B. No
- C. Not sure

2. My district has reviewed the district homeless policy within the past five years to ensure that there are no barriers for students in temporary housing to school attendance and participation.

- A. Yes
- B. No
- C. Not sure



# McKinney-Vento Act

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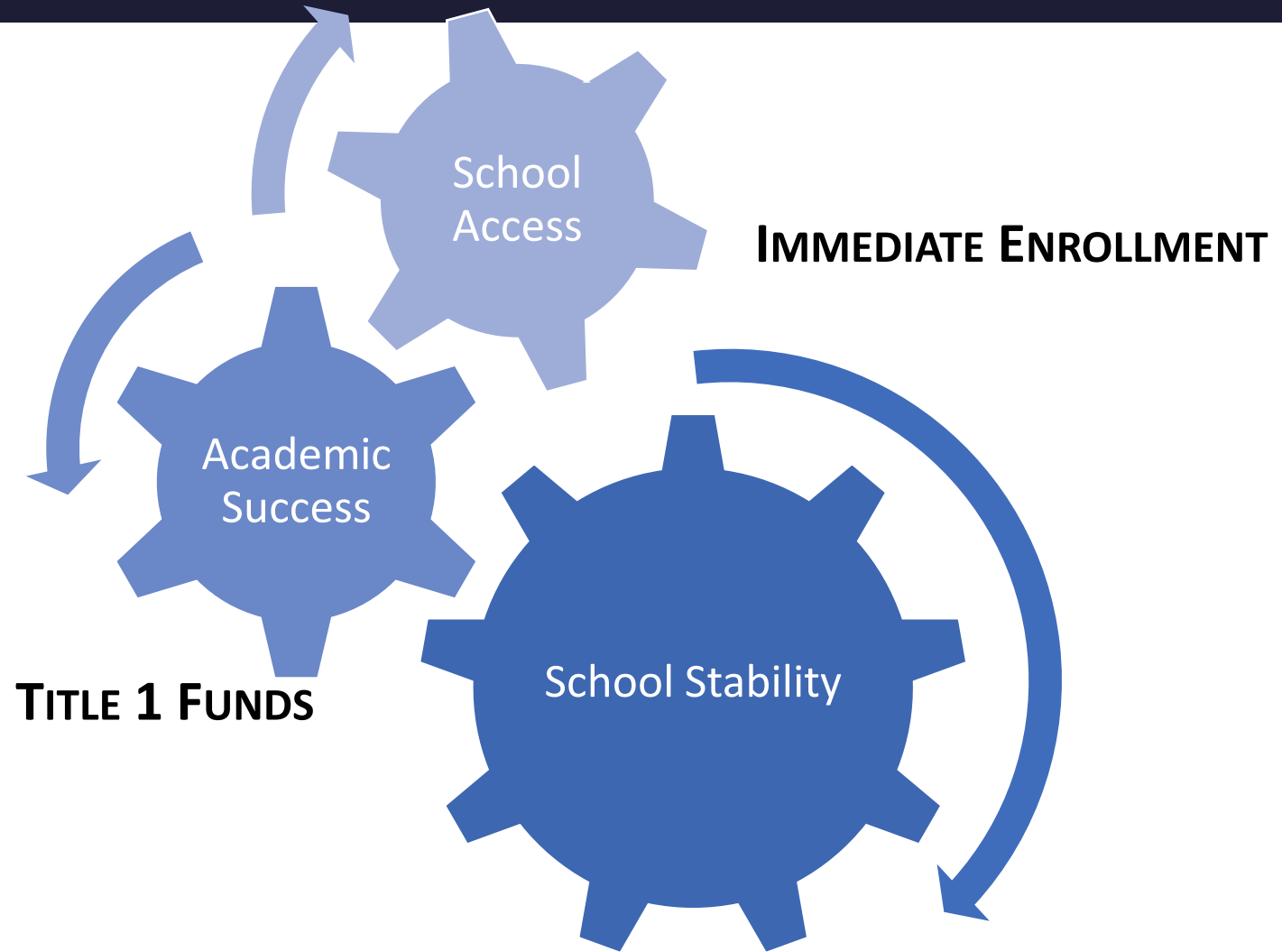


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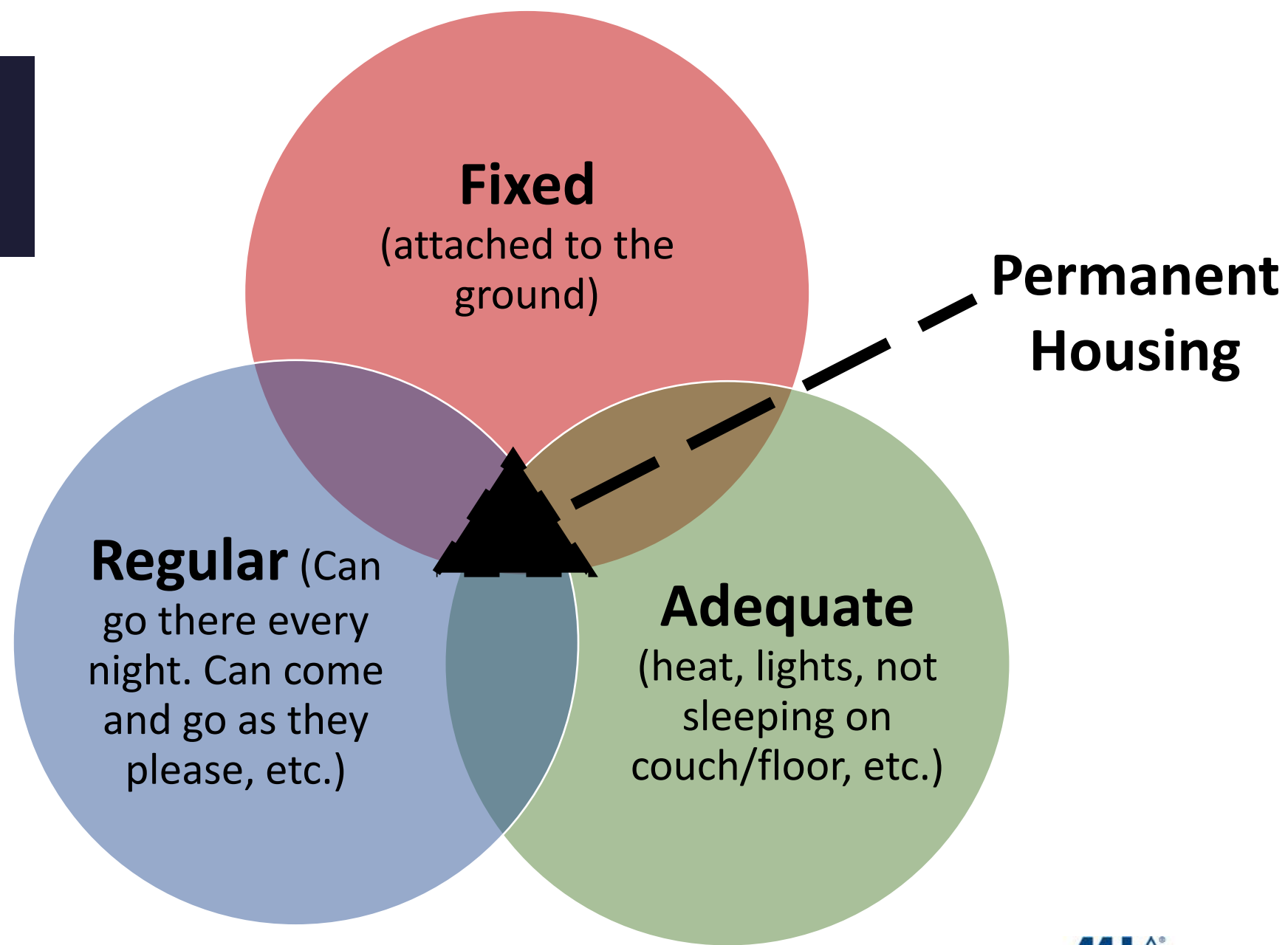
# McKinney-Vento Homeless Assistance Act

- Federal law established in 1987
- Reauthorized in 2015 as part of the Every Student Succeeds Act (ESSA)



# Definition of Homeless

The term “homeless child or youth” means individuals who lack a fixed, regular, and adequate primary nighttime residence.



# Homelessness: Living Conditions

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason
- Living in emergency or transitional shelters
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory children living in circumstances described above
- Unaccompanied youth living in circumstances described above

*Education Law §3209(1)(a); 8 NYCRR §100.2(x)(1); see also 42 U.S.C. §11434A(2)(B)(i)*



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# McKinney-Vento Students' Rights

- ✓ Free appropriate education
- ✓ Immediate enrollment
- ✓ Attend classes
- ✓ Receive transportation
- ✓ Receive educational services



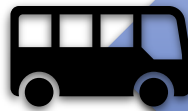
Receive a free, appropriate public education



**Enroll in school immediately**, even if lacking documents normally required for enrollment, or having missed the application or enrollment deadlines during any period of homelessness



**Enroll in school and attend classes** while the school gathers needed documents



**Receive transportation to and from the school of origin**, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth



**Receive educational services** comparable to those provided to other students, according to each student's need

# McKinney-Vento Act: LEA Responsibilities

- LEAs are required to periodically review and revise policies for students in temporary housing to ensure that there are no barriers to school attendance and participation (*see 42 U.S.C. § 11432(g)(1)(I) and Education Law § 3209(6)(b)*).
- Each LEA is required to designate a McKinney-Vento Liaison to fulfill all the Roles and Responsibilities to assist families in temporary housing. *42 U.S.C. § 11432(g)(1)(J)(ii)*.

## LEA Policy on the Education of Students in Temporary Housing

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# Sample District Homeless Policy

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[NYSED Sample Local Educational Agency \(“LEA”\) Policy on the Education of Students in Temporary Housing](#)

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# Sample Homeless Policy

The policy reflects the changes to the McKinney-Vento Act because of the passage of the Every Student Succeeds Act (ESSA), which went into effect on October 1, 2016, and the related amendments made to Section 3209 of the Education Law and Section 100.2(x) of the Commissioner' Regulations, that went into effect in April 2017.

**This sample policy is for guidance/informational purposes only.**

LEAs should consult with their attorneys when developing or revising policies. LEAs are encouraged to incorporate, as appropriate, the provisions of the sample policy into existing LEA policy manuals and post the policy to LEA websites to ensure that the rights of students in temporary housing are widely known and fully protected.

# Components of a Homeless Policy

- Identification of STH
- Definitions
- Role & Responsibilities of a MV Liaison
- Role of Designator
- Designation Form
- Immediate Enrollment & Best Interest Determination
- Request for Records
- Tuition Reimbursement
- Transportation
- Dispute Resolution Process
- Liaison Role in Dispute Process
- Coordination with Title I
- Access to Free Meals
- Removal of Barriers
- Comparable Services
- Student Privacy



# Identification of Students in Temporary Housing

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, all districts are obligated to affirmatively identify all students in temporary housing.

- Provide the [housing questionnaire](#) during the enrollment process.
- Contact the local department of social services to identify students in temporary housing, as well as the local runaway and local homeless youth shelters to ensure all students in temporary housing are properly identified and served.



# Definitions of Homeless Child and Unaccompanied Homeless Youth

Pursuant to McKinney-Vento 42 U.S.C. § 11434A(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(iii) a **homeless child is defined as: (1) a child or youth who lacks a fixed, regular, and adequate nighttime residence**, including a child or youth who is:

(i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);

(ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals;

(iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;

# Definitions of Homeless Child and Unaccompanied Homeless Youth (cont.)

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child or youth who has a **primary nighttime location that is:**

**(i) 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 nineteen-H of the executive law; or

**(ii) 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 stations or similar setting.



# McKinney-Vento Liaison Role & Responsibilities

1. Identification
2. Enrollment
3. Referrals for Early Childhood
4. Referrals for Health, Housing, and Other Needed Services
5. Parent Involvement
6. Posting Public Notices
7. Dispute Resolution
8. Transportation
9. Training for Colleagues
10. Meeting Needs of Unaccompanied Youth

*42 U.S.C. § 11432(g)(6)(A); U.S. Department of Education Non-Regulatory Guidance, Section F, Questions L-3& Q2; 8 N.Y.C.R.R. § 100.2 (x)(7)(iii)(a)*



# School of Origin

School of origin is:

- The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
- The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin;

# School of Origin (cont.)

School of origin is:

- The public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

*42 U.S.C. §11432(g)(3)(G); NY Education Law §3209(1)(i)*

# School and School District Designations

LEAs understand that the “designator” makes an initial decision about which school and school district a student in temporary housing will attend. A designator is:

- the **parent or person in parental relation (guardian)** to a student in temporary housing; or
- the **student** in temporary housing, together **with the McKinney-Vento liaison, in the case of an unaccompanied youth**; or
- the **director of a residential program for runaway and homeless youth, in consultation with the student** in temporary housing, where such student is living in such program.

*NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(i)*

# Role of Designator

The LEA will ask the designator to designate one of the following as the school district of attendance:

- **School district of current location** - the public school district within NY in which the hotel, motel, shelter or other temporary housing arrangement of a student in temporary housing or the residential program for runaway and homeless youth is located, which is different than the school district of origin.
- **School district of origin** - the public school district within NY in which the student in temporary housing was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless.
- **School district participating in a regional placement plan** - a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education.



# STAC 202: Designation Form

School districts will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner. A copy of the form is available at <https://www.nysteachs.org/stac-202-forms>.

*NY Education Law §3209(2)(e); 8 NYCRR §100.2(x)(3)*

# Immediate Enrollment & Best Interest Determination

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, the LEA will:

- **immediately review the designation form to assure that it has been completed and admit the student in temporary housing** even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- **determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing;**
- **provide the child with access to all programs, activities and services** to the same extent as they are provided to resident students;



# Immediate Enrollment & Best Interest Determination

- **immediately contact the school district** where the child's records are located in order to **obtain a copy of such records** and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner's regulations;
- immediately **refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison** who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- **forward the STAC 202 form to the Commissioner and the school district of origin**, where applicable. In all cases, the (LEA Name Here) will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the LEA's records.

*42 U.S.C . §§ 11432(g)(3)(C) & (g)(4); NY Education Law §3209(2); 8 NYCRR §100.2(x)(4)*



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# Request for Records

## **Within five days of receipt of a request for school records**

from a new school, school districts will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

*NY Education Law §3209(2)(g); 8 NYCRR §100.2(x)(5)*



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# Tuition Reimbursement

**Only applicable to school districts, not charter schools or BOCES**

School Districts are eligible to request reimbursement from the State Education Department for the direct costs of educational services for students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- **the district is either the school district of current location or a school district participating in a regional placement plan,**
- **the district is designated as the school district of attendance, and**
- **the school district of origin for the student in temporary housing is within New York State. All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.**

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*NY Education Law §3209(3)(a)*



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# Transportation Responsibilities

- **A social services district is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts.**
- **The designated school district of attendance shall provide transportation for students who are living in a residential program for runaway and homeless youth, including if such temporary housing is located outside the school district.**



# Transportation Responsibilities (cont.)

- LEAs will transport any student in temporary housing to their school of origin,
- **including preschools and charter schools**, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*
  - **when a LEA is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the LEA will provide transportation on the same basis as it is provided to resident students**, unless the local transportation policy represents a barrier to the student's attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*



# Transportation Responsibilities (cont.)

- If the student in temporary housing designates an LEA as the school district of attendance, **transportation will not exceed 50 miles each way**, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Where an LEA is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will **provide transportation** services to students in temporary housing **for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.** *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*



# Transportation Responsibilities (cont.)

- Where a LEA is designated as the school district of attendance, it will **provide transportation services** to students in temporary housing for extracurricular or academic activities when:
  - the **student participates in or would like to participate in an extracurricular or academic activity**, including an after-school activity, at the school; and
  - the student **meets the eligibility criteria for the activity**; and
  - the **lack of transportation poses a barrier to the student's participation** in the activity. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*



# Transportation Responsibilities (cont.)

Where a LEA is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. **After the student becomes permanently housed, the LEA will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.**

*NY Education Law §3209(4)(i); 8 NYCRR§ 100.2(x)(6)(iv)*



# Transportation (cont.)

Where a student in temporary housing must **cross state-lines to attend a school of origin, the LEA will coordinate with the LEA in the neighboring state to provide transportation services** when:

- the student is temporarily living in New York State and continues to attend school in a neighboring state; or
- the student is temporarily living in a neighboring state and continues to attend school in New York State.

*NY Education Law §§3209(4)(g)-(h)*

# Dispute Resolution Process

School districts will **provide a written explanation**, including a statement regarding **the right to appeal**, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if the school district determines that the school district is not required to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth.

[NYSED Field Memo: LEA Requirements for Implementing McKinney-Vento Homeless Student Dispute Resolution Process](#)

# Dispute Resolution Process: MV Liaison Role

McKinney-Vento liaison must assist the student in temporary housing's (parent or guardian or unaccompanied youth) in bringing an appeal to the Commissioner under Education Law §310.

McKinney-Vento liaison will:

- **Provide the parent or guardian or unaccompanied youth with a copy of the form notice of petition**, which is available at:  
<http://www.counsel.nysed.gov/appeals/homelessForms>;
- **Assist the parent or guardian or unaccompanied youth in completing the form notice of petition**; arrange for the copying of the form notice of petition and supporting documents for the parent or guardian or unaccompanied youth, **without cost** to the parent or guardian or unaccompanied youth;



# Dispute Resolution Process: MV Liaison Role (cont.)

McKinney-Vento liaison will:

- **Accept petition forms and supporting documents** on behalf of the school district and arrange for mailing to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234 within 5 days of receipt;
- **Provide** the parent, guardian or unaccompanied youth with **a signed and dated acknowledgement of receipt of petition and supporting documents;**
- **Accept and facilitate in any subsequent correspondence related to the appeal;** and
- **Maintain record of all appeals of enrollment, school selection, transportation and final determination.**

*42 U.S.C. § 11432(g)(3)(E)(iii); 8 NYCRR § 100.2(x)(7)(iii)(c)*



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# Coordination

- LEAs will **coordinate** the provision of services described above **with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing** and their families, including services and programs funded under the Runaway and Homeless Youth Act.
- LEAs will **coordinate with other school districts on inter-district issues**, such as transportation or transfer of school records.
- LEAs will **coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA)** for students with disabilities.

*42 U.S.C. § 11432(g)(5); 8 NYCRR § 100.2(x)(7)(iv)*

# Coordination under Title I (For LEAs that receive Title I Funds)

An LEA acknowledges that students in temporary housing are eligible for services under Title I, Part A, regardless of whether they live in a Title I school attendance area or meet the academic requirements required of other children. LEAs will ensure that:

- **Title I, Part A funds are set aside as are necessary** to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- Its local plan includes a **description of how the Title I plan is coordinated with McKinney-Vento**;
- Its local plan **describes the services provided to students in temporary housing**;



# Coordination under Title I (For LEAs that receive Title I Funds)

- Its **local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth**, if an LEA reports that there are no students in temporary housing enrolled in the LEA. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the LEA; and

*20 U.S.C. §§6312(b)(6) & 6313(c)(3)*

# Coordination under Title I (For LEAs that receive Title I Funds)

- Its **housing questionnaire asks about the living arrangements of the child** or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the LEA's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.

*20 U.S.C. §§6312(b)(6) & 6313(c)(3)*



# Access to Free Meals

LEAs will **provide free meals to all children identified as homeless**. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the LEA's school food service office, free school meals will commence immediately.

*42 U.S.C. §§1758(b)(5) &(b)(12)(A)*

# Removal of Barriers

LEAs will review and revise local policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

*42 U.S.C. §§11432(g)(1)(I)&(g)(7)(A);  
NY Education Law §3209(6)(b)*



# Comparable Services

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including:

- transportation services;
- educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar state or local programs;
- educational programs for students with disabilities;
- educational programs for English learners;
- programs in career and technical education;
- programs for gifted and talented students; and
- school nutrition programs.



# Student Privacy

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the **Family Educational Rights and Privacy Act (FERPA)**. A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

<https://www.nysteachs.org/privacy-of-student-records>

# Check for Understanding

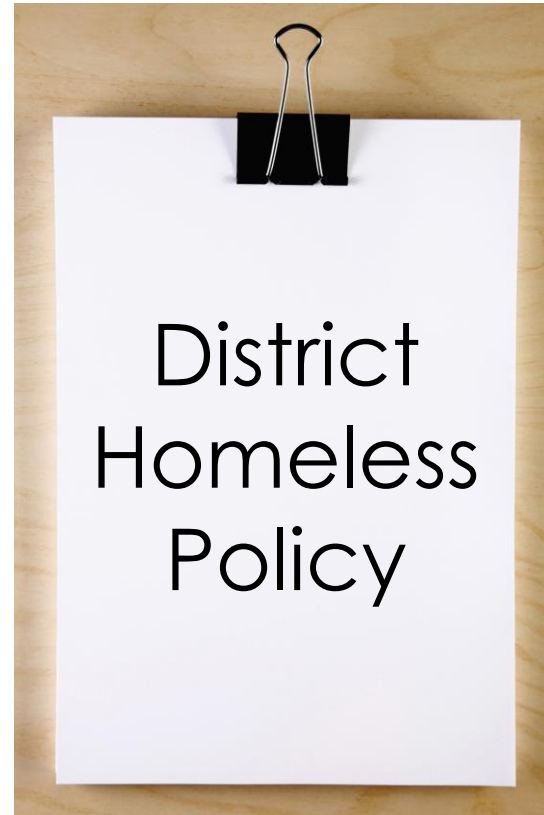
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# Check for Understanding #1

A district's homeless policy should be posted on the district's website.

- A. True
- B. False
- C. Not sure



# Check for Understanding #2

A housing questionnaire is used to identify a family who is experiencing homelessness.

- A. True
- B. False
- C. Not sure



# Check for Understanding #3

What is the time frame required for how quickly a school district must send records to the requesting school district?

- A. Immediately upon request
- B. Within 5 days of the request
- C. When the school district wants to receive the records
- D. The district can send the records when they are able to.





# Check for Understanding #4

According to the McKinney-Vento Act, the “designator” makes an initial decision about which school and school district a student in temporary housing will attend. Which of the following **cannot** designate where a student in temporary housing can attend school?

- A. Director of a residential program for runaway and homeless youth
- B. Parent or guardian
- C. Unaccompanied homeless youth with the district liaison
- D. The school district

# Check for Understanding #5

Which of the following are **not eligible** to request tuition reimbursement via the STAC 202 process from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs. Check all that apply.

- A. Charter Schools
- B. BOCES
- C. NYS Public School districts
- D. Parochial school



# Summary



- LEAs should consult with their attorneys when developing or revising policies.
- LEAs should post the homeless policy to their websites to ensure that the rights of students in temporary housing are widely known and fully protected.
- McKinney-Vento liaisons are responsible to fulfill all the roles and responsibilities to assist families and youth in temporary housing as outlined in the McKinney-Vento Act.

# Key Takeaways

What are some key takeaways from this session on creating a district homeless policy?

Please respond in the chat. 😊





- [NYSED Memorandum: LEA Policy on the Education of Students in Temporary Housing](#)
- [Sample Homeless Policy](#)
- [NYS Dispute 310 Appeal Form](#)
- [STAC 202 form](#)
- [Privacy of Student Records](#)



# Technical and Educational Assistance Center

- **Help Line** (800-388-2014)
- **Website** (<https://nysteachs.org>)
- **Web-Based Trainings**
- **Outreach Materials**  
<https://www.nysteachs.org/order-brochures/brochures-poste>
- **Tales from the Field** <https://www.nysteachs.org/>



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**Next Webinar: *Meeting the Needs of Unaccompanied Homeless Youths***  
**Thursday, November 7, 2024**  
**9:30am–11:00am**