




**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**  
Office of P-12 Education

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NYS FIELD MEMO  
ESSA McKinney-Vento  
#01-2018

TO: District Superintendents  
Superintendents of Public Schools  
Charter School LEA Administrators  
McKinney-Vento Liaisons

FROM: Ira Schwartz, Assistant Commissioner of Accountability 

SUBJECT: Updated Sample LEA Policy on the Education of Students in Temporary Housing

DATE: March 16, 2018

The New York State Education Department (NYSED or “the Department”) must ensure that students experiencing homelessness have access to the same free appropriate public education, including a public preschool education, as is available to their permanently housed peers. Further, the Department must ensure that local educational agencies (LEAs), which include school districts, charter schools, and BOCES, review and revise policies to improve the identification, enrollment, attendance, and success in school of students in temporary housing. To that end, the Department is issuing this field memo to share its revised Sample LEA Policy on the Education of Students in Temporary Housing. The revised policy reflects the recent changes to the McKinney-Vento Act as a result of 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. The [sample policy](#) may be downloaded.

Please note that this sample policy is for guidance/informational purposes only. LEAs should consult with their attorneys when developing 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. LEAs can also reach out to the NYSED and/or NYS-TEACHS for technical assistance with developing policies (see contact information below). Students in temporary housing have important education rights that differ from those of their permanently housed peers, in areas such as immediate enrollment in school, access to free meals and Title I services, transportation across district boundaries to maintain school stability, and prompt resolution of disputes in accordance with federal and state law. These rights have been expanded to additional areas that include preschool education, preparation for post-secondary education, and continued services for the remainder of the academic year in which students move into permanent housing.

LEAs are required to review policies and revise those that create barriers to the McKinney-Vento rights of students in temporary housing (see 42 U.S.C. § 11432(g)(1)(I) and Education Law § 3209(6)(b)). NYSED periodically monitors all LEAs in New York State and may review your LEA's policies pertaining to students in temporary housing. We encourage you to ensure that your written policies are in full compliance with updated state and federal laws.

Should you have any questions or need additional information about the rights of students in temporary housing, please contact Melanie Faby at (518) 473-0295 or email: [melanie.faby@nysed.gov](mailto:melanie.faby@nysed.gov) or NYS-TEACHS, NYSED's McKinney-Vento technical assistance center, at 1-800-388-2014, Monday-Friday, 9 a.m. - 5 p.m. or email: [info@nysteachs.org](mailto:info@nysteachs.org).

Thank you for your attention to this important issue.