

Short Guide to the Educational Rights of Children and Youth Living in Temporary Housing in New York State



**New York State Technical and Education
Assistance Center for Homeless Students
(NYS-TEACHS)**

Toll-free number: (800) 388-2014

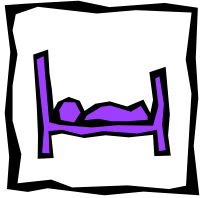
Website: www.nysteachs.org

NYS-TEACHS is funded by the New York State Education Department and is housed at Advocates for Children of New York. This guide does not provide legal advice and should not be used as a substitute for seeking professional legal advice. It is a summary of policies and laws.

A Publication of the
**New York State Technical and Education Assistance Center
for Homeless Students (NYS-TEACHS)**

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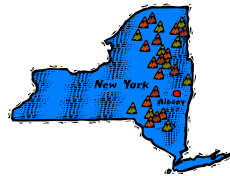
*For information about New York City, please see our Short Guide
to the Educational Rights of Children and Youth Living in
Temporary Housing in New York City.*



If your family is living in any of the following situations...

- In emergency or transitional housing;
- Sharing housing due to loss of housing or economic hardship;
- In a motel, hotel, trailer park, or camping grounds due to lack of other housing;
- In a car, park, public space, abandoned building, or bus or train station;
- Awaiting foster care placement; or
- In any of the above housing arrangements and are eligible for the Migrant Education Program

...your children have important educational rights under the **McKinney-Vento Act**, a federal law.



This law protects the educational rights of children and youth living in temporary housing situations such as those described above. Children and youth living in these situations will be protected by the McKinney-Vento Act for the entire time they are living in a temporary housing situation.

LEGAL ADVOCACY ORGANIZATIONS IN NEW YORK STATE

Upstate Region

Western New York Law Center

237 Main Street, Suite 1030
Buffalo, New York, 14203
(716) 855-0203

Western New York Region

Neighborhood Legal Services, Inc.

(716) 847-0650

Long Island Region

Nassau/Suffolk Law Services Committee, Inc.

(631) 232-2400

Long Island Advocacy Center, Inc.

(516) 248-2222 (Nassau County) and
(631) 234-0467 (Suffolk County)

Central New York Region

Legal Services of Central New York, Inc.

1-866-475-9967 [Toll-free] or
(315) 475-3127

Hudson Valley Region/North Country Region

Disability Advocates, Inc.

(800) 993-8982 [Toll-free] or
(518) 432-7861

Lower Hudson River Region

Legal Services of the Hudson Valley

(877) 574-8529 [Toll-free] or
(914) 949-1305

Neighborhood Legal Services, Inc.

(716) 847-0650

OTHER RESOURCES FOR FAMILIES LIVING IN NEW YORK STATE

If you or your family need emergency housing, food or other health care contact the local Department of Social Services for the county in which you live. You can also try contacting the following organizations.

For information on eviction prevention: (518) 473-5868

For information on food stamps and home electricity and heat: (800) 343-8859 or (800) 342-3009 (upstate)

For information on Emergency Food Assistance:
America's Second Harvest Network (800) 771-2303

Domestic Violence Hotlines:

1-800-942-6906 (English)

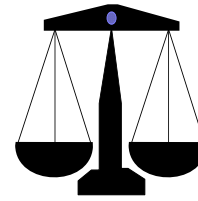
1-800-942-6908 (Spanish)

For information on Health Care/Medicaid: (800) 342-3334

Information on College Scholarships:

LeTendre Education Fund provides college scholarship for students who are or have been homeless: www.naehcy.org/about_letendre.html

Education and Training Voucher Program provides up to \$5000 a year for foster youth and former foster youth to go to college: www.statevoucher.org/ny.php



Under the McKinney Vento Act, children and youth who are living in temporary housing situations have the right to...

- Go to school, no matter where they live or how long they have lived there;
- Choose between the local school close to where they are currently living, the school they attended before losing their housing (known as the school of origin) or the school where they were last enrolled (also known as the school of origin);
- Enroll and participate in school without providing proof of residency, immunizations, school records, or other documents normally needed for enrollment;
- Receive transportation to and from the school of origin;
- Receive the same special programs and services, if needed, as those offered to other students who are eligible to receive them and;
- Enroll and attend classes in the school they selected even while the parent and the school resolve disagreements about enrollment.



INFORMATION ABOUT SCHOOL SELECTION

Children and youth who are temporarily housed have the right to choose between the local school or the school of origin when deciding where they would like to attend school.

What is the local school? The local school is the school zoned for the area where the student is temporarily living or any school permanently housed students living in the same zone can attend.

What is the school of origin? The school of origin is the school where the student was last enrolled *or* the school the student attended before she lost her housing. This also includes the school the student was entitled to attend when last permanently housed.

What if this is my child's first year of school? If your child has never been enrolled in school, you should find out which school is zoned for the address where you are temporarily living and enroll your child in that school.

How do I decide whether to transfer my children to the local school? There are many things to consider when deciding where to send your child to school, and every family is different. It's often better to keep children in the school they have been attending so they can remain with their classmates and teachers they know. Students who transfer have to make new friends and get used to new classes, and it can take several months for students to catch up with their school work. But sometimes it makes sense to transfer because of transportation issues (see pages 8 and 9), and, for some families, safety concerns (see page 9).

ORGANIZATIONS THAT WORK WITH FAMILIES OF YOUNG CHILDREN WITH DISABILITIES

For more information about services for young children, ages birth through five, who have physical, mental, or emotional disabilities contact the **Early Childhood Direction Center** (ECDCs) closest to where you live.

Albany (Capital District Region)	(518) 464-6356
Binghamton (Southern Tier Region)	(607) 724-2111
Buffalo (Western Region)	(716) 888-1450 or (800) 462-7653
Nassau County	(516) 364-8580
Newburgh (Mid-Hudson Region)	(845) 565-1162 ext. 244
Potsdam (North Country Region)	(315) 267-3492
Rochester Region	(585) 399-4617
Suffolk County	(631) 863-2600
Syracuse (Central New York Region)	(315) 443-4444 or (800) 962-5488
Westchester Region	(914) 493-2902 or (914) 493-1709



ORGANIZATIONS THAT WORK WITH FAMILIES OF INDIVIDUALS WITH DISABILITIES

The Advocacy Center

590 South Avenue
Rochester, NY 14620
Phone: (585) 546-1700
Toll-free in NYS: (800) 650-4967
Web: www.advocacycenter.com

Parent to Parent of New York State*

P.O. Box 1296
Tupper Lake, NY 12986
Phone: (518) 359-3006
Toll-free: 1-866-727-6970
Email: ed@parenttoparentnys.org
*See www.parenttoparentnys.org for contact information for offices throughout New York State

Student Advocacy, Inc.

3 West Main Street
Elmsford, NY 10523
Phone: (914) 347- 3313
Spanish Speakers: (914) 347-7039 ext. 107

Long Island Advocacy Center

999 Herricks Road
New Hyde Park, NY 11040
Phone: (516) 248-2222
TTY: (516) 877-2627
Fax: (516) 248-2290

If we move into another shelter, can my children stay in the school they currently go to? YES. All students living in temporary housing have the right to choose to go to the school that they last attended, the school they attended when permanently housed, or the school zoned for the area where they are living, although there are some restrictions. If you move into a new shelter or another temporary housing location, your children can stay in the school they are going to, but if it is more than 50 miles away, they will not receive transportation.

If we move from a shelter into permanent housing can my children stay in the school they currently go to? YES. Children who were living in temporary housing who become permanently housed have the right to continue going to the same school through the end of the school year. Students may also be able to stay in that school for another year if it is their final year at that school (for example, if a student becomes permanently housed during his junior year of high school, he would be allowed to remain in that school for his senior year even if he was not living in the district because it would be his last year in that school.

If my family is living in a domestic violence shelter can I keep my children in the same school? YES, but often it is best to transfer your children for safety and confidentiality reasons. In all cases, families should make sure that the school has a copy of the order of protection, if there is one, the address is blocked on the school data tracking system, and school staff know not to give any information about the children to the abuser.



INFORMATION ABOUT ATTENDING AND ENROLLING IN SCHOOL

Students who are temporarily housed must be **enrolled in school immediately** even if they do not have documents normally needed for enrollment, like:

- school records,
- medical records,
- proof of immunizations,
- birth certificates,
- proof of residency,
- guardianship papers or
- Individualized Education Plans (IEPs).

How long should it take to enroll my children in school? Children and youth living in temporary housing have the right to enroll in school **immediately**. Being enrolled means being able to attend classes and participate fully in school. This is also true for students receiving special education services.

Who can help me get my child enrolled in school? Every school district must have an LEA liaison, sometimes called the homeless liaison, who can help families who are living in temporary housing with their educational needs. If you are having difficulty enrolling your child in school, ask the school for the name of the LEA liaison, or call NYS-TEACHS at (800) 388-2014.

Whose responsibility is it to get my child's old school records and give them to the new school? It is the **enrolling school's responsibility** to immediately contact the student's previous school to get her academic records. It is not the responsibility of the family or the student. However, if you have your child's records, you should bring them with you when you go to enroll. If the student's old school is in New York State, the old school should send the student's records no more than five days after receiving the request from the new school.

CONTACT INFORMATION FOR HELP WITH SPECIAL EDUCATION SERVICES

For help securing services for children and youth with disabilities, including special education services, contact the Committee on Pre-School Education (CPSE) for children 3-5 years old or the Committee on Special Education (CSE) for children 5-21 years old in the school district you want your child to attend.

If you have difficulty contacting the CPSE or the CSE contact the **Office of Special Education Quality Assurance** regional office closest to where you are living. The regional offices work with local districts, parents, and others to help them understand the complex issues related to special education services and to resolve concerns that may arise.

Central Regional Office (315) 428-3287

Eastern Regional Office (518) 486-6366

Hudson Valley Regional Office

Yorktown Heights Location (914) 245-0010

Albany Location (518) 473-1185

New York City Regional Office (718) 722-4544

Western Regional Office (585) 344-2002

IMPORTANT CONTACT INFORMATION

If you are living in temporary housing and need help or have a question about a school-related issue, contact:

NYS Technical Education and Assistance Center for Homeless Students (NYS-TEACHS)

Toll-free: (800) 388-2014

**New York State Education Department
Education of Homeless Children and Youth Program**

Shelia Evans-Tranumn, State Coordinator
(718) 722-2796
stranumn@mail.nysed.gov

Melanie Faby, Program Associate for Homeless Education
(518) 473-0295
mfaby@mail.nysed.gov

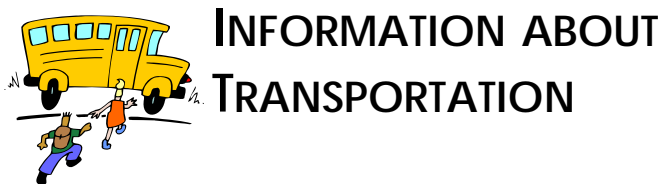
What happens if I don't have her immunization records? Students living in temporary housing cannot be turned away from school because they do not have their immunization records. Both the family and the liaison should try to locate the student's records. If no records exist, or the student has not been immunized, the liaison should help the family to get records or to get the student immunized as long as the student does not have a medical or religious reason for not being immunized.

Do I need to get a letter from the shelter or from a landlord to prove where I am currently living? NO. A school may not force you to get a letter from a shelter or a landlord in order to enroll your child in school. If you tell the school that you are living in a temporary housing situation, they must enroll your child immediately. However, if the school doubts that you are temporarily housed and starts the dispute resolution process, it is the parent's responsibility to prove where the family is living and that it is temporary (see pages 16-17 for more information).

What happens if my child misses more days of school than the school district generally allows? Students experiencing homelessness often miss days of school because of their living situation. Absences caused by homelessness cannot be counted against students experiencing homelessness. (See pages 12-13).

Does a family member need legal custody of a student in order to enroll the student in school? NO. If a student is living in temporary housing with a family member or friend and wants to enroll in school, the family member or friend does not need to have legal custody of the youth. Schools cannot force family members or friends to file for custody or show guardianship papers in order to enroll a student who is covered under the McKinney-Vento Act. (See pages 12-13).

If my child is under 21 years old, can she return to school even though she dropped out over a year ago? YES. Students have the right to attend school until they receive their high school diploma (even if they have a GED) or until the end of the school year in which they turn 21 years old.



Students living in temporary housing who are attending the school of origin are entitled to transportation to school. Students living in temporary housing who are attending the local school are entitled to the same transportation services that permanently students receive in that district.

Family members of students living in temporary housing may also be entitled to free transportation services to accompany their children to school, or to attend school meetings, teacher conferences or appointments related to special education.

How do I request transportation to school for my children?

The family should contact the LEA liaison in the district they want the student to attend (the local school or the school of origin). Contact information for all liaisons can be found on the NYS-TEACHS website, www.nysteachs.org, or by calling NYS-TEACHS at (800) 388-2014.

Can my children get transportation to school if we are temporarily living outside of the district they want to attend? YES. Students living in temporary housing are entitled to transportation to their school of origin (either the last school they attended or the school they attended when they were permanently housed), even if they are living outside of the district.

How long can my children can get transportation to school? Children and youth living in temporary housing are entitled to transportation to the school of origin for as long as they are homeless.



Under federal and state laws LEA liaisons must:

- Identify children and youth experiencing homelessness by coordinating with other agencies;
- Make sure students are enrolled in school immediately and have an equal chance to do well in school;
- Refer students to any medical, dental, mental health or other services they need;
- Tell parents about all the programs and services the school has for their children;
- Put up notices about the educational rights of students in homeless situations;
- Settle disagreements between schools and families or youth quickly;
- Tell parents and youth about all transportation services and help set up transportation;

**TO FIND OUT WHO THE LEA LIAISON IS IN YOUR DISTRICT,
CONTACT NYS-TEACHS AT (800) 388-2014 OR VISIT
WWW.NYSTEACHS.ORG**

How does a parent/unaccompanied youth file an appeal? There are different forms to fill out in order to file an appeal of a school's decision regarding homelessness. The forms ask about current living arrangements and the facts that led the parent or unaccompanied youth to file the appeal. See below for where you can get copies of the forms.

Does it cost money to file an appeal? NO. The parent or unaccompanied youth can fill in the forms by hand, and they do not need to pay a fee to file an appeal.

Who can help a parent/unaccompanied youth file an appeal? The LEA liaison for the school district where a student wants to attend must help parents or unaccompanied youth file appeals. Contact NYS-TEACHS at (800) 388-2014 for more information about this process.

Can unaccompanied youth file an appeal without their parents? YES. Unaccompanied youth can fill out the appeal forms on their own. The LEA liaison should help them do so.

Where can I find a copy of the forms needed to appeal a school's decision? The appeal forms can be downloaded from: <http://www.counsel.nysed.gov/appeals/petition.htm> or you can ask the LEA liaison for a copy of the forms. If you don't know who the liaison is, call NYS-TEACHS at (800) 388-2014.

If my family is temporarily living with friends or relatives, can my children get transportation to school? YES. If your family is temporarily living with friends or relatives due to loss of housing, because you cannot afford housing, or another similar reason, your children are entitled to receive transportation to their school. To set up this transportation contact the school district's LEA liaison. If you do not know who the liaison is, contact NYS-TEACHS at (800) 388-2014.

What happens if the school of origin is very far away from the place where my family is temporarily living? If the school of origin is more than 50 miles away, one way, from where you are temporarily living, transportation may not be provided unless the Commissioner of the State Education Department determines that it is in your child's best interest to continue attending that school.

If my family is living in a domestic violence shelter, can my children get transportation to school? YES. The shelter caseworker should tell the parent where it is safe for the children to be picked up (for example, at a nearby address). This information, but not the address of the shelter, should be given to the school district's transportation department.

Can I request a shelter transfer to be closer to my children's school? Families placed in temporary housing such as shelters, motels or temporary apartments by the Department of Social Services can **request a transfer to a placement** closer to the school their children originally attended. Whether you and your family are transferred depends on whether there is a placement closer to the school and if that placement has space.

Can my children use public transportation to get to school? YES. If public transportation is available and families want to use it, a school district can provide passes for public transportation.

Can I receive transportation assistance if my children are too young to travel on public transportation by themselves? YES. School districts should provide transportation passes to parents who must go with their children to school. Parents usually must go with their children because they are too young to travel by themselves. Also, if it is decided that it is best for the parent to drive her child to school, then the district should give the parent gas cards or reimbursement based on miles traveled.

Can my children get transportation to school after we move to permanent housing? SOMETIMES. Children may be able to get transportation to school **through the end of the school year** when the family moves into **permanent housing** if the district has funds available to pay for this transportation. For more information contact NYS-TEACHS at (800) 388-2014.

Can I get help to go to school-related meetings? YES. Parents should contact the LEA liaison for information about getting help with transportation. If you do not know who the liaison is contact NYS-TEACHS at (800) 388-2014.

Which school district is responsible for setting up transportation? The district where the student goes to school is responsible for arranging transportation. Please see below for information about when the Department of Social Services is responsible for transportation.

When does the local Department of Social Services (DSS) have to arrange transportation for my children to go to school? DSS is responsible for transportation if DSS places a family in emergency housing outside of the school district the student has designated to attend and the student is eligible for Emergency Assistance for Families (EAF). To find out if your child is eligible for EAF, contact your DSS caseworker.



INFORMATION ABOUT THE DISPUTE RESOLUTION PROCESS

If a school does not believe that a student is homeless, or if a school refuses to immediately enroll a student or provide transportation to a student who says they are homeless, parents and unaccompanied youth have the right to challenge or appeal the school's decision. Even if a school thinks a student is not homeless, the school must immediately enroll the student and provide transportation for the student while the problem is being resolved.

What is the appeal process? If a student says that he is homeless but the school district disagrees, the school or district **must** provide the parent or unaccompanied youth with a written explanation of its decision. This written decision must tell the parent or the unaccompanied youth about their right to appeal and must also include the name, address and telephone number of the LEA liaison, who is responsible for helping the parent or unaccompanied youth with the appeal.

The parent or unaccompanied youth has thirty days from the day that the district gives its decision to file an appeal with the State Education Department.

How long should it take to get a written decision from the school? The school must provide the parent or unaccompanied youth with a written explanation of its decision immediately.

Can a parent/unaccompanied youth still appeal even if the school did not provide a written decision? YES. If the school or district has not given the parent or unaccompanied youth a written decision, contact the LEA liaison and tell him or her that you want to begin the appeal process.



INFORMATION ABOUT SPECIAL EDUCATION

Under federal law, students with disabilities who have current Individualized Education Plans (IEPs) and transfer to a new school district should be placed in school immediately and receive special education services like those they received at their old school.

Can I have my child evaluated for special education services even though I may be moving soon? YES. Schools must evaluate students for special education services if the parent makes a request even if student may be transferring schools soon.

How long should it take for special education services to begin once I request an evaluation? No more than 60 school days. Evaluations, an IEP meeting, and placement must be completed within 60 school days from the day the parent consents for evaluation. This is the same timeline used for permanently housed students.

If my child already has an IEP and transfers to a new school district, does he have to wait for the Committee on Special Education to have a meeting before he can start attending school and receiving special education services? NO. If your child has a current IEP, he should be able to be placed immediately in school and should receive services comparable to those on his IEP. The Committee on Special Education can write a new IEP, but your child does not have to wait to receive services while this happens.

How do I request an evaluation for my child? If you have a child 0 - 3 years old who you think may be slow to sit-up, crawl, walk, talk, or have another developmental delay, you can contact the Early Intervention Program at (800) 577-BABY (2229) to request an evaluation. To request an evaluation for children between 3 years and 21 years old, write to the Committee on Special Education (CSE) in your district.

Who can I contact if I have a question or problem about my child's special education placement? If you have a question about or a problem with your child's **special education placement**, you can call the Committee on Special Education in your district or one of the other agencies listed on pages 20-22.



INFORMATION ABOUT PRE-KINDERGARTEN

Children who are homeless should be placed in pre-k if the parent agrees to the placement and if pre-k services are available in the district. Parents are encouraged to send their children to pre-k because it can help them do better in reading and math, make them more likely to graduate from high school, and make them less likely to repeat a grade.

Contact your local school district to find out if free pre-k is available in your school district. Also, see pages 20-22 for more contact information about services for pre-school aged students who have disabilities.



INFORMATION ABOUT UNACCOMPANIED YOUTH

Youth who are homeless and who are not living with their parents or legal guardians can and should go to school.

What is an unaccompanied youth? An unaccompanied youth is a youth who is not in the physical custody of his or her parents. Unaccompanied youth are covered under McKinney-Vento if they are living in temporary housing.

If I am living apart from my parents in a temporary housing situation, can I enroll in school without my parents? YES. Unaccompanied youth DO NOT need a parent's permission to enroll in school. School districts should enroll unaccompanied youth immediately.

Should a school district enroll a student who is 16 and is living with friends temporarily, but whose parents say they want the student to come home? YES. Students who are not living with a parent or guardian and who are living in a temporary housing situation (in other words, a housing arrangement that is not fixed, regular and adequate) can enroll themselves in school even if their parent or guardian says they can return home. For many of these students, school is their only safe, nurturing environment for them. Schools should not refuse to enroll students in order to force them to go home or to punish them for leaving home.

Can a student go back to high school even though she is 20 years old and left school 2 years ago? YES. All youth who have not received a high school diploma have the right to attend school through the school year when they turn 21, even if they have dropped out. Students who have earned GEDs can also return to school to work towards a regular diploma. There may be special programs just for older students who may not have a lot of credits in the district or the local BOCES. Contact your school district's central administration or the LEA liaison to find out more about these programs.

If a student wants to stay in the same school and is temporarily living with friends in a different district, does the original school district have to provide the student with transportation? YES. All students covered under McKinney-Vento (students who do not have a fixed, regular and adequate housing situation) are entitled to transportation back to the school they attended when they lived with their parents. For help, contact the LEA liaison. If you do not know the liaison for your school district, call NYS-TEACHS at (800) 388-2014.