



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

FROM: Roberto Reyes

SUBJECT: McKinney-Vento Summer School Information

Summer school offers a critical opportunity for all students to make up for lost time, re-take failed courses, and gain extra credits. As the end of the school year approaches, and as your Local Educational Agency ("LEA") begins planning for summer school, it is of the utmost importance to consider the needs of children and youth experiencing homelessness.

The McKinney-Vento Homeless Assistance Act (42 USC §11431 *et seq.*, "McKinney-Vento") applies to students in temporary living situations such as shelters and emergency or transitional housing, students living in hotels, motels, trailer parks, or camp grounds due to lack of alternative adequate housing, *and also to students who are "doubled up" with friends or relatives due to loss of housing or economic hardship.* Unaccompanied youth who live in the types of arrangements described above are also included under the protection of the law. Students who are protected by McKinney-Vento are entitled to immediate enrollment in their school of origin, or their local school.

Access to Summer School:

Any student who experiences homelessness and who is required to attend summer school to advance to the next grade, or to graduate on time with his or her peers, *must* be provided the opportunity to do so. If your district does not offer a summer school program but permanently housed students are able to attend summer school in a neighboring district for a fee, students in temporary housing should be afforded this opportunity and should not be charged the fee. Instead, your district may be asked to cover the summer school fee for such students.

When homeless students enroll in summer school, the LEA must provide transportation to summer school if such transportation is provided to permanently housed students.

In addition, McKinney-Vento requires that LEAs eliminate barriers to homeless students' full participation and success in school. With this in mind, if a homeless student is advised to attend summer school to ensure academic success, the LEA must eliminate barriers to the student's enrollment and participation in the summer school program. Accordingly, a homeless student who is enrolled in the LEA should be provided with transportation to summer school if the student needs

summer school to ensure academic success and if the lack of such transportation would be a barrier to the student's attendance, even if the district does not provide transportation to permanently housed students.

Title I Set-Aside funds may be used to help offset some of the above costs. Homeless students are automatically eligible for Title I, Part A services, regardless of whether or not they attend a Title I school. LEAs must set aside funds to provide comparable services to homeless students who are not attending Title I schools. In many cases, these funds may be used to provide summer school transportation, and educationally related support services to children in shelters and other locations where homeless children may live. However, the "no-supplanting" provisions in Title I, Part A prohibit LEAs from using Title I, Part A funds to support activities that the LEA would otherwise be required to provide. Finally, the following is a non-exhaustive list of services to which Title I, Part A set aside funding can be applied: tutoring, counseling, school supplies, school uniforms, transportation once the student is permanently housed, and other services that are not ordinarily provided to permanently housed Title I students and are not available from other sources. (Title I of ESEA Section 1115(b)(3)).

In some circumstances, the Local Department of Social Services (LDSS) is required to provide transportation to and from school for students who are placed by the LDSS in emergency housing outside their designated school district. If the LDSS declines to provide transportation for a student attending summer school, and if lack of summer school is a barrier to academic success, the designated school district should provide the student with summer school transportation.

Appointing a Homeless Liaison:

Due to summer vacation schedules, many LEAs may need to appoint a special LEA Liaison for the summer months if the Liaison for the academic year is unavailable. All LEAs must ensure that there is a designated LEA Liaison (also known as a Homeless Liaison) for the summer months as well as during the school year. LEAs should provide the summer Liaison's contact information by visiting <http://www.nysteachs.org/liaisons/contact.html>. Please check "Summer Liaison ONLY" for staff members who will be the liaison only for the summer months. Updated contact information should be provided no later than June 15, 2010.

LEA Policies and Resources:

McKinney-Vento requires State Educational Agencies ("SEAs") and LEAs to review and revise laws, regulations, practices, or policies that act as a barrier to the enrollment, attendance, or academic success of homeless students. McKinney-Vento also provides that all homeless students should have access to the educational opportunities and services that they need to meet the same challenging State student academic achievement standards to which all students are held. You can view the relevant provisions of the law protecting students in temporary housing on the NYS-TEACHS website, at www.nysteachs.org.

For further information about McKinney-Vento, the rights of students in temporary housing, 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 in Albany, New York by contacting Roberto Reyes, State Title I Director, or Melanie Faby, Homeless Education Program Associate, at (518) 473-5260.

c: Ira Schwartz
Melanie Faby