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Office of P-12

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NYS FIELD MEMO
ESSA McKinney-Vento
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TO: District Superintendents
Superintendents of Public Schools
Charter School LEA Administrators
McKinney-Vento Liaisons

FROM: Ira Schwartz 
Associate Commissioner of Accountability

SUBJECT: McKinney-Vento Summer School Information

DATE: April 24, 2018

Summer school offers an especially valuable opportunity for students to make up for lost time, re-take failed courses, gain extra credits and work toward timely graduation. 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 summer school needs of children and youth experiencing homelessness.

Provisions went into effect as a result of the Every Student Succeeds Act of 2015 and amendments to New York State Education Law Section 3209 that clarify the rights of students in temporary housing, and the responsibilities of LEAs to support such students in accessing summer school (42 U.S.C. § 11432[g][1][F][iii]; Education Law § 3209[4][e]).

The McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 *et seq.*, “McKinney-Vento”) applies to students in a wide range of temporary living situations, including 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, economic hardship, or similar reason.*** Unaccompanied youth who live in these types of arrangements 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, and full participation in school (42 U.S.C. §§ 11432[g][3][C] & 11434A(1); Education Law § 3209[2][f]).

Access to Summer School:

Students in temporary housing have important rights related to summer school. All students who experience homelessness and who have been recommended to attend summer school *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 must be afforded this same opportunity, and they must not be charged the fee. Instead, your district will be asked to cover the summer school fee for such students. The recent changes to federal law make clear that LEAs, “must ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including...**summer school**” (42 U.S.C. § 11432[g][1][F][iii]).

In addition, New York Education Law echoes the federal law provisions and requires that: “[w]here the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the **designated school district of attendance shall provide transportation**” (Education Law § 3209[4][e]). In other words, if a district recommends that a student who is homeless participate in summer school and the student can't participate without transportation, the district where the student is enrolled is responsible for arranging transportation.

Title I set-aside funds may be used to pay for any fee associated with summer school and to provide summer school transportation for students who are homeless. Additionally, Title I set-aside funds may be used to support students working over the summer to satisfy Regents requirements, including science lab-seat time or test preparation for the August Regents exams.

To the extent that an LEA has a summer school policy that limits participation based on a student's attendance during the regular school year, the LEA must revise such policy to make an exception for students experiencing homelessness. The McKinney-Vento Act requires that LEAs “develop [,] review and revise, policies to remove...barriers to enrollment and retention due to outstanding fees or fines, or **absences**” (42 U.S.C. § 11432[g][1][I]). A loss of housing or unstable housing can often lead to school absences. Students experiencing homelessness must not be prevented from making up valuable classroom time during the summer because of absences during the school year.

If the student becomes permanently housed before June 30, the student should transfer to the new district of residence and participate in that district's summer school program. If the student becomes permanently housed before June 30 and the student will be entering their terminal grade in school (e.g., 8th grade or 12th grade) next fall, the student may continue enrollment in the same district for summer school and the terminal grade (Education Law § 3209[2]).

Appointing a McKinney-Vento Liaison:

All LEAs must ensure that there is a McKinney-Vento liaison available year-round. Due to summer vacation schedules, many LEAs may need to appoint a special interim McKinney-Vento liaison for the summer months if the liaison for the academic year is unavailable. LEAs should provide the summer liaison's contact information to the State Education Department's homeless education technical assistance center, NYS-TEACHS, by visiting <http://www.nysteachs.org/liaisons/contact.html> and completing the required fields. Please check "Summer Liaison ONLY" for staff members who will be the liaison only for the summer months. Updated contact information should be provided before the end of the school year.

Resources:

For further information about McKinney-Vento, the rights of students in temporary housing, and strategies that schools can implement to meet such students' needs, please contact NYS-TEACHS (www.nysteachs.org or call **1-800-388-2014**) or Melanie Faby, the State McKinney-Vento Coordinator at 518-473-0295.

cc: Jason Harmon
Melanie Faby