



## Regulation of the Chancellor

Number: A-780

Subject: STUDENTS IN TEMPORARY HOUSING

Category: STUDENTS

Issued: April 18, 2019

### SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation A-780 dated June 29, 2009. It has been amended to conform to the provisions of the McKinney-Vento Homeless Assistance Act of 2001, as amended by the Every Student Succeeds Act of 2015, and ensures that homeless children receive the programs and services that children with permanent residences receive, including services provided under federal programs.

Changes:

- Amends the regulation to comport with new requirements in the McKinney-Vento Homeless Assistance Act of 2001 ("McKinney-Vento"), as amended by the Every Student Succeeds Act of 2015 ("ESSA");
- Revises the definition of homeless child by removing children awaiting foster care and placement and adding: children living in emergency or transitional shelters or residential programs for victims of domestic violence, and children abandoned in hospitals (Section I.A);
- Clarifies that the definition of unaccompanied youth includes youth living in residential programs for runaway and homeless youth, and youth living in doubled-up conditions without an adult who has assumed the care of the youth (Section I.C);
- Revises the definition of parent to include birth or adoptive parents, step-parents, legally appointed guardians, foster parents, and persons in parental relation to a child (Section I.C., footnote 2);
- Revised the definition of "student" to include preschool students (Section I.B);
- Revises the definition of "school of origin" to include a preschool and the designated receiving school at the next grade level from the original school, if the student completes the terminal grade of the original school while homeless (Section I.D);
- Clarifies the definition of Family Assistant (Section I.F);
- Clarifies the definition of Student in Temporary Housing ("STH") Liaison and changes the title of this position to "School-Based STH Liaison" (Section I.G);
- Adds definition of Regional STH Manager and describes his/her role in the dispute resolution process (Sections I.H. and IV.B.2 and 3);

- Clarifies that school staff must provide to homeless students and their families the McKinney Vento Act Guide for Parents and explains where this guide will be available online and in schools (Section II.C);
- Changes the Residency Questionnaire to the Housing Questionnaire; requires that families complete this form and explains where parents or youth may obtain the form (Section II.E);
- Provides that the Committees on Preschool Special Education (CPSE) shall provide, or direct third parties to provide, the Housing Questionnaire to families of children who are referred for special education evaluations, and shall require families to complete this form (Section II.F);
- Provides that homeless children and youth must have equal access to the same free education, including a public preschool education, as other children and youth, and may not be segregated from the mainstream school environment, and that they must be enrolled in school even if they have missed application or enrollment deadlines during any period of homelessness (Section III);
- Provides that homeless students follow the same admissions procedures as permanently housed students, except that if a homeless student does not have the documents and records normally required for enrollment, the student must nevertheless be immediately enrolled in school (Section III.A.1.a (i));
- Provides that a homeless student may either remain in the school of origin or may transfer to a new school for which he/she is eligible based on the new residence and for which he/she meets the entrance requirements, where applicable (Section III.A.1.a (ii));
- Provides that it shall be presumed that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's parent, and in the case of an unaccompanied youth, the youth (Section III.A.1.a (ii));
- Clarifies that homeless students may remain in their school of origin and articulate to the zoned school, and if no zoned school exists, to an appropriate school, if it is in their best interest to do so, even if they move outside of New York City and continue to live in temporary housing (Section III.A.1.a (ii));
- Describes the student-centered factors that must be considered in making the best interest determination (Section III.A.1.a (iii));
- Clarifies the dispute resolution process and the formal appeal process that may be utilized by the parent or unaccompanied youth if the DOE determines that it is not in the student's best interest to attend the school requested by the parent or unaccompanied youth, and provides that during the pendency of any appeals, the student must be enrolled in the school in which enrollment is sought by the parent or unaccompanied youth, provided there are available seats and the student meets eligibility requirements, and transportation must be provided (Section III.A.1.a (iv), (v) and (vi));
- Provides that the assigned school must immediately enroll the homeless child or youth, provided there are available seats and the student meets eligibility requirements, even if the

child or youth is unable to produce the records normally required for enrollment (Section III.A.1.a (vi));

- Clarifies the process for parents of a student with a disability who is in District 75 to transfer their student to the school of current location (Section III.B);
- Describes the rights that homeless students possess, including but not limited to: once enrolled in a school, the right to remain in that school through its terminal grade, if a family is living in New York City; if a homeless student becomes permanently housed outside of New York City, the student may remain enrolled in the same school for the remainder of the year in which the student becomes permanently housed and an additional year if it is the student's terminal year in school; a homeless student has the right to remain enrolled in the school of origin, articulate to the next grade band while homeless, along with their permanently housed peers, and/or transfer to a different DOE school while homeless, even if the student moves to a temporary housing situation located out of New York City (Section III.A.2(g) & (h));
- Describes the enrollment assistance that schools must provide, including immediately contacting the school last attended by the student to obtain relevant academic or other records (Section III.B.2);
- Clarifies homeless children's rights to attend preschool, even if they do not have the records normally required for enrollment, and describes that class size variances may be available in district pre-K programs to accommodate homeless children (Section III.C.);
- Clarifies that when there is no zoned school in the homeless student's area of residence, or when the zoned school does not have any available seats, the student shall be enrolled in the designated overflow school or another school nearby (Section III.A.1.a (iv));
- Clarifies the dispute resolution and appeal process and describes the functions performed by the STH Regional Manager and the School-Based STH Liaison in this process (Section IV.A & B).
- Clarifies that homeless students must receive services and access to educational activities comparable to those offered to permanently housed students, including but not limited to, academic and extra-curricular activities and college counseling (Section V.A);
- Describes the privacy rights homeless students are entitled to, including protections to be accorded to students living in domestic violence shelters (Section V.B);
- Clarifies that all homeless students, in preschool through grade 12, are eligible for free transportation during the period of homelessness, through the remainder of the school year in which they become permanently housed, and for an additional year if the student is in the terminal grade at school (Section VII);
- Provides that the Office of Pupil Transportation ("OPT") will arrange or provide busing or a comparable alternative mode of transportation, other than public transportation, for homeless students residing in shelters in grades K-6, and if a parent of a homeless student in a shelter declines yellow bus service, the student and, if applicable, the parent remain eligible for a Metrocard (Section VII.A);

- Provides that, for homeless students who do not reside in shelters and who are in grades K-6 or in preschool, upon request, School-Based STH Liaisons or STH Regional Managers will coordinate with OPT to determine whether a yellow bus route is available (i.e., whether an appropriate route exists to provide such transportation) or whether a comparable, alternative mode of transportation can be identified (Section VII.B);
- Provides that homeless students who are in preschool are also entitled to transportation and will receive either yellow bus transportation (if an appropriate route exists to provide such transportation) or, if they exceed height requirements to ride for free on subways and local buses, as set forth in MTA Regulations, will receive a Metrocard. In addition, their parent will receive a Metrocard (Section VII.E);
- Provides that for homeless students in grades K-6 who receive a Metrocard to travel to and from school, or who can travel for free on public transportation, parents are eligible for Metrocards in order to accompany them to/from school (Section VII.F);
- Clarifies that if a homeless family moves into permanent housing, Family Assistants or School-Based STH Liaisons should inform parents that their children have the right to stay in their current schools through the terminal grade if they become permanently housed in New York City, and, if the family becomes permanently housed outside of New York City, their children have the right to stay in their current schools through the remainder of the school year and an additional year if it is the student's terminal year in the school (Section VIII);
- Clarifies that if homeless students become permanently housed, they and their parent, if applicable, are entitled to receive transportation to and from school until the end of the school year, and an additional year if it is the student's terminal year in the school (Section VIII); and
- Updates information about where parents may obtain answers to questions about this regulation (Section IX).



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### ABSTRACT

The McKinney-Vento Homeless Assistance Act of 2001 (“McKinney-Vento Act”), as amended by the Every Student Succeeds Act of 2015 (“ESSA”), mandates that homeless children and youth be guaranteed equal access to the same free appropriate public education provided to children permanently housed in the community. The New York City Department of Education (“DOE”) is the Local Educational Agency (“LEA”) responsible for implementation and coordination of McKinney-Vento Act requirements for education provided in the New York City school district. Students residing in temporary housing must not be isolated from the mainstream school environment or stigmatized because of where they live. The services and programs offered by the DOE (including school meals and before and after-school programs) shall be available to homeless children and youth, as they are to children and youth who have permanent residences.

### I. DEFINITIONS

- A. **Homeless<sup>1</sup> child** means a child, including a student with disabilities, who lacks a fixed, regular, and adequate nighttime residence. This includes children who are:
1. sharing the housing of others due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled up”), or living in a motel, hotel, trailer park, or camping grounds due to the lack of alternative adequate accommodations; or
  2. living in an emergency or transitional shelter, including a subsidized publicly or privately operated shelter designed to provide temporary living accommodations (including commercial hotels, congregate shelters, residential programs for victims of domestic violence; and transitional housing for the mentally ill); or
  3. abandoned in a hospital; or

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<sup>1</sup> The definition of “homeless” in this regulation is only for purposes of implementation of the McKinney-Vento Act, as amended by the Every Student Succeeds Act, and should not be construed to confer any additional rights beyond those prescribed by these laws.

4. living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation; or
  5. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- B. **Child and Student** - The terms “child” or “student” include those persons who, were they children of residents of the State, would be entitled to a free education. Students include pre-school students and K-12 students, including students with disabilities, between the ages of 3 and 21 who have not graduated from high school. Child may also include unaccompanied youth, as defined below.
- C. **Unaccompanied youth** means a youth not in the physical custody of a parent<sup>2</sup> who meets the definition of homeless set forth above, including but not limited to youth living in residential programs for runaway and homeless youth, and youth living in doubled up conditions without an adult who has assumed the care of the youth.
- D. **School of origin** means the school the child attended when permanently housed or the school in which the child was last enrolled, including a preschool, and includes the designated receiving school at the next grade level from the original school, if the student completes the terminal grade of the original school while homeless.
- E. **School of current location** means the school that is zoned for the address at which the child is actually living or the school which other students living in the same area as the child are eligible to attend.
- F. **Family Assistant** refers to the staff assigned to work with shelters and schools to provide assistance to homeless students and families. Family Assistants help students enroll in or transfer schools, obtain transportation assistance and other services for which they are eligible under the McKinney-Vento Act.
- G. **School-Based Student in Temporary Housing (“STH”) Liaison** refers to the person(s) within the school building who ensures that the services are in compliance with the McKinney-Vento Act, as amended by ESSA.
- H. **Regional STH Manager** refers to the homeless liaison who ensures that the services provided by the DOE are in compliance with the McKinney-Vento Act, as amended by ESSA, and works to resolve the educational issues caused by homelessness.

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<sup>2</sup> The term “parent” as used in this regulation means the student’s parent or guardian or any person in a parental or custodial relationship to the student. The definition of parent includes: birth or adoptive parent, step-parent, legally appointed guardian, foster parent and “person in parental relation” to a child attending school. The term “person in parental relation” refers to a person who has assumed the care of a child because the child’s parents or guardians are not available, whether due to, among other things, imprisonment, mental illness, living outside the State, or abandonment of the child.

**II. IDENTIFICATION OF HOMELESS STUDENTS**

- A. Schools shall display in a prominent location posters that set forth the educational rights of homeless children in a manner and form that is understandable, and provide information about the School-Based STH Liaison(s). For additional posters, schools should contact their School-Based STH Liaison.
- B. School staff who become aware of any student who is or may be a homeless student who needs assistance should contact the School-Based STH Liaison(s).
- C. Once school staff become aware that a student is homeless, staff shall provide to the student or family the McKinney-Vento Act Guide for Parents, an information guide that sets forth the basic rights of homeless students (attached as Attachment No. 1 to this regulation). This guide shall be available, at a minimum, in the offices of School-Based STH Liaisons and Parent Coordinators, and is also available online at: <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.
- D. Family Assistants also shall provide the McKinney-Vento Act Guide for Parents to parents in homeless shelters.
- E. Housing Questionnaire: Schools must provide the Housing Questionnaire (attached as Attachment No. 2 to this regulation) to all newly enrolled students and students who change their addresses during the school year. Schools must require families to complete this form and must then enter information that a student is homeless into ATS in the student's bio page (BIOU) and enter changes as appropriate. The Housing Questionnaire shall be available at schools in the offices of the School-Based STH Liaisons and Parent Coordinators, and is also available online at: <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>.
- F. Committees on Preschool Special Education (CPSE) shall provide, or have third parties provide, the Housing Questionnaire to families of children who are referred for special education evaluations, and shall require families to complete this form.

**III. SCHOOL ENROLLMENT**

Homeless children and youth must have equal access to the same free education, including a public preschool education, as other children and youth in the New York City school district, and may not be segregated from the mainstream school environment. Homeless children and youth must be enrolled in school even if they have missed application or enrollment deadlines during any period of homelessness.

#### A. Selection of Schools

1. A homeless student for whom the New York City school district is the designated school district is eligible to attend the following schools:

a. The school of origin or the school of current location.<sup>3</sup>

- i. Homeless students follow the same admissions procedures as permanently housed students in the New York City school district, except that if a homeless student does not have documents and records normally required for enrollment, the student must nevertheless be immediately enrolled in school.
- ii. A homeless child may either remain in his/her school of origin or may transfer to a new school which he or she is eligible to attend based on his/her temporary housing location and for which he/she meets the entrance criteria, where applicable. The choice about where the child will attend school, that is, whether or not a homeless student will change schools or remain in his/her school of origin, shall be made on the basis of the “best interest” of the student. It shall be presumed that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s parent or in the case of an unaccompanied youth, the youth. If the student remains in the school of origin, then the student has the right to articulate to the zoned school and, if no zoned school exists, to an appropriate school.
- iii. In making the best interest determination, the DOE must determine whether the designation made by the parent or youth (in the case of an unaccompanied youth) about where the homeless child or youth will attend school is consistent with the best interests of the child or youth by:
  - presuming that keeping the homeless child or youth in the school of origin is in the child’s or youth’s best interest; and
  - considering student-centered factors, including but not limited to, factors related to the impact of mobility on achievement, education, the health and safety of the child or youth, giving priority to the request of the child’s or youth’s parent or guardian or the youth (in the case of an unaccompanied youth), as well as the age of the child and the school placement of the child’s siblings.

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<sup>3</sup> As defined in Section I of this regulation, school of origin means the school the child attended when permanently housed or the school in which the child was last enrolled, including a preschool program. School of current location means the school that is zoned for the address at which the child is actually living or the school which other students living in the same area as the child are eligible to attend.



- iv. If, after conducting the best interest determination and considering student-centered factors, the DOE determines that it is **not** in the student's best interest to attend the school in which enrollment is sought by the parent, or (in the case of an unaccompanied youth) the youth, the DOE must provide the student's parent, or the unaccompanied youth, with a written explanation of the reasons for its determination in a manner and form that is understandable to the parent, or unaccompanied youth. This written explanation also must include information regarding the right to appeal the determination and must be provided in a timely manner. (For more information about dispute resolution and the appeal process, see Section IV below.)
  - v. During the pendency of any appeal of the best interest determination, the child or youth must be enrolled in the school in which enrollment is sought by the parent or unaccompanied youth, provided there are available seats and the child or youth meets eligibility requirements.
  - vi. The assigned school must immediately enroll the homeless child or youth, provided there are available seats and the student meets eligibility requirements, even if the child or youth is unable to produce the records normally required for enrollment (e.g., immunization records, proof of residency, birth certificates), has missed application or enrollment deadlines during a period of homelessness, or has outstanding fees. The homeless child or youth must be allowed to participate fully in school activities while necessary documents are gathered. The enrolling school must also immediately contact the school last attended by the student to obtain relevant academic or other records.
- b. In cases where a student with a disability is in or is recommended for District 75, and the parent wants the student to transfer to a school of current location, that school will be determined by the District 75 Placement Office. If a homeless student changes schools while the student is in the process of a special education initial evaluation, annual review or re-evaluation, the evaluation or review should be completed by the school where the student is currently registered.
2. Rights of Homeless Students:
- a. The lack of a permanent address does not constitute a legitimate basis for denying a homeless student admission to school. Homeless students are entitled to immediately enroll in and attend schools in the New York City school district, provided there are available seats and the student meets eligibility requirements, even if the student cannot present documents and records normally required for enrollment.

- b. A student who becomes homeless has a right to transfer to and enroll in another public school for which the student meets the eligibility criteria and which has available seats, in accordance with the requirements of Chancellor's Regulation A-101.
- c. Homeless high school students are not required to demonstrate a travel or other hardship before transferring to and enrolling in another school.<sup>4</sup>
- d. The choice of whether a student should remain in the school of origin or change schools shall be available each time a student moves to a different temporary housing arrangement.
- e. Regular attendance of homeless children is of paramount importance, and the DOE must make every effort to ensure that the student regularly attends school. If a student has sporadic attendance, the school must contact the parent and the Family Assistant and/or School-Based STH Liaison(s) to identify services that may be needed or to determine whether alternative schooling arrangements should be made.
- f. Students who do not transfer into a school of current location are to be provided with assistance to maintain continuity of education at their school of origin. Transportation (discussed in Section VII), provided eligibility requirements are met, also must be arranged by Family Assistants, School-Based STH Liaisons, or the School-Based Transportation Liaison.
- g. Subject to the provisions of Chancellor's Regulation A-101, a homeless student, once enrolled in a school, can remain in that school through its terminal grade, provided they are living in New York City. If a homeless student enrolled in a DOE school becomes permanently housed outside of New York City, the student has the right to remain enrolled in the same school for the remainder of the school year in which the student becomes permanently housed and an additional year if it is the student's terminal year at the school.
- h. In accordance with ESSA and Chancellor's Regulation A-101, a homeless student has the right to remain enrolled in the school of origin, to articulate to the next grade band along with that student's permanently housed peers, and/or to transfer to a different DOE school while homeless even if the student moves to temporary housing located outside of New York City.

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<sup>4</sup> Travel hardship transfers are only applicable at the high school level.

## B. Enrollment Assistance

1. Family Assistants, community coordinators, and School-Based STH Liaisons shall assist parents in enrolling students in school in accordance with the procedures set forth in Chancellor's Regulation A-101 and effectuated by Office of Student Enrollment. Homeless students, including students with disabilities, may be referred to the Family Welcome Center for school enrollment or transfer purposes.
2. When registering the student, the assigned school **shall immediately enroll** the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, including: proof of residency; transcripts/school records; immunizations or other health records; and birth certificate. The enrolling school must also immediately contact the school last attended by the student to obtain relevant academic or other records. If immunization or other health records cannot be obtained, the parent, in consultation with the School-Based STH Liaison(s), should be referred to a walk-in immunization clinic for assistance. If a birth certificate or other records cannot be obtained from the school last attended, the Family Assistants, School-Based STH Liaisons, and school staff shall assist parents or unaccompanied youth in obtaining such documentation.

## C. Preschool

Homeless children are entitled to immediate enrollment in preschool classes, provided these services are available to permanently housed children in the district and there are available seats, even if the children do not have the records normally required for enrollment (e.g., immunization records, proof of residency, birth certificates). A class size variance may be available to accommodate a child who is homeless in a pre-K classroom that would otherwise be considered full. Preschool students in temporary housing are entitled to transportation. (See Section VII below.)

## IV. **DISPUTE RESOLUTION AND APPEAL PROCESS**

### A. Dispute Resolution Process

In the event the parent of a homeless student, or an unaccompanied youth, has a disagreement with the DOE concerning whether the student should remain in the school of origin or transfer to a new school, the student's homeless status, or whether the student is entitled to transportation services, the following provisions apply:

1. Every effort should be made to resolve the dispute without the need for a formal appeal to the New York State Education Department ("SED"). During a dispute involving school selection, eligibility as homeless, or transportation issues, the DOE must enroll and transport the student to the school designated by the parent, or in the case of an unaccompanied youth, the youth, provided the student meets eligibility requirements and there are available seats, pending final resolution of the dispute.

2. If an agreement cannot be reached promptly, the parent/student, in consultation with the School-Based STH Liaison(s) or Family Assistant, should be referred to the STH Regional Manager (or successor title), who will investigate the circumstances and consult with the Office of Student Enrollment concerning school placement and with the Office of Pupil Transportation (“OPT”) concerning transportation.
  3. If the dispute is not resolved, the STH Regional Manager (or successor title) shall issue a final written determination and a notice of appeal rights.
- B. Appeal Process and Interim School Placement
1. If the parent/youth indicates that he/she wants to appeal a final determination issued by the STH Regional Manager (or successor title) regarding school placement, eligibility as homeless, or transportation, as described above, the student shall be immediately placed in the school in which enrollment is sought by the parent or unaccompanied youth, provided there are available seats and the student is eligible to attend that school, and transportation, if being provided or if requested, must be provided for 30 days to allow the parent or youth to appeal to SED, and during the pendency of any appeal.
  2. The STH Regional Manager (or successor title) or the School-Based STH Liaison shall assist the parent/student with completing the appeal forms (the “petition”), and shall submit the completed petition and any supporting documents to SED within 5 days of service of the petition. If the parent appeals within 30 days of the final determination issued by the STH Regional Manager (or successor title), the student shall remain/enroll in the school selected by the parent or unaccompanied youth during the pendency of the appeal and transportation services shall continue. If, at the conclusion of all available appeals, the parent’s or youth’s original choice of school is not upheld, the parent or youth may be required to designate another school or district of attendance. If the parent fails to appeal within 30 days of the final determination issued by the STH Regional Manager (or successor title), the DOE’s placement decision may be implemented.
  3. The STH Regional Manager (or successor title) or the School-Based STH Liaison shall:
    - a. provide the parent with a copy of the petition form to appeal the final determination issued by the STH Regional Manager (or successor title). This document is available online at: <http://www.counsel.nysed.gov/common/counsel/files/homelessform-revised2016.pdf>; and available in languages in other than English at: <http://www.counsel.nysed.gov/appeals/homelessForms>;
    - b. assist the parent/student in completing the petition;
    - c. make necessary copies of the petition and any supporting papers; and
    - d. transmit the petition and any supporting papers to SED.

The STH Regional Manager (or successor title) or the School-Based STH Liaison shall accept service of the petition and any supporting documents on behalf of the DOE or arrange for appropriate service on any named respondents, and shall provide the parent or youth (in the case of an unaccompanied youth) verification of service and verification that the STH Regional Manager or School-Based STH Liaison received the petition and any supporting documents and will send these documents to SED.

**V. RIGHTS OF HOMELESS STUDENTS AND YOUTH AND COMPARABLE SERVICES**

Homeless children and youth, including students with disabilities, must be provided with services comparable to services offered to permanently-housed students in the school, including educational services for which the child meets the eligibility criteria, such as public preschool programs, programs for students with disabilities and English Language Learners, programs in career and technical education, gifted and talented programs, before- and after-school programs, and school meal programs, provided, however, that if space in a particular program has been capped for all students, no exceptions will be made for homeless students and such students will be treated similarly to their permanently-housed peers, except with regard to public preschool programs, which, as described above (see Section III.C), may in certain circumstances obtain a class size variance to accommodate a homeless child in a pre-K classroom that would otherwise be considered full. If the requested program or school has been capped, the homeless student will be enrolled in the designated overflow school or another school nearby.

**A. Access to Academic and Extra-Curricular Activities and College Counseling**

1. Homeless students must receive appropriate full or partial credit for coursework completed while attending a prior school.
2. Homeless students must not face barriers to accessing academic and extra-curricular activities, provided they meet the relevant criteria, including, but not limited to, magnet schools, summer school, career and technical education, and advanced placement courses.
3. Homeless students may not be prevented from enrolling in schools or programs due to outstanding fees, fines or absences.
4. School counselors and staff must provide homeless students with tools and advice to improve their readiness for college, including counseling regarding college selection, the application process, financial aid, and on-campus supports.

**B. Privacy Rights of Homeless Student**

1. Information about the living situation of a student who is homeless is a student educational record and is subject to the protections of the Family Educational Rights and Privacy Act ("FERPA"). The DOE may not disclose the address where the student is temporarily living or the temporary housing status of the student to a third party without the parent's consent (or in the case of an unaccompanied youth, the youth), unless an exception to FERPA applies.

2. If a student is residing in a Domestic Violence Shelter, the address of that shelter must remain confidential and shall not be entered into ATS.

**VI. MEAL ELIGIBILITY FOR HOMELESS CHILDREN AND YOUTH**

Students residing in temporary housing are eligible to receive free school meals.

**VII. TRANSPORTATION**

All homeless students in preschool through grade 12, including students receiving special education services, are exempt from age and distance requirements and are eligible for free transportation during the period of homelessness, through the remainder of the school year in which they become permanently housed, and for an additional year if the student is in the terminal grade in the school.

- A. The Office of Pupil Transportation (“OPT”) will arrange or provide busing or a comparable, alternative mode of transportation, other than public transportation, for homeless students residing in shelters in grades K-6. If the parent of a homeless student in a shelter declines yellow bus service, the student and parent, if applicable, remain eligible for a Metrocard, as described below.
- B. For homeless students not residing in shelters (e.g., sharing the housing of others due to loss of housing, economic hardship, or a similar reason), who are in grades K-6 or in preschool, upon request, School-Based STH Liaisons or STH Regional Managers will coordinate with OPT to determine whether a yellow bus route is available (i.e., whenever an appropriate route exists to provide such transportation) or whether a comparable, alternative mode of transportation can be identified.
- C. If yellow bus transportation has not been arranged or provided for a homeless student, school staff should consult with the Family Assistant, School-Based STH Liaison, and/or STH Regional Manager for assistance.
- D. STH students who do not receive yellow bus transportation are eligible for a full-fare Metrocard without regard to their age or the distance from their temporary housing accommodations to school.
- E. Pre-school students are also entitled to transportation and will receive either yellow bus transportation (if an appropriate route exists to provide such transportation) or, if they exceed height requirements to ride for free on subways and local buses, as set forth in MTA Regulations, will receive a Metrocard. In addition, their parent will receive a MetroCard.
- F. For homeless students in grades K-6 who receive a MetroCard to travel to/from school, or who can travel on public transportation for free, parents are eligible for MetroCards to accompany them to/from school.
- G. If the student is registering in a new school and the IEP recommends special transportation, the school will contact OPT to arrange for transportation. If the student changes his/her address and remains in the same school, the school is responsible for updating the student’s new residence in ATS. Once the change is in ATS, OPT will arrange the new bus route within 5 school days. The School-Based STH Liaison will coordinate

with OPT for the arrangement of the new bus route. In the case of homeless students who transfer to a different District 75 Citywide Program, District 75 placement personnel will arrange for placement and/or transportation.

**VIII. SERVICES FOR FAMILIES AS THEY MOVE INTO PERMANENT HOUSING**

Family Assistants and/or School-Based STH Liaisons should also meet with families residing in a Department of Homeless Services (“DHS”) shelters prior to their moving into permanent housing to ensure a smooth transition. Temporarily housed families not residing in DHS shelters who need assistance as they move to permanent housing, should contact their STH Regional Manager or School-Based STH Liaison. Parents shall be informed that their children have the right to stay in their current schools through the terminal grade if they become permanently housed in New York City. If a family becomes permanently housed outside of New York City, parents shall be informed that their children have the right to stay in their current schools through the remainder of the school year and an additional year if it is the student’s terminal year in the school. In regard to transportation, when homeless students become permanently housed, they and their parent, if applicable, are entitled to receive transportation to and from school until the end of that school year and an additional year if it is the student’s terminal year in the school. After that, they are subject to the same transportation eligibility rules as non-homeless students, as set forth in Chancellor’s Regulation A-801.

**IX. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Office of Community Schools

Students in Temporary Housing

N.Y.C. Department of Education

52 Chambers Street – Room 3M

New York, NY 10007

Telephone: 718-828-2208

Email: [STHinfo@schools.nyc.gov](mailto:STHinfo@schools.nyc.gov)

**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**  
**Students in Temporary Housing – Guide for Parents & Youth**

TOPIC	IMPORTANT INFORMATION
<b>Children living in the following situations are considered homeless for the purpose of education rights under the McKinney-Vento Act:</b>	<ul style="list-style-type: none"> <li>In a shelter, transitional shelter, motel, campground, or abandoned in a hospital.</li> <li>In a car, park, public place, bus, train, or abandoned building.</li> <li>Doubled up with friends or relatives because you cannot find or afford housing.</li> </ul>
<b>Unaccompanied Youth</b>	<ul style="list-style-type: none"> <li>Youth who is not in the physical custody of a parent or guardian, and who meets the definition of homelessness set forth in the explanation above. <i>Unaccompanied homeless youth have the same rights as homeless students who reside with a parent or guardian.</i></li> </ul>
<b>Students who fall under the McKinney-Vento Act's definition of homeless have the following rights:</b>	<ul style="list-style-type: none"> <li>To a free public education.</li> <li>To immediate enrollment in the zoned school, provided there are available seats.</li> <li>To attend school no matter how long they have lived at their current location.</li> <li>To stay in their school of origin (school attended before becoming homeless or the last school attended) or choose to attend their new zoned school.</li> <li>To transportation services to and from school.</li> <li>To not be denied immediate school enrollment just because of their situation or because they lack enrollment documentation.</li> <li>To not be separated from the regular school program because they are homeless.</li> <li>To receive free school meals.</li> </ul>
<b>Important Information:</b>	<ul style="list-style-type: none"> <li>Each borough has at least one Students in Temporary Housing (STH) Regional Manager who serves as the STH liaison and manages programs and services designed to help children who are homeless pursue their education. The STH Regional Manager supervises a team of Family Assistants. Contact information for the Regional Managers can be found <a href="#">here</a><sup>1</sup>.</li> <li>Each school has an STH School-Based Liaison who works directly at the school to support STH.</li> <li>Some schools have a STH Community Coordinator who supports STH.</li> <li>Additionally, District 75 and District 79 each have a designated STH liaison available to assist children who are homeless with their educational needs.</li> <li>Family Assistants are located at shelters and in some schools. They are responsible for assisting homeless parents and their children with their educational needs.</li> <li>Family Assistants are available to assist the child's parent with school enrollment, obtaining immunizations, school records, and arranging transportation to and from school. School staff should not hesitate to contact their School-Based Liaison or Community Coordinator, or their Regional Manager, for individual questions, to arrange training, or to assist unaccompanied youth.</li> </ul>
<b>School Selection:</b>	<ul style="list-style-type: none"> <li>Schools must allow parents to choose the child's school when their child is homeless. The parent may choose among the following: <ul style="list-style-type: none"> <li>a) The school the child attended when permanently housed (school of origin);</li> <li>b) The school in which the student was last enrolled; or</li> <li>c) Any school available to a permanently-housed child residing in the area where the homeless student is currently residing, provided the child meets eligibility requirements and seats are available.</li> </ul> </li> </ul>
<b>School Enrollment: (Applies only if your child is not currently enrolled or you want to change school)</b>	<ul style="list-style-type: none"> <li>Elementary &amp; Middle School – if you have a zoned school, you can enroll directly at the school anytime during the school year. If you do not have a zoned school or if you would like to explore other school options for your child, visit a Family Welcome Center. For the location of your Family Welcome Center, please call 311.</li> <li>High School – all high school students must register at the Family Welcome Center.</li> <li>If you are currently residing in a NYC Department of Homeless Services shelter, the family assistant at your shelter will be able to assist you, if needed. If there is no family assistant in your shelter or if you are not residing in a shelter, please contact your STH Regional Manager for assistance.</li> </ul>
<b>Enrollment Disputes:</b>	<ul style="list-style-type: none"> <li>If a dispute arises over the assigned school, the student should remain in the school of origin or transfer to the newly-assigned school, your child must be provisionally registered at the school in which they are seeking enrollment, pending resolution of the dispute.</li> <li>The parent must be provided with a written explanation of the school decision on the dispute, including the right to appeal, and referred to the STH Family Assistant, onsite STH School-Based Liaison, or STH Regional Manager for assistance.</li> </ul>
<b>Transportation</b>	<ul style="list-style-type: none"> <li>Students who are defined as homeless by the McKinney-Vento Act are entitled to transportation to and from school, if necessary. If available, busses will be provided to students in grades K-6; if not available, they are eligible for a student MetroCard.</li> <li>For students in grades Pre-K-6 who are eligible for transportation and receive a student MetroCard, their parents are eligible for public transportation assistance (MetroCard) to accompany the child.</li> <li>Students in grades 7-12 are eligible for a student MetroCard.</li> </ul>

**For more information, please contact your borough STH liaison or call 311.**

<sup>1</sup> [A-101 Attachment 5 - Affidavit of Emancipation-Posted 3-1-18.docx](#)





Parent/Guardian/Student:

This form is intended to address the McKinney-Vento Act 42 U.S.C. 11435 and must be completed for each student. **The information you provide is confidential.** Your child will not be discriminated against based upon the information provided.

Please complete the following questions regarding the student’s housing in order to help determine services the student may be eligible to receive.

**Note to Schools/Temporary Housing Liaisons:** Please assist students and families in filling out this form. Do not simply include this form in the registration packet, because if the student qualifies as residing in temporary housing, **the student is not required to submit proof of residency** and other required documents that may be part of the registration packet. The district cannot disclose housing status information without parental consent.

Student Name & Information:

Last Name	First Name	Middle Name
OSIS Number	Date of Birth (MM/DD/YY)	School

Please identify the student’s current living arrangements. Please check one box:

Check (√)	Housing Questionnaire Choice	(School Use Only) ATS Code
	<b>Doubled Up</b> - With another family or other person because of loss of housing or as a result of economic hardship	<b>D</b>
	<b>Shelter</b> - Emergency or transitional shelter	<b>S</b>
	<b>Hotel/Motel</b> - Living in what is NOT an emergency or transitional shelter and involves payment	<b>H</b>
	<b>Other Temporary Living Situation</b> - Trailer park, campground, car, park, public places, abandoned building, street, or any other inadequate living space	<b>T</b>
	<b>Permanent Housing</b> - Student who is living in a fixed, regular, and adequate housing situation	<b>P</b>

If the student is NOT living in permanent housing, also indicate if the below applies:

	<b>Unaccompanied Youth</b> - Youth who is not in the physical custody of a parent or guardian	<b>(School Use Only)</b> Enter “Y” if Applicable
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\_\_\_\_\_  
Parent/Guardian (print)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**Please return this form to your child’s school as requested.**

**Note:** The answer you give above will help determine what services you or your child may be eligible to receive under the McKinney-Vento Act. Students who are protected under the Act are entitled to immediate enrollment in school even if they do not have the documents normally needed, such as proof of residency, school records, immunization records, or birth certificate. After the student has been enrolled, the new school must contact the last school attended to request the student’s educational records, including immunization records, and Students in Temporary Housing (STH). Liaison(s) must help the student get any other necessary documents or immunizations. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services. Please refer to Chancellor’s Regulation A-780.

**This form is accompanied by a one-page attachment titled:** “McKinney-Vento Homeless Assistance Act – Students in Temporary Housing Guide for Parents & Youth”.