



Ira Schwartz, Assistant Commissioner
Office of Accountability
55 Hanson Place, Room 400
Brooklyn, New York 11217
Tel. (718) 722-2796 / Fax: (718) 722-4559

NYS FIELD MEMO
Elementary and Secondary Education Act (ESEA)
McKinney-Vento
#04-2015

TO: District Superintendents
Superintendents of Public Schools
McKinney-Vento Liaisons

FROM: Ira Schwartz *Ira Schwartz*

SUBJECT: District-Administered Pre-K Programs for Children in Temporary Housing¹

DATE: June 2015

Prekindergarten programs administered by school districts (Pre-K) offer a crucial opportunity for young children to develop the social, emotional, and cognitive skills that will serve as a foundation for life-long learning. However, because families in temporary housing may move frequently, it can be challenging to enroll and retain preschoolers experiencing homelessness in Pre-K.

The New York State Education Department (NYSED or “the Department”) would like to remind school districts that administer Pre-K programs of their obligation to serve preschool-age children in temporary housing under the McKinney-Vento Homeless Education Assistance Improvements Act (42 USC §11431 et seq., “McKinney-Vento”), a federal law that sets out the educational rights of children and youth experiencing homelessness, and related state law and regulations. Pursuant to McKinney-Vento, children experiencing homelessness must have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth and must have access to the education and other services needed to meet the same challenging State student academic achievement standards to which all students are held (42 USC §11431). Pursuant to McKinney-Vento, districts must

¹ This Field Memo replaces the one issued in May 2010 entitled “Universal Pre-K Programs for Homeless Students.”

ensure that such children receive educational services for which they are eligible, including preschool programs administered by the district (42 USC §11432[g][6][A][iii]). To this end, McKinney-Vento requires districts to develop, review and revise policies to remove barriers to the enrollment and retention of students in temporary housing, including preschoolers (see 42 USC §11432[g][1][I]). Moreover, each district is required to appoint a McKinney-Vento liaison to serve students in temporary housing (42 USC §11432[g][1][J][ii]). A list of the McKinney-Vento liaisons can be found here: <http://nysteachs.org/liasons/>. The liaison must ensure that students in temporary housing are identified and receive the educational services for which these students are eligible, including preschool programs administered by the district (42 USC §11432[g][6][A]).

Eligibility. Under McKinney-Vento, children are considered homeless if they lack a fixed, regular, and adequate nighttime residence, such as those who are sharing the housing of others due to loss of housing, economic hardship, or similar reason (often referred to as living “doubled-up”) or are living in a motel, hotel, trailer park, or camping grounds due to lack of alternative adequate accommodations (See: 42 USC §11434a[2]; Education Law §3209[1]).

McKinney-Vento also applies to students in temporary living situations such as shelters and emergency or transitional housing, as well as to students living in places not designed for, or ordinarily used as, a regular sleeping accommodation including cars, parks public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings (See: 42 USC §11434a[2]; Education Law §3209[1]).

Outreach. Districts are strongly encouraged to conduct targeted outreach to families in temporary housing. As noted above, the district’s McKinney-Vento liaison must ensure that children experiencing homelessness are identified and receive the educational services for which these children are eligible, including Pre-K programs (42 USC §11432[g][6][A]). The McKinney-Vento liaison should collaborate with the district’s Pre-K Coordinator to ensure that families living in temporary housing are made aware of opportunities to have their children participate in Pre-K programs administered by the district, the registration dates for enrollment in Pre-K, and the application process. The liaison should reach out to families in temporary housing to ask if they have prekindergarten-aged children and ensure that these families know how, when, and where to enroll in the district’s Pre-K programs. Calls should be made in the spring and again during the summer months to ensure that families are aware of the district’s Pre-K registration dates and procedures.

Residency questionnaire and proof of residency. To help identify preschoolers in temporary housing, districts must ensure that a residency questionnaire is distributed to a parent or person in parental relation whenever a new child enrolls (or a current student seeks to change their address) in a district-administered Pre-K program. These questionnaires capture information about preschoolers’ housing status and help districts identify preschoolers who are eligible under the McKinney-Vento Act. A copy of the model residency questionnaire can be found in English and in Spanish here: www.nysteachs.org/media/INF_SED_EnrollForm_ResQuest.doc. Districts must ensure that the housing status (also referred to as the homeless indicator) of all children enrolled in a the district’s Pre-K program,

including those located at public schools and community-based organizations, is collected and reported to NYSED. Districts are not required to report on the housing status of children attending a private preschool or daycare that is not funded by the district (i.e., not receiving any Pre-K funding or any other type of funding from the district).

If offered a seat in a Pre-K Program administered by a district, children in temporary housing are entitled to immediate enrollment even if they do not have the documents normally needed for enrollment in Pre-K. (note: for information on the enrollment of youth in temporary housing, please see 8 NYCRR section 100.2[x]). The district's Pre-K coordinator should work with the district's McKinney-Vento liaison to secure the proper documentation (e.g., birth certificate and proof of immunization) from the previous Pre-K program attended (if applicable) or to assist the parent in obtaining these documents. (42 USC §11432[g][3][C]; Education Law §3209[2-a]).

Enrolling preschoolers in temporary housing in Pre-K programs administered by the district that are already full. Children in temporary housing may find that Pre-K programs near them are full or have long waiting lists, especially if a child's family moves mid-year. Because McKinney-Vento requires that districts eliminate barriers to the full participation and success in school for students in temporary housing, it is especially important that districts engage in proactive steps, such as those listed below, to ensure that children are able to access Pre-K programs.²

- 1) Request funding to increase class size to 19 or 20 students. In order to enroll 19 or 20 students in a Pre-K class, the class must have one teacher and two paraprofessionals (as opposed to one teacher and one paraprofessional in a class of up to 18 students). If a child in temporary housing seeks to enroll and would be the 19th or 20th student and the Pre-K program does not have funding to hire an additional paraprofessional, the Pre-K program should contact the district's Pre-K Coordinator to determine whether it is possible to identify funds that could be reallocated for the purpose of hiring an additional paraprofessional. Districts are also encouraged to explore other funding sources, such as Title I³ or McKinney-Vento grants,⁴ to cover the cost of the additional staff member.
- 2) Submit a class-size variance request to increase class size to 21 students. If a child in temporary housing seeks to enroll and would be the 21st student, Pre-K programs may request a variance from NYSED. Commissioner's Regulations specify that NYSED will consider a class size

² The class-size restrictions mentioned in paragraphs 1) and 2) only apply to Pre-K programs that receive funding from the Department. There are a small number of districts that have Pre-K programs that are supported using local (i.e. tax levy) funds and do not receive funding from the Department. Such programs are not subject to the class-size restrictions detailed in the Commissioner's Regulations and may accommodate more than 20 children in a classroom without obtaining a variance.

³ In 2012, the U.S. Department of Education put out guidance on how districts could use Title I funding to serve preschool children, available here: <http://www2.ed.gov/policy/elsec/guid/preschoolguidance2012.pdf>.

⁴ For a list of districts and BOCES that receive McKinney-Vento grant funds see: <http://nysteachs.org/info-topic/mvgrant.html>.

variance to promote the inclusion of preschool children with disabilities or who are homeless, or based on the unique characteristics of the Pre-K program (8 NYCRR §151-1.5[b][7][ii]). A variance request to accommodate a child who is in temporary housing should include the number of students in the Pre-K classroom, the number of staff serving the classroom, and the fact that the variance from the class size restrictions is requested in order to serve a child in temporary housing. Attached to this Field Memo is a template variance request form, which is also available online at <http://www.p12.nysed.gov/upk/ReportsAndForms.html>

- 3) The completed variance requests should be emailed to NYSED at oe1@nysed.gov.

Other early childhood education programs. If the district does not offer a Pre-K program, or if there are no seats available despite having taken the steps above, there are additional resources available to children in temporary housing, such as Head Start and subsidized child care. Children in temporary housing are entitled to priority enrollment in Head Start programs and subsidized child care. Liaisons are encouraged to share information about Head Start programs and other early childhood education programs in the community. Families in temporary housing may often be unaware of these resources, and an appropriate referral from the McKinney-Vento liaison is especially important. Please see below for information about how to locate early childhood education programs:

- Head Start Locator: <http://eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices>.
- Child Care Resource and Referral agencies (CCR&R) provide information to parents and others about available preschool programs and child care resources. To find the CCRR in your county, visit: <http://www.ocfs.state.ny.us/main/childcare/referralagencys.asp>.
- Directory of District Pre-K Contacts: <http://www.p12.nysed.gov/upk/upkdirectory.html>

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 at 1-800-388-2014. Additional information may also be obtained through the SED's Homeless Education Program Office by contacting Melanie Faby, Program Associate, at: (518) 473-0295. For further information about the SED's Office of Early Learning, which is responsible for a wide range of educational programs and works closely with parents, early care and education agencies, schools and state agencies to coordinate programs and resources with the goal of making New York's early learning system as comprehensive and seam-less as possible, see: <http://www.p12.nysed.gov/earlylearning/>.

Thank you for your attention to this important issue.

c: Maxine Meadows-Shuford
Melanie Faby
Betsy Kenney
Dee Dwyer

New York State Education Department
Request for Prekindergarten Class Size Variance

Section 3602-e of Education Law and 8 NYCRR §151-1.5(b)(7)(ii) allows for a variance to class size based upon the unique characteristics of the program at the Universal Prekindergarten site or to promote inclusion of preschool children with disabilities or children who are homeless.

District Name:	District Contact:
Address: City: _____ Zip Code: _____	Title:
	Telephone:
	Fax:
	Email:
Number of Pre-K students currently in the classroom: _____	Reason for the Variance Request: <input type="checkbox"/> Unique characteristics of the site (complete the Required Documentation section below) <input type="checkbox"/> To accommodate a preschool child with a disability. Child's name and DOB: _____ <input type="checkbox"/> To accommodate a child living in temporary housing. Child's name and DOB: _____
(If fewer than 20, a variance is not required.)	
Number of teachers in the Pre-K classroom: _____	
Number of paraprofessionals in the Pre-K classroom: _____	
(There must be at least one teacher and two paraprofessionals for classes of up to 18 students; for classes of 19 or 20 students, there must be one teacher and two paraprofessionals assigned)	
Where is the classroom for which the variance is requested located?	NOTE: If the Variance Request is related to the "Unique characteristics of the site," you must complete the Required Documentation section below. The Required Documentation section is not required if the Variance Request is related to accommodating a child with a disability or a child living in temporary housing.
School/Community-Based Organization (CBO) Name: _____	
School/CBO Address: _____	
Required Documentation Related to Unique Characteristics of the Site – Attach additional pages as needed. Describe how the district will ensure that all program requirements are met, including any modifications or accommodations to current programming that may be needed to meet the needs of all children in the classroom. Please include any special considerations you would like to bring to the attention of the State Education Department. Programs requesting a variance based on the unique characteristics of the prekindergarten site must provide a description of what makes the site unique.	