



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

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Dear Colleagues,

As you prepare for the new school year, I would like to take this opportunity to remind us all that many things affect our students' daily lives and that school and district leaders set the tone for how students and families will experience school. It is important to keep in mind that families and students in temporary housing may be experiencing chronic stress or trauma due to unstable housing, and that you as administrators have an important role to play in creating a positive school climate that is safe and supportive for them in their time of stress.

As you know, the McKinney-Vento Homeless Education Act is a federal law that protects the educational rights of homeless children and youth. Education Law § 3209 and section 100.2(x) of the Commissioner's regulations, which implement McKinney-Vento, define a homeless child as "a child or youth who lacks a fixed, regular, and adequate night-time residence." As reported through the Student Information Reporting System (SIRS), over 152,000 students in SY 2017-18 were temporarily housed. But I am proud to say that the Federal McKinney-Vento Act is also supported by N.Y. Education Law § 3209 and Commissioner's Regulations (8 N.Y.C.R.R. § 100.2(x)).

As a reminder, a homeless child or youth has the right to:

- Choose between their school district of location (the i.e, the school where their temporary living arrangement is located) and their school of origin. 42 U.S.C. § 11432(g)(3)(A); N.Y. Education Law § 3209(2)(a). The definition of a school of origin includes preschools, charter schools, and feeder schools. N.Y. Education Law § 3209(1)(c) and (f). A student may have more than one school of origin:
  - (1) the public school the student attended,
  - (2) the school where the student was last enrolled; or
  - (3) the school where the student would have been entitled or eligible to attend based on his or her last residence before losing housing. N.Y. Education Law § 3209(1)(c).
- Once a student's parent or person in parental relation has designated a school of origin and sought to enroll the student therein, the local educational agency shall determine whether this choice of school is consistent with the best interests of the

homeless child or youth, considering student-centered factors, including but not limited to the impact of mobility on achievement, education, the health and safety of the homeless child, and giving priority to the preference of the parent or person in parental relation. N.Y. Education Law § 3209(4)(iii).).

- Be immediately enrolled in school without proof of residency, immunizations, school records, or other documents normally needed for enrollment, even if they have missed the application or enrollment deadlines during any period of homelessness. 42 U.S.C. § 11432(g)(3)(C); N.Y. Education Law § 3209(2)(f)(2).
- Receive transportation to school and to extra-curricular or academic activities, including an after-school activity, at the school for the duration of homelessness and for the remainder of the school year if they move into permanent housing and continue to attend the same school. 42 U.S.C. §§ 11432(g)(1)(J)(iii), 11432 (g)(4)(A), and 11432 (g)(6)(A)(vii); N.Y. Education Law § 3209(4).
- Receive credit for full or partial coursework satisfactorily completed at a prior school. 42 U.S.C. § 11432(g)(1)(F)(ii).
- Receive access to all of the school's programs, activities and services to the same extent as they are provided to resident students. 42 U.S.C. § 11432(g)(1)(A), 42 U.S.C. § 11432(g)(1)(F), and 42 U.S.C. § 11432(g)(4); 8 N.Y.C.R.R. § 100.2(x)(4)(iv).
- Enroll in the school chosen by their parent or person in parental relation, even while the family or youth and school district resolve disagreements about enrollment. 42 U.S.C. § 11432(g)(3)(E); N.Y. Education Law § 3209(5)(a)); 8 N.Y.C.R.R. § 100.2(x)(4)(iii)(c)

All students, not just those in temporary housing, benefit greatly from a positive classroom environment that is both safe and supportive. The time and energy put into creating this type of classroom environment will result in higher levels of success for everyone. Thank you and I wish you well and much success in this new school year and beyond.

If you have questions or would like additional information, please contact Melanie Faby, State Coordinator for Homeless Education, (518) 473-0295, [melanie.faby@nysed.gov](mailto:melanie.faby@nysed.gov) ; or New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS) at (800) 388-2014, Email: [info@nysteachs.org](mailto:info@nysteachs.org) Website: [www.nysteachs.org](http://www.nysteachs.org).

Sincerely,



MaryEllen Elia  
Commissioner