NEW YORK STATE OF OPPORTUNITY. | **Office of Temporary and Disability Assistance**

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TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, Staff Development Coordinators

FROM: Jeffrey Gaskell, Assistant Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Changes in Local District Responsibilities when Transporting Homeless Students

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau: (518) 474-9344

The purpose of this GIS is to notify districts that the New York State Education Law, Section 3209, was recently amended to conform to Federal changes in the McKinney-Vento Homeless Assistance Act. The McKinney-Vento Homeless Assistance Act ensures homeless children are provided transportation to and from school.

Certain changes to Section 3209 have an impact on districts' responsibilities for transporting homeless students. Below is a summary of the changes:

Definitions:

The current McKinney-Vento definitions are amended as follows:

- Homeless child: "Awaiting foster care placement" is removed from the definition of homeless student.
- NOTE: The term "homeless child" may also be used interchangeably with "homeless student" as referenced in the Temporary Assistance Source Book (TASB) and other Office of Temporary and Disability Assistance (OTDA) resources.
- School District of Origin: Now includes attendance in a preschool program on a tuition-free basis.
- School District of Current Location: Now includes attendance in a preschool program on a tuition-free basis.

In addition, the amendments introduced <u>new</u> definitions to the Education Law. The new definitions are:

- Feeder School: a preschool or school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school. In addition, a feeder school includes a school that sends its students to a receiving school in a neighboring school district.

- Receiving School: a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or a school that enrolls students from a feeder school in a neighboring local educational agency.
- School of Origin: The term "school of origin" shall mean a public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or a charter school. If the student completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. School of origin also includes any public school or preschool where the student would be entitled or eligible to attend.

Homeless Placement and Transportation:

Under Education Law 3209, districts are still responsible for transporting students to and from school when the district places the student in temporary housing outside of the school district and the student is eligible for Emergency Assistance for Families (EAF). This requirement is unchanged by the amendments.

However, due to recent amendments, districts that place a homeless student outside of their school district must now provide transportation for students:

- attending preschools that are administered by school districts
- whose Individualized Education Programs (IEPs) include special transportation services
- who would like to participate in extra-curricular activities but have no other transportation

When a district is required to provide transportation for a homeless student, but requests that the school district provide the transportation, the school district must provide the transportation. The district must reimburse the school district for this cost in a timely fashion.

Additional information regarding McKinney-Vento and the changes to the NYS Education Law, Section 3209, can be found on Centraport in the TASB, Chapter 27, Section E.