



New York State Balance of State Continuum of Care

## **EDUCATIONAL RESPONSIBILITIES**

### **Background**

Federal law guarantees educational rights and protections for children under the age of 18 and young adults aged 18-24 experiencing homelessness. Protections apply to children and youth who are living with a parent or guardian and those who are not. Every school district, Board of Cooperative Educational Services (BOCES), and charter school in New York is required to designate a homeless liaison who is responsible for ensuring the identification, school enrollment and stability, attendance, and opportunities for academic success of students in homeless situations. In addition, the U.S. Department of Housing and Urban Development (HUD) establishes requirements for Continuum of Care (CoC) and project applicants through the annual CoC competition. The New York State Balance of State Continuum of Care (NYS BoS CoC) has established the following requirements and responsibilities.

### **Responsibilities of Recipients and Sub-Recipients of CoC Funds**

Recipients and sub-recipients of CoC funds are responsible for coordinating with local school district(s), charter school(s), BOCES and the CoC Coordinated Entry system in the following ways:

- Helping to identify children and young adults who are eligible for educational services. If a child or young adult does not have a fixed, regular, and adequate place to sleep at night, he or she is eligible. This includes those living in places not meant for human habitation, emergency shelters, transitional housing, motels/hotels, campgrounds, in doubled-up situations, or in housing that lacks utilities, is infested, or has other dangerous conditions.
- Helping to ensure that all families with children and young adults who qualify in your area are informed about their educational rights and their eligibility for educational services and they receive those services.
- Attending relevant meetings and planning events held by the local school district.
- Ensuring that the local school districts' homeless liaisons are aware of the Coordinated Entry processes (e.g., CE) for connecting homeless families and young adults to CoC resources and helping to resolve any issues that might arise in linking eligible households to those resources.
- Helping to ensure that when placing families in emergency, transitional, or permanent housing, consideration is given to the educational needs of children, including placing children as close as possible to schools of origin and early childhood education programs.

### **Purpose**

To ensure that participants in NYS BoS CoC programs are assisted in understanding their educational rights established under Subtitle VII-B of the McKinney-Vento Homeless Assistance Act and most recently reauthorized by Every Student Succeeds Act; To ensure that children and young adults are immediately enrolled in school, as required by federal and state law, and to ensure that they are connected to transportation and educational services to help them succeed in school.

## Policy

Each recipient and sub-recipient is responsible for:

- Ensuring that all families with children and young adults participating in the project are informed about their educational rights and their eligibility for educational services at intake and as necessary thereafter.
- Ensuring that no matter where they live, how long they have lived there, or how long they plan to stay, all children and young adults participating in the project are enrolled in school immediately, even if they lack the paperwork normally required (e.g., school records, records of immunization, and other required health records, proof of residency, guardianship, and other documents), are unable to pay fines or fees, or have missed application or enrollment deadlines. Students have the right to enroll in school and attend classes while the school gathers needed documents. Enrollment shall occur as quickly as possible and within no more than 2 business days of project entry. Children and young adults who are not required by State law to enroll in school shall be encouraged and assisted but not required to enroll. Families shall be encouraged and assisted to enroll children in early childhood education programs. Enrollment includes attending classes and participating fully in school activities. This applies to youth without a parent or guardian.
- Assist unaccompanied youth to choose and enroll in a school, giving priority to his/her wishes and assisting to exercise his/her right to appeal.
- Advocating as necessary to ensure that homeless students can continue to attend their school of origin (i.e., where they went before becoming homeless or the school in which they were last enrolled) the entire time they are homeless and until the end of the academic year during which they find permanent housing. This includes preschools and the designated receiving school at the next grade level when a student completes the final grade level served by the school of origin. Remaining in the school of origin should be presumed to be in the best interest of the student unless contrary to the request of the parent, guardian, or unaccompanied youth.
- Ensuring that the parent, guardian, or unaccompanied youth is provided with the required written explanation of decisions made by school districts or charter schools and how to appeal them. Ensuring that they are referred to the local school district's homeless liaison who must carry out the dispute resolution process as expeditiously as possible.
- Assisting, as necessary, to appeal any decision by the local school district or charter school that it is not in the student's best interest to attend the school of origin or the school where they currently live if requested by the parent, guardian, or unaccompanied youth.
- Advocating, as necessary, to ensure that if a dispute arises over eligibility, school selection, or enrollment, the student is immediately enrolled in the school in which enrollment is sought, pending resolution of all available appeals.
- Advocating, as necessary, to secure the transportation services to which students are entitled (i.e., to and from the school or preschool of origin, including until the end of the year when the student obtains permanent housing).
- Assisting, as necessary, to secure temporary transportation services through other means, if possible, when a school district or charter school is unable to immediately provide such required services.

- Advocating on behalf of homeless students to ensure they receive the services for which they are eligible according to their needs and comparable to those provided to other students, including assistance from the local school district's homeless liaison, Early Intervention Program for Infants and Toddlers with Disabilities, Head Start, other preschool programs, services for disabled students, free school meals, services for English language learners, gifted and talented services, before and after school care, career and technical education, summer learning, online learning, and referrals to health, mental health, dental and other services.
- Advocating as necessary to ensure that homeless students who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet and charter schools, summer school, career and technical education, advanced placement, online learning, and athletic programs.
- Advocating, as necessary, to ensure that students receive appropriate full or partial credit for coursework, including consulting with the prior school about partial coursework completed, evaluating students' mastery of partly completed courses, and offering credit recovery.
- Advocating as necessary to ensure that all homeless youth receive information and individualized counseling regarding college readiness, college selection, the application process, financial aid, and the availability of on-campus supports; and that unaccompanied homeless youths are informed of their status as independent students for the purposes of Federal financial aid for postsecondary education and assisted in receiving verification of such status.
- Advocating to ensure that records, including information about a student's living situation, are kept private.
- Helping homeless students succeed in school and to get help from the local homeless education liaison, as necessary.
- Developing relationships with colleges to access higher education services specifically for homeless young adults.
- Designating a staff person who is responsible for:
  - Helping participants to understand their educational rights.
  - Ensuring that children and young adults are enrolled in school and early childhood education.
  - Ensuring that students get access to all services, programs, and extracurricular activities for which they are eligible.
  - Ensuring that children and young adults receive the transportation services to which they are entitled.
  - Other duties as necessary.
- Ensuring that the designated staff person is involved in the development of participants' service plans where there are extensive or significant unmet educational needs.
- Ensuring that program policies, procedures, or practices are consistent with and do not interfere with the educational rights established under federal law.

## **Resources**

The New York State Technical and Educational Assistance Center for Homeless Students (NYSTEACHS): <https://www.nysteachs.org/>

National Center for Homeless Education: <https://nche.ed.gov/>