

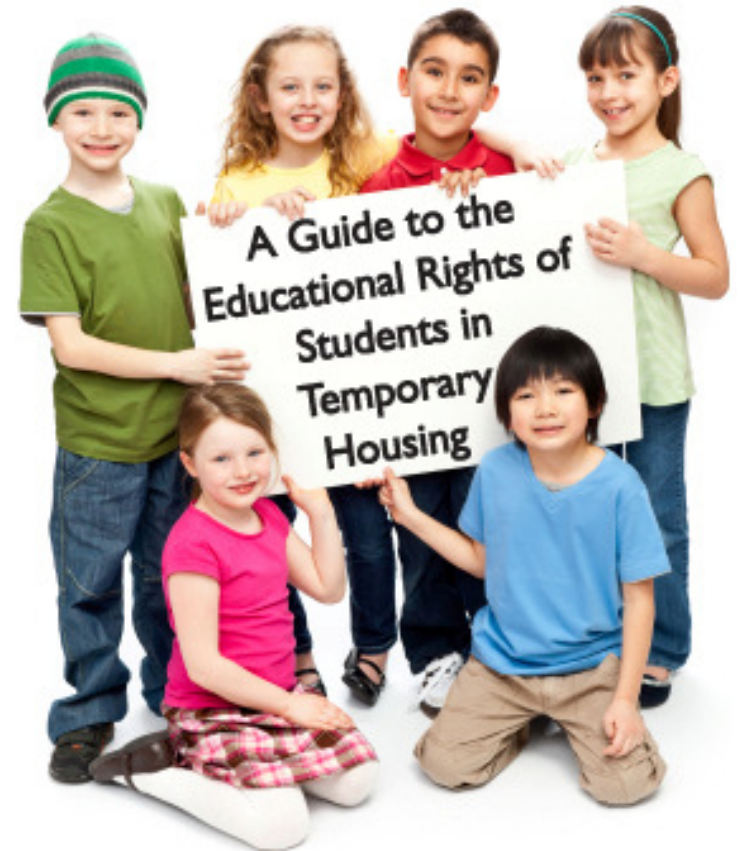


**New York State Technical and Education  
Assistance Center for Homeless Students  
(NYS-TEACHS)**

Toll-free number: (800) 388-2014

Website: [www.nysteachs.org](http://www.nysteachs.org)

*For information about New York City, please see our Guide  
to the Educational Rights of Students Living in  
Temporary Housing in New York City.*



A Publication of the  
**New York State Technical and Education Assistance Center  
for Homeless Students (NYS-TEACHS)**

May 2010

**Guide for  
NEW YORK STATE**



If your family is living in ANY of the following situations...

- Housing that is not **Fixed, Regular** AND **Adequate**;
- A **shelter, emergency** or **transitional** housing;
- **Sharing housing** due to loss of housing or economic hardship;
- In a **motel, hotel, trailer park, or camping grounds** due to lack of other housing;
- In a **car, park, public space, abandoned building, or bus or train station**;
- **Awaiting foster care placement**; or
- In any of the above housing arrangements and are eligible for the **Migrant Education Program**

NOTES:

... your children have important educational rights under the **McKinney-Vento Act**, a federal law.

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## NOTES:

**Children and youth who are living in temporary housing situations have the right to...**

**Go to school**, no matter where they live or how long they have lived there;

**Choose from up to 3 schools**, between the local school close to where they are currently living, the school they attended before losing their housing and the school where they were last enrolled;

**Paperless enrollment**. Enroll and participate in school without providing any documents, such as proof of residency, immunizations, school records, or other documents normally needed for enrollment;

**Transportation**, to and from the school where they were last permanently housed or last attended;

**Enroll and attend classes**, in the school they selected even while the parent and the school resolve disagreements about enrollment;

**Receive** the same special programs and services, if needed, as those offered to other students who are eligible to receive them





## WHICH SCHOOL CAN I CHOOSE?

Children and youth who are temporarily housed have the right to choose between the local school where they are currently living, the school they last attended or the school where they were last permanently housed.

### What is the local school?

The local school is the school zoned for the area where the student is temporarily living or any school permanently housed students living in the same zone can attend.

### What is the school of origin?

The school of origin is the school where the student was last enrolled or the school the student attended before she lost her housing. This also includes the school the student was *entitled* to attend when last permanently housed.

### How do I decide?

There are many things to consider when deciding where to send your child to school, and every family is different. It's often better to keep children in the school they have been attending so they can remain with their classmates and teachers they know. Students who transfer have to make new friends and get used to new classes, and it can take several months for students to catch up with their school work. But sometimes it makes sense to transfer because of transportation issues (**see pages 8 –11**), and, for some families, safety concerns (**see page 5**).

NYS-TEACHS is funded by the New York State Education Department and is housed at Advocates for Children of New York. This guide does not provide legal advice and should not be used as a substitute for seeking professional legal advice. It is a summary of policies and laws.

## Contact Information

## LEGAL ADVOCACY ORGANIZATIONS IN NEW YORK STATE

### Western New York Region

Neighborhood Legal Services, Inc.  
(716) 847-0650

Western New York Law Center  
(716) 855-0203

### Long Island Region

Nassau/Suffolk Law Services Committee, Inc.  
(631) 232-2400

### Central New York Region

Legal Services of Central New York, Inc.  
1-866-475-9967 [Toll-free]

### Hudson Valley Region/North Country Region

Disability Advocates, Inc.  
(800) 993-8982 [Toll-free]

### Lower Hudson River Region

Legal Services of the Hudson Valley  
(877) 574-8529 [Toll-free]

Neighborhood Legal Services, Inc.  
(716) 847-0650

### What if this is my child's first year of school?

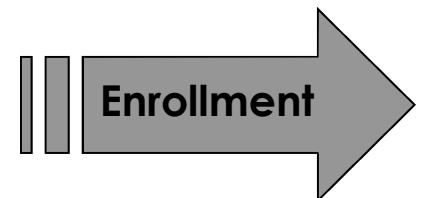
If your child has never been enrolled in school, you should find out which school is zoned for the address where you are temporarily living and enroll your child in that school.

### What if we find permanent housing?

Children who were living in temporary housing who become permanently housed have the right to continue going to the same school through the end of the school year. Students may also be able to stay in that school for another year if it will be their final year at that school. For example, if a student becomes permanently housed during his junior year of high school, he is allowed to remain in that school for his senior year even if he is not living in the district.

### What if my family is at a domestic violence shelter?

Your children are entitled to the same rights as any child staying in any other kind of temporary housing situation. But often it is best to transfer your children for safety and confidentiality reasons. In all cases, families should make sure that the school has a copy of the order of protection, if there is one, that the address is blocked on the school data tracking system, and that school staff know not to give any information about the children to the abuser.





## HOW DO I ENROLL IN SCHOOL?

Students who are temporarily housed must be **enrolled in school immediately** even if they do not have documents normally needed for enrollment, like:

- ⇒ School records,
- ⇒ Medical records (including proof of immunizations),
- ⇒ Birth certificates,
- ⇒ Proof of residency,
- ⇒ Guardianship papers or
- ⇒ Individualized Education Plans (IEPs).

### How long should it take to enroll my children in school?

Children and youth living in temporary housing have the right to enroll in school **immediately**. Immediate enrollment means being able to attend classes and participate fully in school activities. This is also true for students receiving special education services.

### Who can help me get my child enrolled in school?

Every school district must have an LEA liaison, sometimes called the homeless liaison, who can help families who are living in temporary housing with their educational needs. If you are having difficulty enrolling your child in school, ask the school for the name of the LEA liaison, or call NYS-TEACHS at (800) 388-2014.

### Whose responsibility is it to get my child's old school records and give them to the new school?

## Contact Information

## OTHER RESOURCES FOR FAMILIES LIVING IN NEW YORK STATE

If you or your family need **emergency housing**, **food** or other **health care** contact the local Department of Social Services for the county in which you live. You can also try contacting the following organizations:

- **Eviction prevention:**  
(518) 473-2588
- **Food stamps, home electricity and heat:**  
(800) 343-8859 or (800) 342-3009 (upstate)
- **Emergency Food Assistance:**  
Feeding America (800) 771-2303
- **Domestic and Sexual Violence Hotlines:**  
(800)-942-6906 (English)  
(800)-942-6908 (Spanish)
- **Health Care/Medicaid:**  
(800) 342-3334
- **College Scholarships:**
  - **LeTendre Education Fund** provides college scholarships for students who are or have been homeless: [www.naehcy.org/letendre\\_ab.html](http://www.naehcy.org/letendre_ab.html)
  - **Education and Training Voucher Program** provides up to \$5000 a year for foster youth and former foster youth to go to college: [www.statevoucher.org/state.shtml?state=ny](http://www.statevoucher.org/state.shtml?state=ny)

## Contact Information

## ORGANIZATIONS THAT WORK WITH FAMILIES OF YOUNG CHILDREN WITH DISABILITIES

For more information about services for young children, ages **birth through five**, who have physical, mental, or emotional disabilities contact the **Early Childhood Direction Center** closest to where you live.

<b>Albany</b> (Capital District Region)	(518) 464-6356 (518) 464-6377
<b>Binghamton</b> (Southern Tier Region)	(607) 724-2111 x.336
<b>Buffalo</b> (Western Region)	(800) 462-7653
<b>Nassau County</b>	(516) 364-8580
<b>Newburgh</b> (Mid-Hudson Region)	(845) 565-1162, x.209
<b>Potsdam</b> (North Country Region)	(315) 267-2145
<b>Rochester Region</b>	(800) 462-4344
<b>Suffolk County</b>	(631) 863-2600
<b>Syracuse</b> (Central NY Region)	(800) 962-5488
<b>Westchester Region</b>	(914) 493-1709

It is the **enrolling school's responsibility** to immediately contact the student's previous school to get her academic records. However, if you have your child's records, you should bring them to the school. In terms of **immunization records**, both the family and the liaison should try to locate them. If no records exist, or the student has not been immunized, the liaison should help the family to get the student immunized as long as the student does not have a medical or religious reason for not being immunized.

### Do I need to get a letter from the shelter or from a landlord to prove where I am currently living?

**NO.** A school may not force you to get a letter from a shelter or a landlord in order to enroll your child in school. If you tell the school that you are living in temporary housing, they must enroll your child immediately. However, if the school doubts that you are temporarily housed and starts the dispute resolution process, it is the parent's responsibility to prove where the family is living and that it is temporary (**see page 15**).

### Does a family member need legal custody of a student in order to enroll the student in school?

**NO.** If a student is living in temporary housing with a family member or friend and wants to enroll in school, the family member or friend does not need to have legal custody of the youth. Schools cannot force family members or friends to file for custody or show guardianship papers in order to enroll a student who is covered under the McKinney-Vento Act (**see page 12**).

### If my child is under 21 years old, can she return to school even though she dropped out over a year ago?

**YES.** Students have the right to attend school until they receive their high school diploma (even if they have a GED) or until the end of the school year in which they turn 21 years old.

Transportation



## How Will My Child Get To School?

Students living in temporary housing who are attending the school of origin are entitled to transportation. Students living in temporary housing who are attending the local school are entitled to the same transportation services that permanently housed students receive in that district. The district where the temporarily housed student attends school is responsible for any transportation.

Family members of students living in temporary housing may also be entitled to free transportation services to accompany their children to school, or to attend school meetings, teacher conferences or other school appointments.

### How do I request transportation to school for my child?

The family should contact the LEA liaison in the district where the student attends or would like to attend school. Contact information for all liaisons in all districts can be found on the NYS-TEACHS website, [www.nysteachs.org](http://www.nysteachs.org), or by calling NYS-TEACHS at (800) 388-2014.

### Can my child get transportation to school if we are temporarily living outside of the school district?

**YES.** Students living in temporary housing are entitled to transportation to their school of origin (either the last school they attended or the school they attended when they were last permanently housed), even if they are living outside of the school district.

## Contact Information

## ORGANIZATIONS THAT WORK WITH FAMILIES OF INDIVIDUALS WITH DISABILITIES

### Parent to Parent of New York State (Offices across state)

Phone: 1-800-305-8817

Web: <http://www.parenttoparentnys.org/>

### The Advocacy Center (Rochester)

Phone: (800) 650-4967

Web: [www.advocacycenter.com](http://www.advocacycenter.com)

### Student Advocacy, Inc. (Westchester)

Phone: (914) 347- 3313

Spanish Speakers: (914) 347-3313 ext. 116

Web: <http://studentadvocacy.net/>

### Long Island Advocacy Center (Long Island)

Phone: (516) 248-2222

TTY: (516) 877-2627

Web: <http://www.theliac.org/>

### Parent Network of Western New York (Buffalo)

Phone: (716)-332-4170

Web: <http://www.parentnetworkwny.org/>

### Family Resource Network, Inc. (Oneonta)

Phone: 607-432-0001

### Syracuse University Parent Advocacy Center (Syracuse)

Phone: 877-824-9555

Web: <http://www.supac.org/>



## Contact Information

## FOR HELP WITH SPECIAL EDUCATION SERVICES

For help securing services for children and youth with disabilities, including special education services, contact the Committee on Pre-School Education (CPSE) for children 3-5 years old or the Committee on Special Education (CSE) for children 5-21 years old in the school district you want your child to attend.

If you have difficulty contacting the CPSE or the CSE contact the **Office of Special Education Quality Assurance** regional office closest to where you are living. The regional offices work with local districts, parents, and others to help them understand the complex issues related to special education services and to resolve concerns that may arise.

### **Central Regional Office**

(315) 476-5081

### **Eastern Regional Office**

(518) 486-6366

### **Hudson Valley Regional Office**

(518) 473-1185

### **New York City Regional Office**

(718) 722-4544

### **Western Regional Office**

(585) 344-2002

## How long can my children get transportation to school?

Children and youth living in temporary housing are entitled to transportation to the school of origin for as long as they are living in temporary housing. There is no time limit on how long a family can live in temporary housing. It may be a few weeks or several years.

## If my family is temporarily living within a school district, and I would like to enroll my children locally, can my children get transportation to the local school?

**MAYBE.** If your family is living in the same attendance zone as when you were last living in permanent housing, your children are entitled to transportation to/from school, no matter how close your family lives to the school. However, if this is not the case, but your family is temporarily living with friends or relatives due to loss of housing, because you cannot afford housing, or another similar reason, your children are entitled to receive the same transportation to the local school as permanently housed students. If a permanently housed student living close to where you are staying would be entitled to transportation, your child would be as well. To find out if transportation is available, contact the school district's LEA liaison. If you do not know who the liaison is, contact NYS-TEACHS at (800) 388-2014.

## What happens if the school of origin is very far away from the place where my family is temporarily living?

If the school of origin is more than 50 miles away, one way, from where you are temporarily living, transportation may not be provided unless the Commissioner of the State Education Department determines that it is in your child's best interest to provide the transportation.

Transportation, cont'd

**If my family is living in a domestic violence shelter, can my children get transportation to school?**

**YES.** The shelter caseworker should tell the parent where it is safe for the children to be picked up (for example, at a nearby address). This information, but not the address of the shelter, should be given to the school district's transportation department.

**Can I request a shelter transfer to be closer to my children's school?**

Families placed in temporary housing such as shelters, motels or temporary apartments by the Department of Social Services can **request a transfer to a placement closer to the school** their children originally attended. Whether you and your family are transferred depends on whether there is a placement closer to the school and if that placement has space.

**Can my children use public transportation to get to school?**

**YES.** If public transportation is available and families want to use it, a school district can provide passes for public transportation.

**Can I receive transportation assistance if my children are too young to travel on public transportation by themselves?**

**YES.** School districts should provide transportation passes to parents who must go with their children to school. Parents usually must go with their children because they are too young to travel by themselves. Also, if it is decided that it is best for the parent to drive her child to school, then the district should give the parent gas cards or reimbursement based on miles traveled.

**Still have questions???**

If you have **additional questions** regarding a student in temporary housing, or if you need assistance contacting your local LEA liaison or another agency listed in this guide, **please call . . .**

**NYS-TEACHS**

**New York State Technical and Education  
Assistance Center for Homeless Students  
800-388-2014**

**-or-**

**Melanie Faby**

**Program Associate for Homeless Education,  
NY State Education Department  
518-473-5260**





## LIAISON RESPONSIBILITIES

Each district, charter school and BOCES in New York State has a designated LEA homeless liaison.\* Under federal and state laws, LEA liaisons must:

- ✓ **Identify children** and youth experiencing homelessness by coordinating with other agencies;
- ✓ Make sure students who are homeless are **enrolled in school immediately** and have an **equal chance** to do well in school;
- ✓ Refer students who are homeless to any **medical, dental, mental health** or other services they need;
- ✓ **Tell parents** about all the **programs and services** the school has for their children who are homeless;
- ✓ **Put up notices** about the educational rights of students in homeless situations;
- ✓ **Settle disagreements** between schools and families or youth quickly;
- ✓ **Tell parents** and youth about all **transportation** services and help set up transportation for students who are homeless

\* To find out who the LEA liaison is in your district, contact NYS-TEACHS

## Can my children get transportation to school after we move to permanent housing?

**SOMETIMES.** Children may be able to get transportation to school **through the end of the school year** when the family moves into **permanent housing** if the district has funds available to pay for this transportation. For more information contact NYS-TEACHS at (800) 388-2014.

## Can I get help to go to school-related meetings?

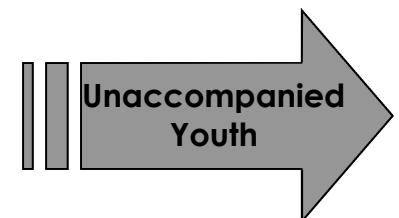
**YES.** Parents should contact the LEA liaison for information about getting help with transportation. If you do not know who the liaison is contact NYS-TEACHS at (800) 388-2014.

## Which school district is responsible for setting up transportation?

The district where the student goes to school is responsible for arranging transportation. Please see below for information about when the Department of Social Services is responsible for transportation.

## When does the local Department of Social Services (DSS) have to arrange transportation for my children to go to school?

DSS is responsible for transportation if DSS places a family in emergency housing outside of the school district the student has designated to attend and the student is eligible for Emergency Assistance for Families (EAF). To find out if your child is eligible for EAF, contact your DSS caseworker.





## WHAT IF I'M A YOUTH ON MY OWN?

Youth who are homeless and who are not living with their parents or legal guardians can and should go to school.

### What is an unaccompanied youth?

An unaccompanied youth is a youth who is not in the **physical custody** of his or her parents. Unaccompanied youth are covered under McKinney-Vento if they are living in temporary housing as described on page 2.

### If I am living apart from my parents in a temporary housing situation, can I enroll in school without my parents?

**YES.** Unaccompanied homeless youth DO NOT need a parent with them to enroll in school. School districts should enroll you immediately, even without any paperwork the school might ordinarily need. When you go to the school to enroll you should ask to speak with the LEA liaison who can help you with enrollment. If that person is not available, call NYS-TEACHS at (800) 388-2014.

### What if my parents want me to come home?

Students who are not living with a parent or guardian and who are living in a temporary housing situation (**see page 2**) can enroll themselves in school even if their parent or guardian says they can return home. For many of these students, school is their only safe, nurturing environment. Schools should not refuse to enroll students in order to force them to go home or to punish them for leaving home.



## PRESCHOOL

### Are preschoolers eligible for protections under the McKinney-Vento Act?

Preschoolers are covered under McKinney-Vento to the same degree that preschoolers living in permanent housing are entitled to a public preschool education. If a district offers pre-K services, these services must be made available to students in temporary housing.

### Are preschoolers entitled to immediate enrollment?

**YES.** If a district offers pre-K services, students in temporary housing are entitled to immediately enroll in the local program (**see p. 6-7**). If there is no space in the program, you can ask the district to contact the State Education Department's Office of Early Education and Initiatives at (518) 474-5807 to see if an additional space can be added.

### What about Head Start?

If there is no space in a local pre-K program, Head Start programs are another option. All preschool age children in temporary housing are eligible for Head Start and should be given priority for enrollment. Your district's LEA liaison can help you contact your local Head Start. For a list of local Head Start programs, please go to <http://eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices>.

### Other Preschool Resources:

The **Child Care Resource and Referral program** (CCR&R) provides a list of all available preschool programs and child care resources in NY state, broken down community by community. Please go to [www.nyscccr.org](http://www.nyscccr.org) and click on "Find your Local Child Care Resource and Referral Organization" or call (518) 690-4217.

**Can a parent/unaccompanied youth still appeal a district's decision even if the school did not provide the decision in writing?**

**YES.** If the district has not given the parent or unaccompanied youth a written decision, contact the LEA liaison and tell him or her that you want to begin the appeal process.

**Who can help a parent/unaccompanied youth file an appeal?**

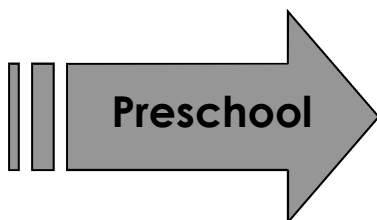
The LEA liaison for the school district where a student wants to attend must help parents or unaccompanied youth file appeals. Contact NYS-TEACHS at (800) 388-2014 for more information about this process.

**Can unaccompanied youth file an appeal without their parents?**

**YES.** Unaccompanied youth can fill out the appeal forms on their own. The LEA liaison should help them do so.

**Where can I find a copy of the appeal forms?**

The appeal forms can be downloaded from: <http://www.counsel.nysed.gov/appeals/petition.htm> or you can ask the LEA liaison for a copy of the forms. If you don't know who the liaison is, call NYS-TEACHS at (800) 388-2014.

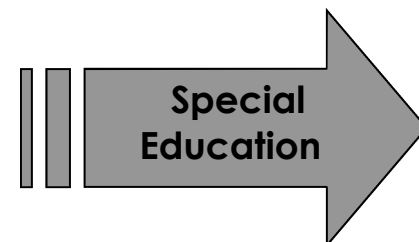


**Can I go back to high school even though I am 20 years old and left school 2 years ago?**

**YES.** All youth who have not received a high school diploma have the right to attend school through the school year when they turn 21, even if they have dropped out. Students who have earned GEDs can also return to school to work towards a regular diploma. There may be special programs just for older students who may not have a lot of credits in the district or the local BOCES. Contact your school district's central administration or the LEA liaison to find out more about these programs.

**If I want to stay in the same school and I'm temporarily living with friends in a different district, does the original school district have to provide me with transportation?**

**YES.** All students covered under McKinney-Vento (see page 2) are entitled to transportation back to the school they attended when they lived with their parents. For help, contact the LEA liaison. If you do not know the liaison for your school district, call NYS-TEACHS at (800) 388-2014.





## SPECIAL EDUCATION

Under federal law, students with disabilities who have current Individualized Education Plans (IEPs) and transfer to a new school district should be placed in school immediately and receive services like those they received at their old school.

### How do I request an evaluation for my child?

If you have a child 0 - 3 years old who you think may be slow to sit-up, crawl, walk, talk, or have another developmental delay, you can contact the Early Intervention Program at (800) 577-BABY (2229) to request an evaluation. To request an evaluation for children between 3 years and 21 years old, contact the Committee on Special Education (CSE) in your district. (See page 19.)

### If my child already has an IEP and transfers to a new school district, does he have to wait for the Committee on Special Education to have a meeting before he can start attending school and receiving services?

**NO.** If your child has a current IEP, he should be able to be placed immediately in school and should receive services comparable to those on his IEP. The Committee on Special Education can write a new IEP, but your child does not have to wait to receive services while this happens.

### How long should it take for special education services to begin once I request an evaluation?

**No more than 60 school days.** Evaluations, an IEP meeting, and placement must be completed within 60 school days from the day the parent consents for evaluation. This is the same timeline used for permanently housed students.

### Can I have my child evaluated for special education services even though I may be moving soon?

**YES.** Schools must evaluate students for special education services if the parent makes a request even if student may be transferring schools soon.



## DISPUTE RESOLUTION

If a school does not believe that a student is homeless, or if a school refuses to immediately enroll a student or provide transportation to a student who says they are homeless, parents and unaccompanied youth have the right to challenge or appeal the school's decision. Even if a school thinks a student is not homeless, the school must immediately enroll the student and provide transportation for the student while the problem is being resolved.

### What is the appeal process?

If a student says that she is homeless but the school district disagrees, the district **must** provide the parent or unaccompanied youth with a written explanation of its decision. This written decision must tell the parent or the unaccompanied youth about their right to appeal and must also include the name, and contact information for the LEA liaison, who is responsible for helping the parent or unaccompanied youth with any appeal. The parent or unaccompanied youth has **thirty days** from the day that the district gives its decision to file an appeal with the State Education Department.

### How long should it take to get a written decision from the school?

The school must provide the parent or unaccompanied youth with a written explanation of its decision immediately.

### Does it cost money to file an appeal?

**NO.** The parent or unaccompanied youth can fill in the forms by hand, and they do not need to pay a fee to file an appeal.