

NOTICE OF RIGHTS RELATING TO HOMELESS STUDENTS AND YOUTH

Pursuant to McKinney-Vento 42 USC §11434a[2] and Education Law §3209(1)(a), a homeless child is defined as a child who does not have a fixed, regular, and adequate nighttime residence or whose primary nighttime location is in a public or private shelter designated to provide temporary living accommodations, or a place not designed for, or ordinarily used as regular sleeping accommodations for human beings. This definition includes a child who is:

- sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as double-up);
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar settings;
- abandoned in hospitals;
- awaiting foster care placement; or
- a migratory child who qualifies as homeless because he or she is living in circumstances described above
- An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available (8 NYCRR §100.2[x][1][vi]).

Homeless students and their families have rights specifically granted to them under State and federal law in order to assist the education of those students. Those rights include:

- The right to choose to attend either the school district of attendance before the student became homeless, or the school district where the student is currently living, or certain other schools where a regional placement plan exists;
- The right to enroll immediately in school even if immunization, medical records and/or school records are missing or incomplete;
- The homeless child or youth may not generally be required to attend a separate school for the homeless or otherwise segregated solely due to homelessness;
- Homeless children and youths shall be provided services comparable to the services offered to other students in the school selected, including transportation services, educational services for which the child or youth meets eligibility criteria, programs for vocational and technical education, programs for gifted and talented students, and school nutrition programs;
- The right to a written explanation regarding a school district's decision relating to school selection or enrollment and the statement of the right to appeal such decision;
- The local school district must appoint a homeless liaison to assist in providing such rights and further information.

The New York State Coordinator for Education of Homeless Children and Youth is also available to provide assistance in exercising a student's rights under these provisions.

If you have questions about being homeless, please contact our Homeless Liaison, Joanne Moxley, at 967-6320.

