

## Students in Temporary Housing

Children in various forms of transitional and temporary housing are entitled to “school stability.” This means they can choose whether to stay at their “school of origin” or immediately enroll in their new “school of location.” They also are entitled to free transportation between their temporary housing and their chosen school. The chosen school must immediately enroll any child whose parent claims they qualify, even if the child is without certain required documents or the school disagrees that the child is “homeless.” This guide provides an overview of the rights of students in temporary housing.

### My family is temporarily living in a new school zone/district. Can my child continue at their current school?

- Yes, if your living situation is not permanent. Under a federal law called the McKinney-Vento Homeless Assistance Act, all students in temporary housing (students without a “**fixed, regular, and adequate**” nighttime residence) may enroll at:
  - the school they attended before they lost permanent housing (“school of origin”);
  - the school they last attended (“school of origin”); or
  - the school zoned for their current living situation (“school of location”).
- Your child may stay in the chosen school as long as you are in temporary housing. If you move into permanent housing outside the district/zone of the chosen school, your child may remain at their current school *until the end of that school year*.
  - If your child will enter their “terminal year” at the end of the school year, they may stay for the following year as well. For example, if your child currently is in 7<sup>th</sup> grade in a school building that has students in 6<sup>th</sup>-8<sup>th</sup> grades, they could stay through the end of 8<sup>th</sup> grade. But if the child’s building had students in 6<sup>th</sup>-9<sup>th</sup> grades, they could stay only through the end of 7<sup>th</sup> grade.

Children without “**fixed, regular, and adequate**” housing include those:

- sharing others’ housing due to loss of housing, economic hardship, or a similar reason (“doubling up”);
- living in
  - motels, hotels, trailer parks, camp grounds;
  - cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
  - emergency or transitional shelters;
- abandoned in hospitals;
- whose primary nighttime residence is a public or private place not designed for or ordinarily used as a regular sleeping accommodation
- generally includes “direct placements” by Family Court with friends and family (“1017 Placements”)

 **My family is temporarily living in a new school district. Can my child enroll in the local school?**

- Yes. As noted above, students in temporary housing may enroll in their original school or the school zoned for their current living situation. If you are in temporary housing and choose to change your child’s school, the new school must immediately enroll your child.
- The new school (“school of location”) must provide your child transportation in the same way it provides transportation to resident (permanently-housed) children.

 **How do I enroll my child?**

- Visit the school and ask to enroll your child. Explain that you want to “designate” your child under McKinney-Vento. You likely will need to fill out a form explaining why you qualify.
- The school cannot demand documentation (such as proof of residency, birth certificate, proof of immunizations, etc.) before enrolling your student. If you do not have these documents, the new school must immediately ask your child’s previous school for them. The prior school must provide the records within five business days.

If you have questions about McKinney-Vento, **NYTEACHS** provides free technical assistance. Call the NYSTEACHS hotline at (800) 388-2014 or visit their website at [nysteachs.org](http://nysteachs.org).

 **What if the school refuses?**

- Contact the school district’s McKinney-Vento liaison. Under federal law, every school district must designate one individual to be the “liaison” on McKinney-Vento matters. That person attends special trainings to ensure the district follows the law. If you do not know who the district’s liaison is, call the school’s front office and ask to be connected. The liaison will walk you through the enrollment process.
- If the school determines that you do not qualify, **it is the school’s job to oppose your child’s enrollment. Regardless of its opinion about your child’s qualification, the school must immediately enroll your child.** The school must send you a written notice explaining why it disagrees that your child qualifies. You then have 30 days to appeal that decision, and **your child must remain in the chosen school until the appeal is resolved.** If you do not appeal the school’s decision, your child will be un-enrolled after 30 days.

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See our separate “M-V Dispute Letter” Template.

 **My child remains enrolled at their original school. Can they get transportation from their current, temporary housing to their original school?**

- Yes. The school of attendance—whether the school of origin or residence—must offer free transportation to students in temporary housing to their chosen school if the distance is 50 miles or less. That transportation must continue until the end of the school year in which the student moves into permanent housing (or, as explained above, one additional year if that additional year is a terminal year).
- The school also must offer transportation that allows your child to participate in extracurricular activities (such before- and after-school programs) if your child would have difficulty doing so without such transportation. Schools must provide extracurricular transportation even if they do not provide this service to resident (permanently-housed) students.

## *Additional McKinney-Vento Designation Benefits*

Schools have specific funds available to support students experiencing homelessness. Some optional uses are listed below, but schools have discretion in how to use their funds. Speak with your school's liaison to learn more about opportunities available to your family.

### **Financial Aid**

Financial aid can pose a particular issue for unaccompanied homeless youth. They often lack contact with parents/caretakers who can provide needed financial information to complete the **Free Application for Federal Student Aid** ("FASFA").

For that reason, *unaccompanied youth who experienced homelessness* at any time after July 1st of the previous year and who no longer have contact with their parents, may apply for financial aid as "independents." This process requires additional verification – typically a letter from a M-V liaison, social worker, legal aid representative, caseworker, or other community member stating that the student's relationship with their legal guardian is irreparably damaged—so it is important that M-V liaisons designate students early.

Note: Students applying for New York State financial aid as independent students will receive less aid than dependent students. Learn more at [nysteachs.org/topic-resource/nys-teachs-supporting-college-access-checklist/](https://nysteachs.org/topic-resource/nys-teachs-supporting-college-access-checklist/).

### **Academic Programs and Educational Support Services**

#### **Basic/Emergency Supplies**

Schools may use M-V funds to provide students with clothing, particularly if necessary to meet a dress/uniform code and/or to participate in gym class. They also may use funds to pay student fees necessary to participate in the general education program (e.g., books, SAT/ACT exam fees, TASC fees, Advanced Placement and International Baccalaureate testing fees).


#### **Extended Library Hours/After School Programs**

Some schools offer tutoring programs specifically targeted to students experiencing homelessness. These programs might occur during the school day, before/after school, on weekends, and/or at shelters.

#### **Counseling Services**

#### **Medical, Eye Care, and Dental Services**

#### **Free Transportation To/From School**

 **My child isn't up-to-date on their physicals and vaccinations. Can the school refuse enrollment on that ground?**

- No. The school must immediately enroll your child, regardless of whether you have all documents normally required to register. The school then requests your child's records from their previous school.
- If your child does not have a current health certificate, the school must offer them a "health appraisal," typically 30 days after enrollment. The school cannot exclude your child from school because they lack of a health certificate unless you refuse consent to the "appraisal" without a valid religious objection.
- If your child does not have all required vaccinations, the school must provide you with information on free, county-sponsored vaccination programs. Your child may remain enrolled in and attend in-person school if (a) they receive / present proof of all required vaccines within 14 days; or (b) they receive the first dose of required vaccines within 14 days and present proof of scheduled follow-up appointments.
  - Note: New York State no longer recognizes religious objections to vaccination requirements. Only "valid medical exemptions" are permitted.

 **My child has an IEP or Section 504 Plan. Must the new school implement that plan?**

- If your child has an IEP and transfers to a new school—either in the same or in a new district—the new school must immediately provide "comparable services" until it either adopts or revises your child's existing IEP.
  - Contact the new school's Committee on Special Education ("CSE") shortly after enrolling your child to ensure a smooth transition of your child's special education program.
- If your child has a Section 504 Plan and transfers to a new school within the same district, the new school will implement the existing Plan. If your child transfers to a new school district, the new school is not required to implement the existing Plan. Instead, the school will review the Plan and decide whether it is appropriate. If the school finds it is appropriate, the school will immediately implement it. If the school finds it is inappropriate, the school will evaluate your child, determine eligibility, and develop a new plan.
  - You should contact the new school's Section 504 Chairperson shortly after enrolling your child to ensure a smooth transition of your child's special education program.

 **I left an unsafe home and now live with a friend or relative. Can I go to school?**

- Youth (under 21 years) who do not live in the physical custody of a parent or guardian are considered "unaccompanied youth." The term includes youth living on their own or with non-parent or -guardian caretakers.
- Unaccompanied youth who *also* lack "fixed, regular, and adequate" housing are entitled to the same protections discussed above. That means schools must immediately enroll "**unaccompanied homeless youth**," regardless of whether they have all required paperwork. Therefore, schools may not condition enrollment upon caregivers' proof of legal guardianship; nor may they require caregivers to become legal guardians.
- If you believe you qualify, ask to speak with your local school's McKinney-Vento Liaison. It is the school's—not your—responsibility to request copies of paperwork from your prior school, including birth certificates, vaccinations records, IEPs, and transcripts.

Refer to this [Nat'l Ctr. Homeless Education flowchart](#) for more details.