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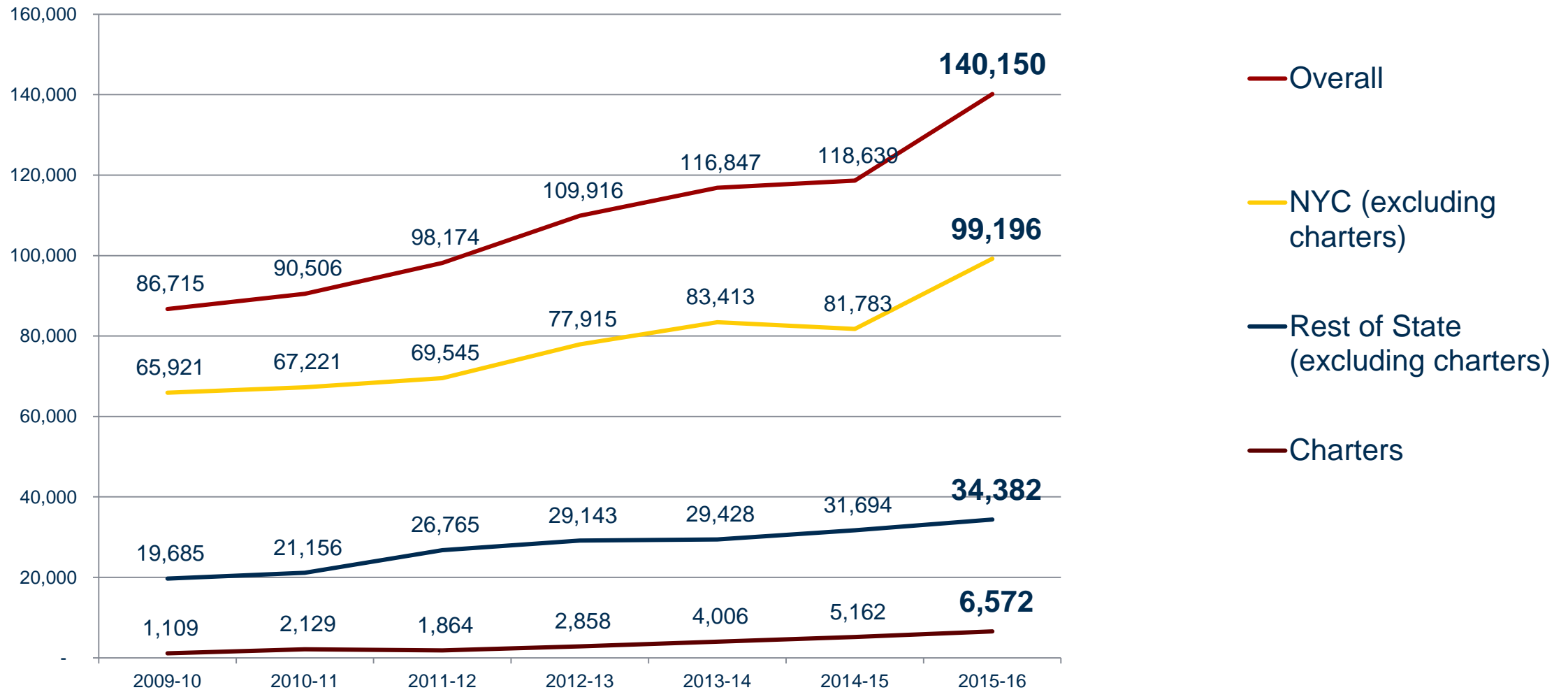
Our Students. Their Moment.



**Amendments to 100.2(x) of the Commissioner's Regulations
pertaining to the education of children and youth who are homeless**

New York State Board of Regents, May 9, 2017

Students in Temporary Housing in NYS, SY 2015-16



McKinney-Vento Homeless Assistance Act and NY Education Law 3209

- McKinney-Vento (MV) first enacted in 1987 and reauthorized in 2015 as a part of ESSA. **Amendments to MV went into effect October 1, 2016.**
- On **April 20, 2017**, the Governor signed into law **amendments to Education Law 3209** that implement the ESSA changes. The amendments went into effect immediately.
- Core MV protections remain unchanged:
 - Continued enrollment & transportation to school of origin
 - Immediate enrollment in local school
 - Free school meals
 - Title I services
 - McKinney-Vento liaison in every LEA



Key Changes in McKinney-Vento

1. School of origin includes preschool and feeder schools (transportation must be provided to children in preschool if it is a school of origin)
2. School selection best interest determination must prioritize wishes of parent/youth
3. Children awaiting foster care placement are no longer considered homeless under MV
4. Enrollment deadlines must be waived
5. LEAs must ensure continued enrollment pending final resolution of dispute
6. LEAs must award full or partial credit for completed coursework
7. LEAs must ensure access to academic and extra-curricular activities
8. LEAs must eliminate barriers related to outstanding fees, fines, and absences
9. LEAs must provide transportation for the remainder of the school year
10. LEAs must ensure that youth who are homeless have access to counseling to improve their readiness for college
11. There are increased privacy protections for information related to students who are homeless
12. There are new responsibilities for McKinney-Vento Liaisons
13. McKinney-Vento Liaisons may affirm eligibility for HUD homeless assistance
14. LEAs must coordinate special education services for students who are homeless
15. LEAs must provide data to NYSED about students experiencing homelessness
16. LEAs review and revise policies to improve the identification of children and youth experiencing homelessness

Amendments to Education Law 3209

1. Elimination of awaiting foster care placement from definition of homeless;
2. Updated definition of school district of origin to include preschool;
3. New definition of feeder school and receiving school;
4. New definition of preschool;
5. New definition of school of origin;
6. New language about best interest decision-making;
7. New requirements about designation forms, transportation, and local departments of social services;
8. New transportation requirements for remainder of the school year, terminal grade, summer school, and extracurricular activities;
9. Updated language about dispute resolution; and
10. New language about privacy of information about students who are homeless.

Proposed Amendments to Commissioner's Regulations, Section 100.2(x)

1. Incorporates the changes made in Education Law 3209 (previous slide).
2. Requires that designation forms be completed and given to the MV liaison for the district where the child is seeking enrollment within 2 business days.
3. Requires that the Department of Social Services give completed designation forms to the school district within 2 business days.
4. Requires that the district train the liaison or designee who will be responsible for making best interest determinations regarding school selection.
5. Includes the MV liaison responsibilities as described in federal law.

Next Steps

- July 1, 2017: The proposed amendments to 100.2(x) will go into effect as an emergency action if approved by the Regents.
- September 2017: The proposed amendments will become effective as a permanent rule if approved by the Regents.
- Ongoing: The Department and its technical assistance center (NYS-TEACHS) will continue to provide support to the field about the changes to federal and State law concerning students experiencing homelessness.