Advocates for Children of New York
Protecting every child's right to learn

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Via Email: RegulationA-101@schools.nyc.gov

Re: Comments Regarding Proposed Amendments to Chancellor's Regulation A-101

Advocates for Children of New York (AFC) appreciates the opportunity to submit comments regarding the December 2016 amendments to Chancellor's Regulation A-101. For more than 40 years, AFC has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of New York City parents navigate the education system. We have projects that focus on students in temporary housing, students in foster care, and immigrant students, among others, and have expertise in education for these populations. As such, we are well positioned to comment on the proposed amendments.

We are pleased that the New York City Department of Education (DOE) is making changes to A-101 in an effort to comport with the protections for students in temporary housing and students in foster care required by the federal Every Student Succeeds Act (ESSA). ESSA included some positive changes for these students that will help promote school stability for students who, too often, have their education disrupted, and we appreciate the DOE's work to update the regulations to reflect these changes. However, in several places, the A-101 amendments do not currently comport with federal law or state policy and need to be changed.

In September 2016, AFC submitted comments regarding the DOE's prior amendments to A-101. We are pleased that several of the current amendments to A-101 reflect our previous recommendations, including changing the placement and language of the definition of "parent;" clarifying situations in which a parent does not need to accompany a student to register for or transfer schools; changing the timeline for arranging school placements; changing the time period in which a student returning from a court-ordered setting, custodial facility, or treatment program has the right to return to the prior school and recognizing that such students may benefit from a new school placement; adding a transfer mechanism for students in Gifted &

Talented programs who move to a different school district; and including examples of additional documentation parents can provide when requesting a safety transfer. We appreciate the DOE's consideration of the feedback we provided previously and look forward to continuing to work with the DOE to strengthen the regulations. We provide our comments in more detail below.

We also thank the DOE for making available to the public a version of the amendments that shows the specific additions and deletions. The "tracked" version helped facilitate our ability to identify the DOE's changes and provide meaningful comments.

SPECIAL SITUATIONS – Section VIII

Students in Temporary Housing – VIII.D

Section VIII.D.1
We support the DOE's amendments to the definitions in this section.

Section VIII.D.3.a
The language in section VIII.D.3.a regarding the placement of a student in temporary housing during a dispute does not comport with the federal McKinney-Vento Act. Under the McKinney-Vento Act, if a dispute regarding a student in temporary housing arises over eligibility, school selection, or enrollment, "the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals." 42 U.S.C. 11432(g)(3)(E). In contrast, the A-101 amendments state that, in the event of a dispute, the student should *either* remain at the school of origin or be immediately enrolled in the school in which enrollment is sought.

We recommend the following change in order to comport with federal law:
If there is a dispute or disagreement as to whether the student should remain in the school of origin or transfer to a new school which she or he is eligible to attend based on entrance criteria, the student shall ~~either remain in the school of origin or~~ be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute. If the requested school does not have seat availability and/or is capped, the student will be enrolled in the designated overflow school or another school nearby.

Section VIII.D.4
We are concerned that the current language of section VIII.D.4 does not align with our understanding of the information that the Office of Pupil Transportation (OPT) needs in order to assign bus routes for students living in domestic violence shelters. The DOE should ensure that the address format for domestic violence shelters and dwellings required by A-101 conforms with the address format needed by OPT to route students living in such facilities for busing.

Students in Foster Care – VIII.E

Section VIII.E
In line with the terminology used in most of A-101, we recommend changing the title of this section from "Foster care students" to "Students in foster care" in order to use "people first" language that emphasizes that this section discusses students who have the circumstance of being in foster care.

Section VIII.E.1.a
We support the DOE's addition of this definition of student in foster care.

Section VIII.E.1.b
We strongly recommend eliminating the second sentence of the definition of "school of origin" for students in foster care, in order to promote school stability for students in foster care and align this definition with the definition of "school of origin" for students in temporary housing in section VIII.D.1.c. Federal and state law and regulations do not provide a definition of school of origin for students in foster care. However, given the important goal of maintaining a student's educational continuity and ties to the school community when the student is placed in foster care, there is a strong policy rationale for ensuring that students in foster care who change foster care placements can attend either the school they attended when placed in foster care or the school they last attended (or a new school if determined to be in the student's best interests).

The first sentence of the definition states that a school of origin means the school the student attended at the time of placement in foster care or the school in which the student was last enrolled, including a pre-K program. We support this definition. However, the second sentence states that, if a student's foster care placement changes, the school of origin would only be the school in which the child is enrolled at the time of placement change. This limitation would have a harmful impact on students in foster care.

For example, there may be a student who is placed in a foster home very far away from his or her original school (school #1) upon entry into foster care. Based on a best interests determination, the student may be enrolled in a new school closer to the foster home (school #2). However, a few months later, the student may be moved to a new foster home that is closer to the student's original school (school #1) and far away from the current school (school #2). Under the DOE's proposed amendment, this student would have the right to attend the current school (school #2) or a new school (school #3), but would not have the right to return to the original school (school #1) because it is no longer considered a school of origin. However, the student may have attended the original school (school #1) for a much longer period of time and may have far stronger ties to school #1 than to school #2. We recommend that the school of origin include the original school so that the student retains the right to return to the school the student attended upon entry into foster care regardless of how many foster care placement changes the student undergoes.

We recommend the following definition for "school of origin" (section VIII.E.1.b): School of origin means the school the student attended at the time of placement in foster care or the school in which the student was last enrolled, including a pre-K program. ~~If a student's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of placement change.~~

Section VIII.E.2
We support the DOE's amendments to section VIII.E.2, which delineate the right of a student in foster care to remain in the school of origin, in line with federal law.

Section VIII.E.2.a
We are very concerned about the amendments in section VIII.E.2.a regarding the process for determining the best interest of a student in foster care. In New York State, *child welfare agencies*, not school districts, make the best interests determinations regarding the school placement of students in foster care. Since the DOE does not have the authority to make these determinations, we strongly recommend eliminating section VIII.E.2.a.

Neither the federal Every Student Succeeds Act (ESSA) nor the federal Fostering Connections Act specifies who makes the best interests determination or the process for making this determination, leaving these decisions to the states. In 2012, the New York State Education Department (NYSED), in conjunction with the New York Office of Children and Family Services (OCFS) and the New York State Office of Court Administration (OCA), issued a Field Memo entitled "Education Stability Guidance," granting this decision making authority to *child welfare agencies* and

tasking school districts with honoring that decision. The memo states: "The [Local Department of Social Services] LDSS or [Voluntary agency] VA is vested with the responsibility for deciding when it is in the best interests of a child in foster care to stay in the current school." The memo is available at **http://nysteachs.org/media/INF_SED_EdStabilityGuidance2012.pdf**.

The memo makes clear that if the child welfare agency determines that it is in the child's best interests to remain at the school of origin, the school district must continue the child's enrollment in that school regardless of residency requirements, and if the child welfare agency determines that it is in the child's best interests to switch schools, the school district must immediately enroll the student in a new school. The memo also lists more than 20 factors the child welfare agency may consider when making this determination. Under the state guidance, the agency must consider input from the child's parent, when he or she is available, the child, when developmentally appropriate, and the child's case planner. The state guidance also encourages the agency to consult with school personnel.

Section VIII.E.2 states that the DOE makes the best interests determination for a student in foster care. We recommend deleting section VIII.E.2.a since it contradicts state guidance and will cause confusion.

Section VIII.E.2.b

We appreciate that the new language in section VIII.E.2.b is designed to ensure that students in foster care can enroll in a new school when in their best interests to do so and includes important protections to ensure that students in foster care can enroll in school immediately in line with AFC's prior comments. However, we are concerned that this language may be interpreted as requiring all students in foster care who need a new school placement to go through the Executive Director for Borough Enrollment or a designee. Many students in foster care who need a new school placement should be able to enroll at the school zoned for the foster care placement. In such cases, there is no need for involvement from the borough enrollment office. While it may not be the DOE's intent to require foster parents to go to the Family Welcome Center to get a new placement, this section implies that the sole process for students in foster care who need to change schools pursuant to a best interests determination is to go through the borough enrollment office/Family Welcome Center. We recommend clarifying that these students may also enroll at the zoned elementary school or middle school if a seat is available. We also recommend that this language make clear that the *child welfare agency* makes the best interests determination.

We recommend the following language:
If the child welfare agency ~~it is~~ determines~~d~~ that it is in the best interests of the student to change schools, the Executive Director for Borough Enrollment or designee will effectuate a transfer to a school for which the student is eligible, or the student may enroll at the elementary school or middle school zoned for the foster care placement subject to available seats. The school shall immediately enroll the student, even if the student cannot produce records normally required for enrollment, and shall immediately contact the school last attended by the student to obtain relevant academic and other records.

Section VIII.E.2.c
We support the change in this section, clarifying that a travel hardship need not exist in order for a high school transfer to be granted when there is a determination that it is in the best interests of a student in foster care to transfer.

We recommend making a couple of minor changes to this section. First, instead of using the term "foster care students in high school," we recommend stating "high school students in foster care." Second, we recommend using the term "foster care placement" instead of "residence" or "foster home" because students in foster care change placements, not residences, as they are not permanent residents of the location of their foster care placement, and students may live in group homes and not foster homes. Third, we recommend clarifying that it is the *child welfare agency* that makes the best interests determination.

Thus, we recommend the following language:
c. For ~~foster care students in~~ high school students in foster care who change ~~residence~~foster care placements, the student may be transferred to a school closer to the new foster care placement ~~home~~ without being required to meet the threshold for a travel hardship transfer if the child welfare agency~~it is~~ determines~~d~~ it is~~to be~~ in the best interests of the student~~child~~ to transfer schools.

Students Returning from Custody – VIII.G

Section VIII.G.2
We support the DOE's amendment to give students returning from custody the right to return to their nonspecialized school within one calendar year from the date of discharge from the school, extending the length of time that students have to return to their original school.

INTRODUCTION – SECTION I

Section I Footnote 1
We appreciate that, in line with Advocates for Children's recommendation in our September 2016 comments regarding the previous amendments to A-101, the DOE inserted a footnote defining the term "parent" the first time that the term "parent" appears in A-101.

We support the changes to the definition of parent. The amended definition aligns with state education law (§ 3212) and with AFC's prior recommendations. We have two minor suggestions for additional improvements:

1. We suggest that the DOE change "adoption parent" to "adoptive parent" in the second sentence of the definition. The DOE may also want to make this change in the "Summary of Changes" that appears at the start of the Regulation.
2. Following "custodial relationship to the student," we suggest adding "such as an employee of a child welfare agency" since a child welfare agency staff member is frequently tasked with enrolling students in school.

With these changes, footnote one would state:
Parent as used in this regulation means the student's parent or guardian or any person in a parental or custodial relationship to the student, such as an employee of a child welfare agency. The definition of parent includes: birth or adoptive ~~on~~ parent, step-parent, legally appointed guardian, foster parent and "person in parental relation" to a child attending school. The term "person in parental relation" refers to a person who has assumed the care of a child because the child's parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

We also recommend changing the language in section VI.B.1 regarding "person in parental relation" to track the definition in footnote 1.

Section I.A.6.a
We appreciate that the amendments to section I.A.6.a make clear that students in foster care and students in temporary housing have the right to remain in and articulate to New York City schools, even if they move outside of New York City. However, the amendments to this section conflate the rights of students in foster care and students in temporary housing. In order to avoid confusion regarding the rights of these students, we recommend including a sentence about the rights of each population. Furthermore, it is not clear to which school "the zoned school" refers for students in foster care and students in temporary housing. We think the process for

articulation of students in foster care and students in temporary housing should be further defined and we make recommendations in our comments to section II footnote 4.

We recommend the following language for section I.A.6.a:
~~Students in foster care and students in temporary housing shall remain in their school of origin and articulate to the zoned school or, if no zoned school exists, to an appropriate school, if it is in their best interests to do so (see Sections VIII.D and VIII.E.), even if the child moves outside of New York City.~~ Students in foster care shall remain in their school of origin and articulate to New York City schools, even if they are placed in foster care outside of New York City, unless it is determined by the child welfare agency to be in their best interests to transfer (see Section VIII.E). Students in temporary housing can attend their school of origin and articulate to New York City schools, even if they move outside of New York City, or transfer to a local school subject to a best interests determination (see Section VIII.D).

See also our comments regarding section II footnote 4.

Section I.A.7
We support the DOE's change in language from "Residency Questionnaire" to "Housing Questionnaire."

Section I.A.8 Footnote 2
We support the DOE's amendments to footnote 2, clarifying that students who are emancipated minors, 18 years of age or older, or unaccompanied students do not need a parent to accompany them in order to register or transfer schools. This change is in line with AFC's previous recommendation.

Section I.A.14
We support the amendment to change the timeline for arranging placement from "within 5 school days" back to the timeline that was in the Chancellor's regulations prior to the September 2016 amendments, i.e., "by the next school day if possible, but no later than 5 school days." As we noted in our September 2016 comments, a timeline of "within 5 school days" violates state regulations, which state: "When a child's parent(s), the person(s) in parental relation to the child or the child, as appropriate, requests enrollment of the child in the school district, such child shall be enrolled and shall begin attendance on the next school day, or as soon as practicable…" 8 N.Y.C.R.R. § 100.2(y)(3). Furthermore, as a policy matter, it is important that the DOE place a student as quickly as possible, and, in most cases, it should not take five schools days to locate a school placement for a student.

Given the right of students in temporary housing and students in foster care to immediate school enrollment, we recommend adding a footnote to clarify that students in temporary housing and students in foster care have the right to be placed and enrolled immediately:
Footnote 3: Students in temporary housing and students in foster care have the right to immediate placement and enrollment. See sections VIII.D.2 and VIII.E.2.

Section I.A.19.b
We appreciate the DOE's effort to ensure that schools do not require students to transfer to a local school when they become homeless or are placed in foster care. Section I.A.19.b discusses both students in foster care and students in temporary housing, but includes only the best interests standard related to students in foster care (i.e., a student in foster care may not be transferred unless it is determined to be in the student's best interests to change schools). Thus, this provision is not accurate with respect to students in temporary housing. As the DOE notes in section VIII.D.3, it is presumptively in the best interests of a student in temporary housing to remain in the school of origin unless the parent requests enrollment in a different school. Under federal law, if there is a disagreement, the student must be immediately enrolled in the placement the parent seeks pending the outcome of the dispute. Thus, a student in temporary housing whose parent requests a transfer to the local school has the right to immediate enrollment in the local school even if the DOE has not determined that it is in the student's best interests to do so. Similarly, even if a school believes it to be in the best interests of a student in temporary housing to transfer, the school may not transfer the student without first following the dispute resolution process.

We recommend the following language:
Students in temporary housing can attend the school of origin or transfer to a local school subject to a best interests determination. If the school and parent disagree about what is in the best interests of the student, the child shall be immediately enrolled in the school in which the parent, or youth in the case of an unaccompanied youth, is seeking enrollment (see Section VIII.D). Students in ~~temporary housing and students in~~ foster care may not be transferred unless it is determined by the child welfare agency that it is in the student's best interests to change schools, as provided in ~~Section VIII.D (for students in temporary housing) and~~ Section VIII.E ~~(for students in foster care)~~.

ADMISSIONS POLICIES – SECTION II

Section II – Footnote 4
We appreciate the DOE's efforts to add a footnote regarding articulation for students in foster care and students in temporary housing. However, as noted in our comments to section I.A.6.a, we are concerned that the language conflates the standard regarding "best interests" determinations for students in foster care and students in temporary housing. We are also concerned about the language regarding articulating "to the zoned school or, if no zoned school exists, to an appropriate school." It is unclear to which school "the zoned school" refers for students in temporary housing and students in foster care who may no longer be living in the original district and may no longer be living in New York City. We recommend that A-101 clarify the options available for students in foster care and students in temporary housing who are articulating.

We recommend the following language:
Students in foster care and students in temporary housing who are currently enrolled in New York City public schools shall articulate for the following grade level to the zoned school or, if no zoned school exists, to an appropriate school, ~~provided it is in the best interest of the child (see Section VIII.E.)~~ subject to the best interests determinations outlined in Section VIII.D (for students in temporary housing) and Section VIII.E (for students in foster care), even if the child ~~while~~ in foster care or temporary housing moves outside of New York City. When articulating, in addition to any other applicable admissions priorities, students in foster care and students in temporary housing may elect to receive admissions priority based on a) the student's current school, b) the address where the student in foster care resided upon entry into foster care or the address where the student in temporary housing was last permanently housed, or c) the current address of the student, subject to the best interests determinations outlined in Section VIII.D (for students in temporary housing) and Section VIII.E (for students in foster care).

Section II.B
Section II.A defines a "verified sibling" of an applicant as a sibling who is pre-registered or enrolled in kindergarten through fifth grade and will be enrolled in the school's kindergarten through fifth grade the following school year *or a sibling of a student who is enrolled in a District 75 school co-located in the same building as the school to which the student is applying.* AFC strongly supported this important expansion of the sibling priority in admissions.

However, the amendments to sections II.B and II.C appear to include a second definition of "verified sibling" that leaves out siblings of students enrolled in District

75 schools co-located in the school building. Thus, this language is confusing and inconsistent with the definition of "verified sibling" in section II.A. We recommend revising the language in section II.B and II.C to eliminate this inconsistency and clarify that the definition of "verified sibling" includes students in District 75 schools.

We recommend amending section II.B.2.a and section II.C.1.a to read:
Zoned students with a sibling who is pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September or with a sibling who is enrolled in a District 75 school co-located in the same building as the school to which the student is applying ("verified sibling");

Alternatively, the DOE could revise the language by stating:
Zoned students with a ~~sibling who is pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September ("~~verified sibling~~"~~ (see Section II.A.1);

We recommend amending section II.B.3.a and section II.C.2.a to read:
In-district students with a sibling who is pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September or with a sibling who is enrolled in a District 75 school co-located in the same building as the school to which the student is applying ("verified sibling");

Alternatively, the DOE could revise the language by stating:
In-district students with a ~~sibling who is pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September ("~~verified sibling~~"~~ (see Section II.A.1);

READMISSION – Section III

Section III.A.4
We support the addition of a section on readmission for students returning from a court-ordered setting, custodial facility, or treatment program. We are pleased that the amendments to section III.A.4.a extend the timeframe during which such students have the right to return to their school to "within one calendar year" from the date of discharge. We suggest clarifying that the "date of discharge" refers to the student's discharge from the nonspecialized school and not to the student's discharge from the court-ordered setting, custodial facility, or treatment program.

We recommend that the language in section III.A.4.a track the language that appears in section VIII.G.2 so that it reads:
Students who have been discharged from the New York City public schools and are returning from a court-ordered setting, custodial facility, or treatment program within or outside of New York City have the right to return to the nonspecialized school they attended prior to discharge if they return within one calendar year from the date of discharge from the previous nonspecialized school.

At a minimum we recommend making the following change to section III.A.4.a:
Students who were enrolled in a New York City non-specialized school at the time of discharge to a court-ordered setting, custodial facility or treatment program have the right to return to the school in which they were enrolled if they return within one calendar year from the date of discharge from the previous nonspecialized school.

We appreciate the DOE's recognition in section III.A.4.b that some of these students may benefit from a different school placement upon their return to NYC public schools. The Mayor's Leadership Team on School Climate and Discipline recommended amending A-101 to ensure that high school students exiting detention, placement, or jail have the right either to enroll in their previous school or to choose from any other school with available seats and that middle school students have the right either to enroll in their previous school or to choose from any other school in their district with available seats. See **http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf** (page 32). The Leadership Team proposed these changes recognizing that students returning from such placements often experience difficulty when forced to return to their previous schools and that access to transfers are needed to promote more engagement of students returning from custodial settings.

In contrast to the recommendation of the Mayor's Leadership Team, the amendments to A-101 leave the decision of whether or not to offer a new school to the Office of Student Enrollment, in consultation with the Field Support Center or District 79. Thus, students may still be forced to return to their previous schools despite their desire to get a fresh start at a new school after returning from a court-ordered setting, custodial facility, or treatment program. Furthermore, we are concerned that this language could be interpreted as allowing OSE merely to refer a student to a transfer school that may or may not accept the student. We want to ensure that students who are switching schools are offered a school placement where they can immediately enroll.

We recommend that the DOE adopt the following language suggested by the Mayor's Leadership Team:
If a high school student returning from a court-ordered setting, custodial facility, or treatment program does not wish to return to the previous school placement, the student is entitled to choose from any other school with available seats. If a middle school student returning from a court-ordered setting, custodial facility, or treatment program does not wish to return to the previous school placement, the student is entitled to choose from any other school in the geographic district where the student lives that has available seats.

At a minimum, we recommend the following language for section III.A.4.b:
If a student returning from a court-ordered setting, custodial facility, or treatment program does not wish to return to the previous school placement, the Office of Student Enrollment shall offer a different nonspecialized school placement. In such cases, t~~T~~he Office of Student Enrollment may consult with the Field Support Center point person or District 79 transition counselor, whichever is appropriate, to determine ~~whether to enroll or refer the student to~~ a different nonspecialized school that has an available seat~~s~~ for the student. If the Office of Student Enrollment also refers such student to a transfer school or schools, the Office of Student Enrollment shall contact the transfer school to ensure that seats are available and that the student meets the transfer school's basic intake requirements.

In addition, we recommend that the DOE ensure that the final language of section III.A.4 be consistent with the final language of section VIII.G.2.

TRANSFERS – Section IV

Section IV.A.3
We appreciate that the DOE has further refined the language regarding transfer of English Language Learners (ELLs) to schools that have Dual Language or Transitional Bilingual Education programs. However, there is currently no process stated in the regulations for families to request such a transfer. We continue to request that the DOE add a transfer mechanism to section IV.B to allow the family of an ELL to request a transfer to a school that has a Dual Language or Transitional Bilingual Education program.

There are a number of schools across the City that provide targeted programming and supports for ELLs, including bilingual programs, programs for newcomers, and programs for students with interrupted formal education. In our experience, immigrant families often do not learn of these programs at the time of admissions or enrollment. In addition, a student's needs may not be readily apparent at that

time. In the absence of a clearly articulated transfer process, families of ELLs struggle to transfer their children to schools that can better serve their needs. As a result, students who desperately need tailored ELL supports are not able to take advantage of the specialized ELL programs that the DOE offers. An ELL transfer mechanism would allow ELLs to take advantage of the full range of programs that the DOE offers to meet their needs. In addition, a transfer would allow ELLs to take advantage of new programs as they open or as their specific needs are identified.

Moreover, under New York State Commissioner's Regulations Part 154-2, the DOE is required to provide ELLs with the opportunity to transfer to schools that offer bilingual programs. However, in our experience, many parents of ELLs are not aware of their right to transfer to a school that offers bilingual programs, and when parents attempt to exercise their right, they often encounter resistance and misinformation. A clearly defined ELL transfer mechanism under section IV.B that would allow a family to initiate a transfer to a school that has a Dual Language or Transitional Bilingual Education program would help to ensure that parents are able to exercise their right to transfer their children to schools with bilingual programs.

Section IV.B
We appreciate the clarification that all transfers for hardships should be requested at a Family Welcome Center.

Section IV.B.1
We support the addition of a transfer mechanism for students in Gifted & Talented programs so that students who move to a different school district may request a transfer to a Gifted & Talented program in the new school district. As we noted in our previous comments, this provision will be particularly beneficial to highly mobile students, including students who are homeless and students in foster care, who may need to move in the middle of the school year and should not lose the ability to participate in a Gifted & Talented program due to the distance from their new home to their original school.

Section IV.B.5
We support the DOE's amendment to the safety transfer procedures in section IV.B.5 and have recommendations to further strengthen and clarify the language. We appreciate that the DOE has added "a written statement by the student or parent, or other documentation supporting the transfer request" to the documentation that a family may submit when requesting a safety transfer, so that a police report is not the sole example of documentation listed. As we noted in our September 2016 comments, non-ESSA transfer requests will typically not involve police intervention,

and, therefore, a police report will not be available. Therefore, we are pleased that the DOE has broadened the language about documentation families may submit.

To provide additional guidance to families, DOE offices, and school communities, we recommend giving a few additional examples of documents that families may submit that can help the DOE determine whether to grant a safety transfer. First, given that section IV.B.5.b lists the Docket number or court documentation as documents that *schools* may provide in requesting safety transfers, we recommend adding these documents as examples of documents that *families* may provide when requesting a safety transfer. Second, we recommend adding hospital records since these are records that families may have that would shed light on the need for a safety transfer. Finally, given the rise of social media, any threats of harm made via electronic or other communications, should be considered and should be listed as examples of documentation that families may provide.

We recommend modifying section IV.B.5.a.ii in the following way:
Families can request a safety transfer by visiting the Family Welcome Center and submitting documentation, such as a police report, Docket number, court documentation, hospital records, social media or other communications, a written statement by the student or parent, or other documentation supporting the transfer request.

In addition, we recommend that the DOE add additional documents to the list of documents that a school must provide to the Family Welcome Center when such documents are available and applicable. In section IV.B.5.b, we recommend that the DOE add the following bullet point:
-Other documentation, such as hospital records, social media communications, or a statement by the student or parent, if any of these documents is applicable and available and if not previously submitted by the family.

DETERMINATION OF RESIDENCE – Section VI

Section VI.A – Footnote 15
We support the addition of Footnote 15 to make clear that students in foster care and students in temporary housing may continue to attend their original school even if they move outside of New York City.

Section VI.B.1 and VI.B.2
We support the DOE's amendment to make clear that emancipated minors, students 18 years old or older, and unaccompanied youth do not need to be accompanied by a

person in parental relation when registering for school and do not need to submit a notarized statement or affidavit regarding a person in parental relation. We also support the DOE's amendment, in line with AFC's previous recommendations, to clarify that a court order is not required to register a student. As noted in our previous comments, we have received calls from families who have had difficulty enrolling their children in school because the school is insisting that a court order is needed, unnecessarily and illegally delaying a child's entry into school.

In section VI.B.2, we recommend changing the term "unaccompanied minor" to "unaccompanied youth," the term that is used in other parts of A-101 and is defined in section VIII.D.1.b.

VERIFICATION OF RESIDENCY – Section VII

Section VII.A. – Footnote 16
We are confused about why the DOE is proposing to move footnote 16, regarding address investigations for students in temporary housing, from its original placement in the section on falsification and investigation of residency to the section on proof of address. Furthermore, we do not think that the language of this footnote provides helpful information or clarification to schools or families.

We suggest deleting the language of footnote 16 and replacing it with the following language:
Students in temporary housing and students in foster care are not required to submit proof of address in order to enroll in school. See section VII.B.5.

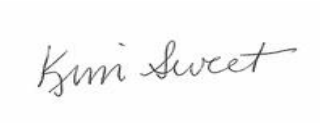
Section VII.A.5
We support the DOE's amendment to make clear that affidavits of residency are not needed for students in temporary housing and students in foster care. We have seen requests from schools to parents to provide such affidavits most frequently in situations where there has been a loss of housing and students are temporarily "doubled up" in shared housing arrangements. Therefore, we recommend stating explicitly that this provision applies to students in temporary housing in temporary shared housing arrangements.

We recommend the following language:
Students in temporary housing and students in foster care: The Primary Leaseholder/Tenant need not submit an Affidavit of Residency for students in temporary housing, including students in temporary shared housing arrangements, and students in foster care.

Section VII.B.5
We support the DOE's amendment to make clear that students in temporary housing and students in foster care are not required to submit proof of address in order to enroll in school.

Thank you for the opportunity to comment on the proposed amendments to A-101. Please do not hesitate to contact us if you have any questions.

Respectfully,



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cc: Panel for Educational Policy