



Advocates for Children of New York

Protecting every child's right to learn

March 26, 2019

Michael Hickey
Office of Students in Temporary Housing
NYC Department of Education
52 Chambers Street
New York, NY 10007
Via Email: RegulationA-780@schools.nyc.gov

Re: Comments Regarding Proposed Amendments to Chancellor's Regulation A-780

Dear Mr. Hickey:

Advocates for Children of New York (AFC) appreciates the opportunity to submit comments regarding the March 2019 amendments to Chancellor's Regulation A-780. For more than 45 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 house the New York State Education Department's homeless education technical assistance center, NYS-TEACHS; advocate on behalf of many individual students experiencing homelessness; and push for broader educational supports for children and youth experiencing homelessness. 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-780 to reflect the protections for students in temporary housing required by the federal Every Student Succeeds Act (ESSA) and related New York State law, and to reflect the strengthened supports available through the Students in Temporary Housing (STH) program. ESSA and related state laws included 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 proposed changes to A-780 do not comport with federal or state law and need to be changed.

In addition, and more importantly, we are disappointed and surprised to see that the proposed changes to A-780 do not incorporate the policy initiated by Mayor de Blasio to offer yellow bus service to students in shelters. This omission leaves in place the earlier, contradictory policy that will be read as the abandonment of one of the most concrete and beneficial policies this Administration has adopted for students who are homeless. We urge you to amend the proposed regulations to include a guarantee of

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yellow bus service or a comparable alternative mode of transportation other than public transportation for kindergarten through sixth grade students living in shelters.

Below are our recommended changes in order of appearance in the regulation.

Section I.A.1. Definition of Homeless.

Most of the changes to the definition of “homeless” in the proposed regulation are consistent with state and federal law. However, the definition of shared housing situations projected under the McKinney-Vento Act is not. Under federal and state law, a student is considered homeless if they are “sharing the housing of others due to loss of housing, economic hardship, or a similar reason.” 42 U.S.C. § 11434a(2)(B)(i); Education Law § 3209(1)(a)(1)(i). However, the regulation states that a homeless child includes those who are “living with a friend, relative or someone else because their family lost their housing due to economic hardship, or a similar reason.” By combining the first two examples of shared housing arrangements--sharing the housing of others due to loss of housing and sharing the housing of others due to economic hardship--the regulation risks excluding shared housing situations not related to economic hardship, such as loss of housing due to natural disaster, fire, domestic violence, etc., which are protected under federal and state law.

We recommend that the proposed regulation be changed as follows: “1. living with a friend, relative or someone else ~~because their family lost their~~ due to loss of housing, due to economic hardship, or a similar reason (sometimes referred to as ‘doubled up’).”

Section I.C. & footnote 2. Definition of Unaccompanied Youth.

Under federal and state law, unaccompanied youth are entitled to access educational services regardless of parental consent, qualify as independent students for purposes of federal financial aid, and receive verification of such status from the school district’s McKinney-Vento liaison. 42 U.S.C. § 11432(g)(6)(x); Education Law § 3209(1)(b); 8 § 100.2(x)(7)(iii)(a)(10). The definition of unaccompanied youth in the proposed changes to the Chancellor’s Regulation is more narrow than the definition in state or federal law and thereby restricts the above-mentioned rights of unaccompanied youth. Federal and state law define an unaccompanied youth as a homeless youth who is not in the physical custody of a parent or legal guardian. 42 U.S.C. § 11434a(6); Education Law § 3209(1)(a)(1)(i). The proposed changes to the



regulation define unaccompanied youth as homeless youth not in the physical custody of a *person in parental relation*. Many students who meet the federal and state definition of unaccompanied youth would not be considered an unaccompanied youth under the proposed changes to the regulation because they are living with a person in parental relation (e.g., youth temporarily living with an adult caretaker where the youth’s parents are living outside of NYS). By not covering all unaccompanied youth as defined under federal and state law, the proposed changes to the regulation would unfairly restrict the rights of certain unaccompanied youth to immediately enroll in school without parental consent and receive verification of their independent youth status as an unaccompanied youth for purposes of applying for federal financial aid. 42 U.S.C. § 11432(g)(6)(x)(III).

We recommend retaining the definition of unaccompanied youth currently in effect (i.e., “a youth not in the physical custody of a parent or guardian and who meets the definition of homeless set forth above”) and deleting footnote 2.

Section II.E. Housing Questionnaires.

We strongly recommend that Family Welcome Centers and Committees on Preschool Special Education (CPSEs), in addition to schools, administer the Housing Questionnaire.

We recommend that Family Welcome Centers screen students seeking enrollment to determine their housing status so that staff at the Centers can provide accurate information about enrollment and transportation options. Students in temporary housing have unique enrollment and transportation rights. It is imperative that Family Welcome Center staff are aware of each student’s housing status so that they can deliver accurate information to parents and youth about the availability of, for example, busing or parent MetroCards so that the student can travel back to the school of origin. Currently, schools screen for housing status using the Housing Questionnaire. We strongly recommend that Family Welcome Center staff use the same tool.

We recommend the regulation be changed as follows: “Housing Questionnaire: Schools must provide the Housing Questionnaire to all newly enrolled students and students who change their address during the school year. Family Welcome Centers must provide the Housing Questionnaire to all students seeking enrollment. Schools must require families and youth (in the case of unaccompanied youth) to complete the form and must then enter information that a student is homeless into ATS in the student’s bio page (BIOU) and enter changes as appropriate.”



We also recommend that Committees on Preschool Special Education (CPSEs) administer the Housing Questionnaire for children referred for preschool special education evaluations. Many children referred to the DOE for preschool special education evaluations are not yet in school. The DOE has an obligation to identify the housing status of preschoolers with disabilities. However, during the 2017-2018 school year, the DOE identified only around 50 of the City's 30,000 preschoolers with disabilities as homeless. During the 2015-2016 and 2016-2017 school years, the DOE identified even fewer preschoolers with disabilities as homeless. To help ensure that the DOE complies with federal and state requirements for students who are homeless and protects their rights, CPSEs must identify which children are homeless by administering the Housing Questionnaire.

We recommend adding to the proposed regulation: “Committees on Preschool Special Education must administer the Housing Questionnaire for all children referred for preschool special education evaluations.”

Section III.A.1.a.ii. Feasibility No Longer Factor in Best Interest Determinations.

Prior to the enactment of ESSA, school districts were only required to ensure school stability “to the extent feasible.” ESSA removed mention of feasibility from the law. 42 U.S.C. § 11432(g)(3)(B)(i). However, the proposed regulation still includes this outdated provision. In addition, the last sentence in this paragraph includes similar but not identical information to that in Section III.A.2.h. regarding articulation. We recommend deleting the last sentence in Section III.A.1.a.ii to minimize any confusion.

We recommend the regulation be changed as follows: “A homeless child may either remain in his/her school of origin or may transfer to a new school which he or she is eligible to attend based on his/her new residence temporary housing location and for which he/she meets the entrance criteria, where applicable. The choice about where the child will attend school, that is, whether or not a homeless student will change schools or remain in his/her school of origin, shall be made on the basis of the “best interest” of the student, as described in paragraph a.iii. below. ~~To the extent feasible, a student shall be kept in the school of origin to promote school stability and greater educational outcomes overall, unless it is contrary to the wishes of the child's parent, or in the case of an unaccompanied youth, the youth. If the student remains in the school of origin, then the student has the right to articulate to the zoned school and, if no zoned school exists, to an appropriate school.~~”



Section III.A.1.v. on page 4 of 6 is mislabeled and should be vii.

Section III.A.2.f. Minor Clarification about the Students in Temporary Housing Liaisons.

The existing regulation describes the role of the Students in Temporary Housing Liaisons. The proposed changes to the regulation replace reference to the STH Liaisons with STH Regional Managers, School-Based STH Liaisons, or a combination of the two. There are a few instances in the regulation where this change was not made.

We recommend the regulation be changed as follows: “Students who do not transfer into a school of current location are to be provided with assistance to maintain continuity of education at their school of origin. Transportation (discussed in Section VII), provided eligibility requirements are met, also must be arranged by Family Assistants, School-Based STH Liaisons, or the School-Based Transportation Liaison.”

Other examples of where role clarification is needed are reflected in the recommended changes below regarding Sections IV and VII.

Section III.A.2.g & h. Continued Enrollment and Students Permanently Housed Outside of NYC.

Federal and state law allow for continued enrollment in the same school for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and an additional year if it if the student’s terminal year in the school building. 42 U.S.C. § 11432(g)(3)(A)(i); Education Law §§ 3209(2)(c)-(d). These provisions apply even if the student becomes permanently housed outside of the school district boundaries. Education Law §§ 3209(2)(c) & (4)(i). However, in violation of federal and state law, the proposed changes to the regulation appear to allow only students who become permanently housed in New York City to continue enrollment for the remainder of the school year.

We recommend the regulation be changed as follows:

“g. Subject to the provisions of Chancellor’s Regulation A-101, all students, homeless and permanently housed~~a homeless student~~, once enrolled in a school, can remain in that school through its terminal grade, provided they are living in New York City. ~~even if the student becomes permanently~~



housed in New York City and is no longer homeless. If a homeless student enrolled in a NYCDOE school becomes permanently housed outside of New York City, the student has the right to remain enrolled in the same school for the remainder of the school year in which the student becomes permanently housed and an additional year if it is the student's terminal year in the school.

- h. In accordance with ESSA and Chancellor's Regulation A-101, a homeless student has the right to remain enrolled in the school of origin, to articulate to the next grade band along with that student's permanently housed peers, and/or to transfer to a different NYCDOE school while homeless ~~apply~~ even if the student moves to temporary housing located outside of New York City. ~~However, if the student becomes permanently housed in a location outside of NYC, then Chancellor's Regulation A-125, Non-Resident Enrollment, applies."~~

Section III.B.2. Enrollment Assistance.

Under federal and state law, it is the enrolling school's responsibility to get the records from the school last attended by a student in temporary housing; it is not the responsibility of the parent or youth. 42 U.S.C. § 11432(g)(3)(C)-(D); Education Law §§ 3209(2)(f)(5) & (2)(g). This is made clear in the proposed language for Section III.A.1.a.vi., but changes are still needed to reflect these requirements in Section III.B.2.

We recommend the regulation be changed as follows: "When registering the student, the assigned school shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, including: proof of residency; transcripts/school records; immunizations or other health records; and birth certificate. The enrolling school must also immediately contact the school last attended by the student to obtain relevant academic or other records. Family Assistants, School-Based STH Liaisons, and school staff are required to assist parents or unaccompanied youth in obtaining such documents. If immunization or other health records cannot be obtained, the parent, in consultation with the School-Based STH Liaison(s), should be referred to a walk-in immunization clinic for assistance. If a birth certificate or other records cannot be obtained from the school last attended, the Family Assistants, School-Based STH Liaisons, and school staff must assist parents or unaccompanied youth in obtaining such documentation.



Section III.C. Preschool and Immediate Enrollment.

Federal and State law require that children who are homeless be allowed to immediately enroll in school district-administered preschool programs, even if they do not have the documents normally needed. See U.S. Department of Education’s *Education for Homeless Children and Youths Program Non-Regulatory Guidance*, question N-4; Education Law § 3209(2)(b)(2) & (2)(f)(2). State law also allows school districts to seek a class-size variance to accommodate a child who is homeless in a Pre-K classroom that would otherwise be considered full. 8 N.Y.C.R.R. § 151-1.5(b)(7)(ii); see also New York State Education Department’s *Field Memo regarding District-Administered Pre-K Programs for Children in Temporary Housing*. The proposed changes to the regulation must make clear that per federal and state law, unlike permanently housed children, children who are homeless are entitled to immediate enrollment even if they do not have the documents normally needed, and that class size variances are available to accommodate a child who is homeless in a Pre-K classroom that would otherwise be considered full.

We recommend the regulation be changed as follows: “Homeless children are entitled to immediate enrollment ~~must be placed~~ in preschool classes ~~in accordance with the same procedures that apply to permanently housed children~~, provided these services are available to permanently housed children in the district and there are available seats, even if the children do not have the records normally required for enrollment (e.g., immunization records, proof of residency, birth certificates). A class size variance may be available to accommodate a child who is homeless in a Pre-K classroom that would otherwise be considered full.”

Section IV. Dispute Resolution Process.

The proposed amendments to this section do not conform to federal and state law, 42. § U.S.C. 11432(g)(3)(E); 8 N.Y.C.R.R. 100.2(x)(7)(ii), and contain vague language that should be clarified.

We recommend the regulation be changed as follows:

“A. Dispute Resolution Process...

1. Every effort should be made to resolve the dispute without the need for a formal appeal to the New York State Education Department (“SED”). During a dispute involving school selection, ~~or~~ eligibility as homeless, or transportation, the DOE must enroll and transport the student to the school designated by the parent or youth (in the case of an unaccompanied



youth), provided the student meets eligibility requirements and there are available seats, pending final resolution of the dispute...

3. If the dispute is not resolved, the STH Regional Manager shall issue a final written determination and a notice of appeal rights.

B. Appeal Process and Interim School Placement

1. If the parent/youth indicates that he/she wants to appeal a final determination issued by the STH Regional Manager regarding school placement, eligibility as homeless, or transportation as described above, the student shall be immediately placed in the school in which enrollment is sought by the parent or unaccompanied youth, provided there are available seats and the student is eligible to attend that school, and transportation, if being provided or requested, must continue for 30 days to allow the parent or youth to appeal to SED and during the pendency of the any appeal.

2. The STH Regional Manager or the School-Based STH Liaison shall assist the parent/student with completing the appeal forms also referred to as the petition and application, and shall submit the completed petition and any supporting documentations to SED within 5 days after service of the petition~~30 days of the DOE's decision~~. If the parent appeals within 30 days of the final determination issued by the STH Regional Manager~~DOE decision~~, the student shall remain/enroll in the school selected by the parent or unaccompanied youth during the pendency of the appeal. If, at the conclusion of all available appeals, the parent's or youth's original choice of school is not upheld, the parent or youth may be required to designate another school or district of attendance. If the parent fails to appeal within 30 days of the final determination issued by the STH Regional Manager, the DOE's placement decision may be implemented.

3. The STH Regional Manager or the School-Based STH Liaison shall:

(a) provide the parent with a copy of the petition form to appeal the final determination issued by the STH Regional Manager~~written procedure for filing a formal appeal to SED~~.

This document is available online at:

<http://www.counsel.nysed.gov/common/counsel/files/homelessform-revised2016.pdf> and in languages other than English, here: <http://www.counsel.nysed.gov/appeals/homelessForms>

;



- (b) assist the parent/student in completing the appeal petition;
- (c) make necessary copies of appeal papers; and
- (d) transmit the appeal papers to SED.

The STH Regional Manager or the School-Based STH Liaison also shall accept service of the petition and any supporting documents on behalf of the DOE or arrange for appropriate service on any named respondents and provide the parent or youth (in the case of an unaccompanied youth) verification of service to the parent/student and verification that the STH Regional Manager or School-Based STH Liaison received the petition and any supporting documents and will send them to SED.”

Section V. Class-Size Variances for Preschoolers who are Homeless.

This section states that “Homeless children...must be provided with services comparable to services offered to permanently-housed students...including...public preschool programs..., provided however, that if space in a particular program has been capped for all students, no exceptions will be made for homeless students and such students will be treated similarly to their permanently-housed peers.” This section must be modified to reflect that class size variances are available to accommodate a child who is homeless in a Pre-K classroom that would otherwise be considered full, per state regulations. 8 N.Y.C.R.R. § 151-1.5(b)(7)(ii); see also New York State Education Department’s *Field Memo regarding District-Administered Pre-K Programs for Children in Temporary Housing*.

We recommend the regulation be changed as follows: “Homeless children...must be provided with services comparable to services offered to permanently-housed students...including...public preschool programs..., provided however, that if space in a particular program has been capped for all students, no exceptions will be made for homeless students and such students will be treated similarly to their permanently-housed peers, except with regard to public preschool programs. As described above, in certain circumstances a class size variance may be available to accommodate a child who is homeless in a Pre-K classroom that would otherwise be considered full.”



Section V.A.4. College Readiness.

As a result of ESSA, federal law requires that school district staff provide support to students who are homeless to prepare them and improve their readiness for college. 42 U.S.C. § 11432(g)(1)(K). The U.S. Department of Education stated in its guidance that “[t]he local liaison, along with guidance counselors and other LEA staff tasked with college preparation, should ensure that all homeless high school students receive information and **individualized counseling** regarding college readiness, college selection, the application process, financial aid, and the availability of on-campus supports.” U.S. Department of Education’s *Education for Homeless Children and Youths Program Non-Regulatory Guidance*, question Q-1 (emphasis added); see also New York State Education Department’s *Field Memo regarding College Counseling and Access for Youth Experiencing Homelessness*. Federal law also requires that McKinney-Vento liaisons ensure that unaccompanied youth are informed of their status as independent students for purposes of applying for federal financial aid and are provided verification of such status. 42 U.S.C. § 11432(g)(6)(x)(III). We strongly recommend that the proposed changes to the regulation reflect federal law and the guidance from both U.S. Department of Education and the New York State Education Department.

We recommend the regulation be changed as follows: “School counselors must provide homeless students with individualized counseling, tools, and advice to improve their readiness for college. They must also ensure that all unaccompanied youth are informed of their status as independent students for purposes of applying for federal financial aid and are provided verification of such status.”

Section VII. Transportation.

As mentioned at the outset of this letter, we are deeply concerned that the proposed changes to the regulation do not reflect the City’s current policy of guaranteeing yellow bus service for kindergarten through sixth grade students living in shelter and seventh and eighth grade students with Individualized Education Programs (IEPs) living in shelter. This glaring omission signals a backpedaling from the commitment made by Mayor de Blasio three years ago. We urge the DOE to revise the proposed amendments to make clear that the City will uphold the Mayor’s commitment and continue providing yellow bus service to these students.

On March 20th, Chancellor Carranza testified that he wants to ensure the DOE has the flexibility to provide yellow bus service or other innovative modes of transportation to students living in shelters. We fully support efforts to provide



transportation as effectively and efficiently as possible and would be pleased to see the regulations reflect a policy guaranteeing yellow bus service or an alternative, comparable mode of transportation other than public transportation to kindergarten through sixth grade students living in shelter and seventh and eighth grade students with IEPs living in shelter. However, the proposed amendments to the regulations guarantee nothing more than a MetroCard, even for young students living in shelters.

In addition, there are several other areas in the proposed changes to the regulation that do not comport with federal and state law. In particular,

- The introductory paragraph does not make clear that transportation is available for the duration of homelessness, through the remainder of the school year, and an additional year if it is the student’s terminal year in the school building. Education Law § 3209(4)(i).
- Paragraph VII.D. should not condition the receipt of parent MetroCards on the child receiving a student MetroCard, because many young children ride for free and do not need a student MetroCard. **MTA regulations** state that “children 44 inches tall and under ride for free on subways and local buses when accompanied by a fare paying adult.”
- Paragraph VII.D. indicates that parents may be provided half-fare MetroCards. This contradicts the first paragraph of this section, which states that students in temporary housing are eligible for free transportation. Providing a young child with a MetroCard is not free transportation. They must be accompanied by an adult. In such circumstances, the parent must be provided with a full-fare MetroCard.
- This section omits mention of the new requirement in State Education Law, which went into effect as a result of ESSA, that school districts provide transportation for students who are homeless to participate in extracurricular activities and summer school where the lack of transportation poses a barrier to participation. Education Law 3209(4)(e)&(f).

We recommend the regulation be changed as follows:

“All homeless students in preschool through grade 12, including students receiving special education services, are exempt from age and distance requirements and are eligible for free transportation during the period of homelessness, ~~and~~ through the remainder of the school year in which they become permanently housed, and one additional year if it is the student’s terminal year in the school.”



- A. Office of Pupil Transportation (“OPT”) will route busing or provide a comparable, alternative mode of transportation other than public transportation for homeless students residing in shelters, in grades K-6 and for homeless students in shelters in grades 7 and 8 if they have an Individualized Education Program (“IEP”). If a parent of a homeless student in shelter declines yellow bus service, the student and parent remain eligible for a MetroCard as described below.
- B. ~~the Family Assistants and/or School-Based STH Liaisons and/or STH Regional Managers will coordinate with the Office of Pupil Transportation (“OPT”) to determine whether a yellow bus route is available or whether an comparable, alternative mode of transportation can be identified for a-students in temporary housing who are not in shelter (e.g., those sharing the housing of others due to loss of housing) and who are in Grades K-6, and in Grades 7 and 8 if they have an IEP, as well as for preschool students in temporary housing who does not need specialized transportation to travel to/from school. For such students, yellow bus transportation, or a comparable, alternative mode of transportation other than public transportation, will be provided whenever an appropriate route exists to provide such transportation. If yellow bus transportation has not been arranged for a homeless student, school staff should consult with the Family Assistant, and/or School-Based STH Liaison, and/or STH Regional Manager for assistance. Yellow bus transportation will be provided to homeless students in Grades K-6 whenever an appropriate route exists to provide such bus service.~~
- CB. If yellow bus transportation is not available or appropriate, homeless students are eligible for a full-fare Metrocard without regard to their age or the distance from their temporary housing accommodations to school.
- C. ~~Pre-school students are also entitled to transportation and will receive MetroCards. [Transportation for preschoolers is included in B. above, making this paragraph unnecessary.]~~
- D. ~~Parents of homeless students in preschool through Grade 6 who take public transportation to/from school receive a MetroCard to travel to/from school~~ are eligible for MetroCards in order to accompany their children to/from school. Family Assistants and School-Based STH Liaisons will provide full-~~or half-~~fare MetroCards to parents upon request as warranted.



- E. If the student is registering in a new school and the IEP recommends special transportation, the school will contact OPT to arrange for transportation. If the student changes his/her address and remains in the same school, the school is responsible for updating the student's new residence in ATS. Once the change is in ATS, OPT will arrange the new bus route within 5 school days. The School-Based STH Liaison will coordinate with OPT for the arrangement of the new bus route. In the case of homeless students who ~~attend~~ are registering in a new District 75 Citywide Program, District 75 placement personnel will arrange for placement and/or transportation.
- F. Students in temporary housing shall be provided with transportation to participate in extracurricular activities where the student would like to participate in an extracurricular activity, including an after-school activity, at the school; the student meets the relevant eligibility criteria for the activity; and the lack of transportation poses a barrier to the student's participation in the activity.
- G. Students in temporary housing who are recommended to participate in summer school shall be provided with transportation to/from summer school and the temporary housing location where the lack of transportation poses a barrier to the student's participation.

Section VIII. Permanent Housing and Terminal Year.

As mentioned above with regard to Section III.A.2.g & h., federal and state law allow for continued enrollment in the same school through the remainder of the school year in which the student becomes permanently housed and an additional year if it if the student's terminal year in the school. 42 U.S.C. § 11432(g)(3)(A)(i); Education Law §§ 3209(2)(c)-(d). These provisions apply even if the student becomes permanently housed outside of the school district boundaries. Education Law §§ 3209(2)(c) & (4)(i). In violation of federal and state law, the proposed changes to the regulation appear to allow only students who become permanently housed in New York City to continue enrollment for the remainder of the school year.

We recommend the regulation be changed as follows: "Family Assistants and/or School-Based STH Liaisons should also meet with families residing in a Department of Homeless Services ("DHS") shelters prior to their moving into permanent housing to ensure a smooth transition. Temporarily housed families not residing in DHS



shelters who need assistance as they move to permanent housing, should contact their STH Regional Manager. Parents shall be informed that their children have the right to stay in their current schools through the terminal grade if they become permanently housed in New York City. If they become permanently housed outside of New York City, parents shall be informed that their children have the right to stay in their current schools through the remainder of the school year and an additional year if it is the student's the terminal year in the school. In regard to transportation, when homeless students become permanently housed, they and their parents as described in the previous section are entitled to receive transportation to and from school until the end of that school year and an additional year if it is the student's terminal year in the school. After that, they are subject to the same transportation eligibility rules as non-homeless students, as set forth in Chancellor's Regulation A-801.

Liaison Responsibilities.

There are several mandated responsibilities of the McKinney-Vento liaison that are not reflected in the regulation. For example, McKinney-Vento liaisons are responsible for identifying young children experiencing homelessness and connecting them with early care and education services such as Pre-K, 3-K, Head Start, Early Head Start, preschool special education services, early intervention services. 42 U.S.C. § 11432(g)(6)(A)(iii). They are also responsible for ensuring that all school staff receive professional development in serving students experiencing homelessness. 42 U.S.C. § 11432(g)(6)(A)(ix). We recommend that the regulation detail who is responsible for all of the federally mandated responsibilities of the McKinney-Vento liaison (e.g., School-Based STH Liaisons, the STH Regional Managers, or both).

It is especially important to delineate who is responsible for 1) identifying young children experiencing homelessness and 2) connecting them with early care and education services, because school-based staff, including School-Based STH Liaisons, often do not consider preschool referrals for younger siblings of current students to be part of their role. Participation in high-quality early childhood education is linked to school readiness and to success in school and beyond. Unfortunately, however, children experiencing homelessness face barriers to participation in such programs and participate at lower rates than their permanently housed peers. Therefore, it is critical that the DOE make clear in the regulation which staff are ultimately responsible for helping children experiencing homelessness access early care and education programs.



Thank you for your consideration of our comments. If you have any questions or would like to discuss these issues further, please do not hesitate to contact me.

Sincerely,

Randi Levine

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