

## Supporting Young Children Experiencing Homelessness

### Q & A

- 1. If a family member leaves the state to care for a family member and has to leave children with a family member in a neighboring district - is this McKinney-Vento eligible?**

Answer: Based on the information provided, it does not sound like this family qualifies for McKinney-Vento services. This situation does not sound like a lack of fixed, regular, and adequate housing. Rather, the family member is leaving the housing for a temporary planned move to care for a relative. As a result, the child is not staying with others due to a loss of housing, economic hardship, or a similar reason. Although temporary, it is a planned change in housing for personal reasons, and the family still maintains their fixed, regular, and adequate nighttime residence.

- 2. I have a family who wants out of a City School and is claiming the daughter is residing with her aunt, but it appears the change is for school choice and not loss of housing.**

Answer: To determine a student's McKinney-Vento eligibility, the school district must determine whether the student's living arrangement meets the McKinney-Vento Act's definition of homeless. Under the McKinney-Vento Act, school district liaisons are required to identify students experiencing homelessness. The law considers students who lack a nighttime residence that is fixed, regular, and adequate to be homeless. [42 U.S.C. §11434a(2)(A); Education Law § 3209(1)]. If questions arise about a student's eligibility, the district must enroll the student immediately, seek additional information once full enrollment has occurred, and provide the opportunity to appeal a district's determination via the dispute resolution process should a dispute arise.

Source on Dispute <https://www.nysteachs.org/dispute-resolution-appeals-process>

- 3. Source on [Eligibility](#) Do you complete a STAC 202 if the student is homeless, but still within the same school or origin? Ex. The student loses housing but moves 2 blocks to a family member's house and doubles up.**

Answer: A STAC 202 form is completed for 2 purposes – to identify a student who is homeless for reporting requirements and for tuition reimbursement when the student was last permanently housed in a different district within NYS. The STAC-202 form indicates that a student has been designated as homeless and specifies the name of the district the student will be attending. In this given example, if a student is designated as homeless and stays in the same school or district of origin, the district liaison completes the STAC 202 form and keeps it on file in the district for their files but does not send it to SED.

Additional sources on STAC: <https://www.nysteachs.org/stac-202>

- 4. Who completes the STAC 202 form?**

Answer: Local Educational Agencies (LEAs)– including school districts, BOCES, and charter schools– in New York State must complete a Designation Form (STAC 202) for each student identified under the McKinney-Vento Act, send the form to the parties listed on the form, and

keep the form on file. In certain cases, the STAC form may also be used by school districts to receive tuition reimbursement from the New York State Education Department.

The person who decides where the student will attend school should also fill out a STAC-202 form indicating which school the student is to attend. Under state law, parents, persons in parental relation, students whose parents are unavailable, and directors of residential runaway and homeless youth programs, may decide where the student will attend school. (N.Y. Education Law § 3209(2)(e)).

NYSED Memos:

[Billing for the Remainder of the School Year after a Student Becomes Permanently Housed](#)

[Homeless Guidance for Permanent Placement / McKinney-Vento Eligible Students and Tuition Reimbursement:](#)

- 5. Transportation is not required in all cases...only if the parent wants/needs transportation, correct? We have had parents who prefer to transport their own children (fear of COVID, for example), so we would not be required to have the child ride district transportation in cases where the parent wants to transport. Right?**

Answer: Under the McKinney-Vento Act and N.Y. Education Law § 3209, a student in temporary housing is entitled to transportation to their school of origin. Transportation protections include:

- Transportation to the school the student attended when they were last permanently housed up to 50 miles each way, or to the most recent school they attended, even if the school is in a different school district from where the student is temporarily living;
- Continued transportation to the same school for the rest of the academic year when the student moves into permanent housing, even if the new housing is located outside of the school district;
- In New York State, transportation is also provided for an extra year after the student moves into permanent housing if the extra year is the student's final year in the school building (for example, 12th grade);
- If a student in temporary housing attends school in the same district where they are temporarily housed, then they can get the same transportation as their permanently housed peers. If permanently housed students don't have transportation, and the lack of transportation creates a barrier for a student in temporary housing, then the district has to supply transportation to overcome the barrier;
- Transportation to extracurricular activities if the lack of transportation would be a barrier to the student participating.

In New York State, the school district where the student attends school is the district that is responsible for providing transportation. Sometimes, the local department of social services (DSS) is responsible for transportation - for instance, where the student has been placed in a shelter outside of the school district and the student is eligible for Emergency Assistance for

Families. The local DSS can meet their responsibility by asking the school district to supply the transportation, and reimburse the school district for the costs.

Additional resources:

- [Webinar for Transportation outside of NYC](#)

**6. If your preschool program only provides transportation one way, would we have to provide transportation both ways for a student that is now considered homeless?**

Answer: Yes, if the lack of transportation creates a barrier for a student in temporary housing, then the district has to provide transportation to overcome the barrier. The McKinney-Vento Act requires every state and its LEAs to adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian to and from the school of origin in accordance with the following, including to and from preschool as applicable. If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, transportation to and from the school of origin shall be provided or arranged by the LEA in which the school of origin is located [42 U.S.C. § 11432(g)(1)(J)(iii)(I)].

**7. What is the class size for Pre-K?**

Answer: The maximum class size for a prekindergarten class is 20 children. For classes of up to 18 students, there must be one teacher and one paraprofessional assigned to each class. For classes of 19 or 20 students, there must be one teacher and two paraprofessionals assigned to each class. Class size variance requests to accommodate McKinney-Vento eligible students can be sent to the Office of Early Learning, to get a variance, the Pre-K program should complete this Pre-K Class Size Variance Request and email it to NYSED's Office of Early Learning at [oeel@nysed.gov](mailto:oeel@nysed.gov). For more information, see [NYSED's 2015 Guidance Memo](#).

NYSED's Office of Early Learning: <http://www.nysed.gov/early-learning>

[Class Size for Universal PreK](#)

- In New York City schools, [the class size is 18](#).

The Office of Children and Family Services oversees licensed daycare facilities for 3- and 4-year-old students outside of NYC. Those ratio requirements can be found at <https://ocfs.ny.gov/main/>

**8. Is all of this information on preschool programs true only for spots in programs that are sponsored by the district? For example, there are many preschool programs located within our district, but the school district does not sponsor those programs. MV benefits are not afforded to students in those programs, correct?**

Answer: The McKinney-Vento Act applies to preschools – including Head Start programs – that are funded or administered in whole or in part by local educational agencies. This [flowchart](https://schoolhouseconnection.org/flow-chart-to-determine-preschools/): <https://schoolhouseconnection.org/flow-chart-to-determine-preschools/> helps tease out whether an early childhood program is considered a “preschool” under McKinney-Vento.

You are correct that a program would be a McKinney-Vento preschool if your district is the fiscal agent.

**9. Can undocumented workers' families benefit from this act?**

Answer: Yes, immigrant students who experience homelessness are protected under the McKinney-Vento Act, regardless of their immigration status. Under Federal law, school districts are required to provide all children, regardless of immigration or housing status, with equal access to public education at the elementary and secondary level. As the 1982 Supreme Court case, Plyler v. Doe, made clear, even if a student is undocumented or a non-citizen, the student's status (and the status of his or her parent or guardian) is irrelevant to that student's right to a public education. Undocumented students have the same right to attend public school. If an undocumented student is designated as homeless, the student has the same rights and protections under the McKinney-Vento Act as a U.S. citizen. Plyler v. Doe, 457 U.S. 202 (1982).

**10. If the preschool child has an IEP for speech or related services only, does the county provide transportation to the UPK when a family is in a shelter outside of the district?**

**Answer:** Preschool special education services are available for children ages 3-5 who have disabilities or developmental delays that impact their ability to learn. The student has a right to transportation provided by the CPSE. When the CPSE is planning programs and/or services for the student, they must also consider transportation needs, including the need for specialized transportation. If recommended by the CPSE, transportation will be provided by the county — once daily from the home or another childcare location to the special service or program, and returning once daily from the special service or program to the home or other child care location — up to 50 miles from the child care location. Parents may be reimbursed for transporting their own child if the CPSE recommends transportation. Transportation will not be provided at public expense if the CPSE recommends special education itinerant teacher services or related services in the child's home or another childcare setting that the parent has arranged.

[NYSED's Information for Parents of Preschool Students with Disabilities AGES 3-5](#) is a concise document that informs parents of how their child will receive special education programs and services including transportation.

[AFC'S GUIDE TO Preschool Special Education Services](#) fully explains services the NYC DOE provides to see if students need services. The student should receive related services in the "least restrictive environment" appropriate for you're the student. For most, this is the child's 3-K, Pre-K, preschool, childcare, or home. However, if the IEP team decides that the student needs to get services at a related services agency or if the DOE is not able to find a therapist to go to your child's preschool, childcare, or home, then your child has a right to transportation provided by the CPSE, which includes transportation if in the student's IEP

**11. There is a real need for 3K- PK afterschool and summer school, does anyone have any leads or available programs**

Answer: Local resources may be located by checking places like libraries, family resource centers, community action centers, programs for pregnant and parenting teens, etc. Available leads or programs may be had through connections with different organizations. The outreach may include:

- NYSED's Office of Early Learning: <http://www.nysed.gov/early-learning>
- NYC Department of Education Students in the Temporary Housing Office.  
<https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>
- NYC [Department of Education Enroll Grade by Grade](https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade)  
<https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade>
- **[Early Care and Education Services in New York State for Young Children Experiencing Homelessness](#)** This guide by the NYS Early Childhood Advisory Council (ECAC) has information for parents, early care and education providers, school district staff, shelter providers, and other social service professionals about early care and education programs. This guide also provides information on determining eligibility for children in temporary housing, and their rights and protections.