

## Enrollment and School Selection Webinar

### Q&A

#### ***Our school is in a rural area, does the 50 mile radius still apply?***

Answer: Yes. Transportation must be provided for students who are temporarily housed within 50 miles one way of their school building. If the school is more than 50 miles away, the school district is not required to provide transportation for the student unless the Commissioner of the State Education Department determines it is in the best interest of the student. N.Y. Education Law § 3209(4)(c).

Note: New York State, the school district where the student attends school is the district that is responsible for providing transportation. N.Y. Education Law § 3209(4)(c);

We know that transportation can be especially challenging for rural districts. The National Center for Homeless Education (NCHE) has a brief on transportation strategies in rural areas.

*Transportation for Homeless Children and Youth: Strategies for Rural School Districts:*

[https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789\\_93aef0555000480bb4e1df0f74626b99.pdf](https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789_93aef0555000480bb4e1df0f74626b99.pdf)

For additional information please see our Transportation Topic Page at:

<https://www.nysteachs.org/transportation>

#### ***Am I right that we still can't STAC preschool students? Please clarify what is the STAC Form***

Answer: Every Student Succeeds Act (ESSA) included homeless preschool (PreK) as eligible for McKinney-Vento services, and in New York State this includes possible tuition reimbursement. Submit your PreK System to Track and Account for Children (STAC) to the STAC office for review and processing, but, presently the department is in under discussion as to the process and have put into law (ED Law 3209) the PreK services so that reimbursement may be later than usual. The STAC Unit works with both school districts and counties across the State in processing these approvals and providing reimbursement for preschool services and evaluations. <https://www.oms.nysed.gov/stac/preschool/>

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 to parties listed on the form, and keep the forms 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 STAC Form, or designation form indicates that a student has been designated as homeless and specifies the name of the district the student will be attending. It is also used by local districts to request reimbursement from NYSED for the costs of education of a temporarily housed student who moves into the district from another school district in New York State.

In accordance with Federal and State legislation, all personally identifiable information (PII) must be sent to the STAC Unit via one of the following approved modes of transmission:

- SED File Transfer Manager (FTM): Sign Up for access to SED File Transfer Manager [here](#). Log in [here](#).

- Fax to (518) 402-5047, with notification to the recipient of when the information will be sent.
- US Mail 1st Class/Priority, or with another service with tracking (UPS, DHL, or FedEx).

Here is a link to a “fillable” STAC form <https://www.nysteachs.org/stac-202-forms>

***Do these rules (choosing a school) apply when crossing state lines?***

Answer: Yes. Since the McKinney-Vento Act is a federal law, it applies to all states. Crossing state lines is not inherently against a student’s best interest. In many border communities, mobility across state lines is common. It is also not uncommon for homelessness to force families across state lines, as the closest available shelter may be in a neighboring state. LEAs must conduct the best interest determination, based on student-centered factors. Communication among the involved State Coordinators and liaisons can facilitate the provision of services.

In determining a child’s or youth’s best interest, an LEA must presume that keeping the homeless child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or in the case of an unaccompanied youth, the youth. (Section 722(g)(3)(B)(i)). When determining a child’s or youth’s best interest, an LEA must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(ii)). We encourage an LEA to also consider the school placement of siblings when making this determination.

[https://nche.ed.gov/wp-content/uploads/2018/10/sch\\_sel\\_checklist.pdf](https://nche.ed.gov/wp-content/uploads/2018/10/sch_sel_checklist.pdf)

***Does foster care fall under McKinney Vento regulations?***

Answer: No. Due to changes to the homelessness and foster care provisions in the McKinney-Vento Act and Title I Part A, as amended by the Every Student Succeeds Act of 2015, "Awaiting foster care placement" was deleted from the definition of "homeless children and youths" after December 10, 2016. Children and youth who are "placed in foster care" are not McKinney-Vento eligible, but many continue enrollment and receive transportation to their school of origin under the Fostering Connections to Success and Increasing Adoptions Act, another federal law. Foster Care regulations provide similar protections to the McKinney-Vento Act.

For additional information please see our Foster Care Topic Page at: <https://www.nysteachs.org/foster-care>

***Can we use McKenny Vento funds to support a family for fire if the children are put into temp housing? If so, how do we get reimbursed?***

Answer: Yes. Students who are displaced due to a disaster are eligible for McKinney-Vento designation and can continue to attend their school of origin or immediately enroll in a local school. You can use Title I Set-Aside funds to provide for McKinney-Vento eligible students’ needs. Students in temporary

housing can also receive transportation to and from their school of origin and receive free/reduced meals and other Title I services.

Further, because of the trauma linked with housing loss, and/or with a natural disaster, many students may benefit from counseling and other types of support. Students who are homeless due to a natural disaster are eligible for Title I services, including counseling. The McKinney-Vento liaison at the school district of attendance should ensure that the homeless youth receive referrals to mental health and other services, where appropriate. 42 U.S.C. § 11432(g)(6)(A)(iv). More information and resources addressing the impact of trauma and suggestions for trauma-sensitive strategies can be found in the Trauma-Sensitive Strategies for School Success page on our website at: <https://www.nysteachs.org/faqs>

***Situation: I have a situation I'm wondering if others may benefit from hearing: I have a student who was McKinney-Vento from an outside district. It was determined to be in her best interest to attend out district. Since coming here, she has been placed in a kinship foster care placement. Question: Is the former district still considered a district of origin, even though the child is no longer MV and is now in foster care?***

The “district of origin” is the school district in which the student was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care, which is different from the district of residence. For additional information regarding Foster Care, please see the Educational Stability of Students in Foster Care New Law and Guidance Toolkit (August, 2018) : [https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789\\_39922b0e18d546cebd8900dceccae30c.pdf](https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789_39922b0e18d546cebd8900dceccae30c.pdf)

and ToolKit: <http://www.p12.nysed.gov/sss/documents/FosterCareToolkit.pdf>

***If a district doesn't have a UPK and there is no HeadStart, would we enroll and pay for a homeless student in a private local PreK?***

Answer: The McKinney-Vento Act applies to preschool programs that are operated, administered, or funded, in whole or in part, by local educational agencies. Details on this definition are available in this preschool flowchart: <https://schoolhouseconnection.org/wp-content/uploads/2017/09/PreschoolFlowchart.pdf> .

Head Start and Early Head Start programs for which school districts are not the fiscal agent must meet Head Start Program Performance Standards. Those rules use the McKinney-Vento Act’s definition of homelessness and have multiple requirements around immediate enrollment and improved access to services for families experiencing homelessness.

Ultimately, Preschool age students can attend the school where the family is currently located or can attend their school of origin. Under new amendments to New York State Education Law Section 3209, the definition of school of origin has been expanded, and the school selection options for preschool age children has been clarified. A preschooler can enroll in:

1. The school that a child attended when permanently housed.

- If the child was not attending school where the family was last permanently housed, the school of origin would include a public preschool in which the child was eligible to apply, register or enroll before the initial loss of housing.
  - If the child has a sibling attending the school in the district where the family was last permanently housed, then the child would be entitled to attend school in that district as well. The school of origin for the child would be based on the sibling's last permanent residence.
2. The school where the child was last enrolled.
  3. The child's new local preschool.

Source: N.Y. Education Law § 3209(1)(i).

A useful 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.

Please see: [https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789\\_b7d812a708ab4109a45f6eb921c6d5a2.pdf](https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789_b7d812a708ab4109a45f6eb921c6d5a2.pdf)

***Where can I find mental health resources for my student?***

Answer: Trauma is often associated with homelessness and there are many resources available for schools and liaisons to support students and families in need. For additional information please see our Trauma-Sensitive Strategies for School Success Topic Page at:

<https://www.nysteachs.org/trauma-sensitive-strategies-for-school-success>