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## Every Student Succeeds Act (ESSA)

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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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**To:** BOCES District Superintendents  
Superintendents of Public Schools  
Charter School Administrators  
McKinney-Vento Liaisons

**From:** Erica Meaker, Director of ESSA-Funded Programs

**Subject:** McKinney-Vento Summer School Information

**Date:** May 20, 2022

### Introduction and Background:

The COVID-19 pandemic created unprecedented challenges for LEAs and families across New York State. In response, LEAs have strengthened connections, promoted mental wellness and resilience, and supported everyone in their return to school. As LEAs plan for summer school and other summer programming, it is essential to consider the needs of children and youth experiencing homelessness, who have faced disproportionate educational challenges during the COVID-19 pandemic.

This guidance provides an overview of key protections and strategies that LEAs may use to ensure children and youth experiencing homelessness have an equal opportunity to succeed and thrive during available summer programming. Specifically, this memo reviews two central protections for students in temporary housing: (a) access to summer school, and (b) removal of barriers to summer school. This memo also provides reminders about how LEAs can appoint a summer liaison and where to find additional information on access to summer school and the removal of barriers to summer school.

The McKinney-Vento Homeless Assistance Act applies to students in a wide range of temporary living situations, including shelters and emergency or transitional housing; students living in hotels, motels, trailer parks, or campgrounds due to lack of alternative adequate housing; and, to students who are “doubled-up” with friends or relatives due to loss of housing, economic hardship, or a similar reason.

Unaccompanied youth who live in these types of arrangements are also included under the protection of the law.

The protections of the federal McKinney-Vento Act remain intact regardless of the type of instruction offered at a school building (e.g., in-person, hybrid, or remote learning models). Students who experienced housing loss due to or during the COVID-19 outbreak are included in these protections, even if they reside temporarily outside of the state. Students who are protected by McKinney-Vento are entitled to immediate enrollment in their school of origin or in any public school that non-homeless students who live in the attendance area where they are living can attend.<sup>[1]</sup>

## Access to Summer School and Summer Programming:

Students in temporary housing have important rights related to summer school. The federal law makes clear that LEAs “must ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including... summer school.”<sup>[2]</sup> If your LEA does not offer a summer school program, but resident students are able to attend summer school offered by a neighboring LEA for a fee, students in temporary housing must be afforded this same opportunity, and they must not be charged the fee. Instead, your LEA will be asked to cover the summer school fee for such students. Title I, Part A set-aside, Elementary and Secondary School Emergency Relief (ESSER), Governor’s Emergency Education Relief (GEER) funds and American Rescue Plan Homeless Children and Youth (ARP-HCY) Part I and Part II funds may be used to pay for any fee associated with summer school.

To the extent that an LEA has a summer school policy that limits participation based on a student’s attendance during the regular school year, the LEA must revise such policy to make an exception for students experiencing homelessness. The McKinney-Vento Act requires that LEAs “develop, review and revise, policies to remove...barriers to enrollment and retention due to outstanding fees or fines, or absences.”<sup>[3]</sup>

If a LEA recommends that a student who is homeless participate in summer school and/or LEA- sponsored summer programming and the student can’t participate without transportation, the district where the student is enrolled is responsible for arranging transportation.<sup>[4]</sup>

If a student should become permanently housed before June 30, 2022, and needs access to summer school, the student is entitled to enroll in the new LEA of residence and participate in that LEA’s summer school program.<sup>[5]</sup> Please note, however, that if the student becomes permanently housed before June 30, 2022, and the student will be entering their terminal grade in a school building (e.g., 8th grade of a school serving students in grades 6-8 or 12th grade of a school serving students in grades 9-12) next fall, the student may opt to continue enrollment in the same LEA for summer school and for the terminal grade.<sup>[6]</sup>

If students in temporary housing need access to a remote learning device, or internet access to support remote summer learning programming, LEAs may use Title I, Part A, ESSER, and GEER funds or ARP-HCY Part I and Part II funds to provide a wide variety of services to homeless students. This may include technology for remote learning, purchasing books and to pay any fee associated with summer school for students who are homeless.

Additionally, Title I set-aside funds may be used to support students working over the summer to satisfy any Regents or graduation requirements. For information on High School, Regents Examinations see

<http://www.nysed.gov/state-assessment/high-school-regents-examinations>.

For more information, please see the New York State Education Department’s (NYSED or “the Department”) Title I, Part A: Homeless Set-Aside, Guidance on Allowable and Unallowable and the

U.S. Department of Education’s Education for Homeless Children and Youths Program Non-Regulatory Guidance, Sections H and M. For specific questions about uses of Title I funds to support homeless students over the summer please contact [conappta@nysed.gov](mailto:conappta@nysed.gov).

## Appointing a McKinney-Vento Liaison:

All LEAs must ensure that there is a McKinney-Vento liaison available year-round. Due to summer vacation schedules, many LEAs may need to appoint a special interim McKinney-Vento liaison for the summer months if the liaison for the academic year is unavailable. In addition, LEAs must ensure that parents and students in temporary housing have access to up-to-date contact information for the LEA liaison, even during school closures.

LEAs should provide the summer liaisons’ and any additional interim liaisons’ contact information to NYSED’s homeless education technical assistance center, NYS-TEACHS. Please check “Summer Liaison ONLY” for staff members who will be the liaison only for the summer months. Updated contact information for summer liaisons should be provided as soon as possible.

## Resources:

For further information about McKinney-Vento, the rights of students in temporary housing, and strategies that schools can implement to meet such students’ needs, please contact NYS-TEACHS (visit [www.nysteachs.org](http://www.nysteachs.org), email: [info@nysteachs.org](mailto:info@nysteachs.org), or call 1-800-388-2014) or email Melanie Faby, the State McKinney-Vento Coordinator at [melanie.faby@nysed.gov](mailto:melanie.faby@nysed.gov) or Jane Fronheiser at [jane.fronheiser@nysed.gov](mailto:jane.fronheiser@nysed.gov).

cc:

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### Footnotes

1 42 U.S.C. §§ 11432[g][3][C] & 11434A(1); Education Law § 3209[2][f]

2 42 U.S.C. § 11432[g][1][F][iii]

3 42 U.S.C. § 11432[g][1][I]

4 Education Law § 3209[4][e]

5 Education Law § 3209[2][c]

6 Education Law § 3209[2]

## PDF Version of Memo

[mv-homeless-2022-summer-school-memo\\_0522.pdf](#) 

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