



Jason Harmon, Assistant Commissioner
Office of Accountability
55 Hanson Place, Room 400
Brooklyn, New York 11217
Tel. (718) 722-2796 / Fax: (718) 722-4559

89 Washington Ave, Room 875 EBA
Albany, NY 12234
Tel. (518) 473-0295 / Fax: (518) 486-1762

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

FROM: Jason Harmon, Assistant Commissioner 

SUBJECT: McKinney-Vento Summer School Information

DATE: June 30, 2021

Introduction and Background:

This school year, Local Education Agencies (LEAs) and students across New York State again faced unprecedented challenges in the wake of the COVID-19 pandemic. 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 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 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 also 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 are able to attend.¹

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

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.”² 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 set-aside, Elementary and Secondary School Emergency Relief (ESSER), and Governor’s Emergency Education Relief (GEER) 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.”³

If a district 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.⁴

If a student should become permanently housed before June 30, 2021 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.⁵ Please note, however, that if the student becomes permanently housed before June 30, 2021 and the student will be entering their terminal grade in a school building (e.g., 8th grade or 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.⁶

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, or GEER funds to provide a wide variety of services to homeless students. This may include technology for remote learning, paper packets for home instruction, math manipulatives, or books, just to name a few examples. As noted above, Title I set-aside, ESSER, and GEER funds may also be used 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 that have not been waived. For information changes in Regents Exemptions see [Frequently Asked Questions Related to the June 2021 and August 2021 Exemptions from Diploma Requirements](#).

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]

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 Expenditures](#) 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.

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. Many LEAs have arranged for school phone lines to forward to staff who are working remotely, or they have made other arrangements to ensure that liaisons can fulfill their responsibilities to respond promptly to inquiries and requests for support during the pandemic.

LEAs should also ensure arrangements are in place for an interim liaison in the event that COVID- 19 related hardship impacts the appointed liaison’s availability. 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:

During these difficult times, meeting the needs of students experiencing homelessness is both more challenging and more essential. Please continue to check NYSED’s [dedicated COVID-19](#) web page and NYS-TEACHS Student Homelessness & COVID-19: [News and Resources](#) for updates on resources, tips and Q&A about the needs of students in temporary housing. 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, email: info@nysteachs.org, or call **1-800-388-2014**) or email Melanie Faby, the State McKinney-Vento Coordinator at melanie.faby@nysed.gov.

cc: Erica Meaker
Melanie Faby
Erin Allen