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

FROM: Theresa Billington, Assistant Commissioner of Accountability *Theresa Billington*

SUBJECT: LEA Policy on the Education of Students in Temporary Housing

DATE: December 14, 2023

The New York State Education Department (NYSED or “the Department”) is committed to ensuring that students experiencing homelessness have access to the same free appropriate public education, including a public preschool education, as is available to their permanently housed peers. Further, the Department must ensure that local educational agencies (LEAs), which include school districts, charter schools, and BOCES, review and revise policies to improve the identification, enrollment, attendance, and success in school of students in temporary housing.

Students in temporary housing have important education rights that differ from those of their permanently housed peers, and those rights must be supported through LEA policies. Students in temporary housing are entitled to immediate enrollment in school, access to free meals and Title I services, transportation across district boundaries to maintain school stability, and a prompt resolution of disputes in accordance with federal and state law. Students who have been identified as McKinney-Vento also have the right to preschool education, preparation for post-secondary education, and continued services for the remainder of the academic year in which students move into permanent housing.

LEAs are required to periodically review and revise policies for students in temporary housing to ensure that there are no barriers to school attendance and participation (see 42 U.S.C. § 11432(g)(1)(I) and Education Law § 3209(6)(b)). NYSED annually monitors all LEAs in New York State, and a portion of that review is focused on the LEA’s policies pertaining to students in temporary housing. LEAs must ensure that all written policies are in full compliance with updated state and federal laws.

Each LEA is required to designate a McKinney-Vento Liaison to fulfill all the Roles and Responsibilities outlined in the sample policy. LEAs are encouraged to review the Liaison Roles and Responsibilities section of the sample policy to determine if there are any updates needed to current policies or practice.

To support those requirements are met, the Department is sharing a Sample LEA Policy on the Education of Students in Temporary Housing. The policy reflects the changes to the McKinney-Vento Act as a result of passage of the Every Student Succeeds Act (ESSA), which went into effect on October 1, 2016, and the related amendments made to Section 3209 of the Education Law and Section 100.2(x) of the Commissioner's Regulations, that went into effect in April 2017. The sample policy may also be downloaded here: [Sample Policy](#)

Please note that this sample policy is for guidance/informational purposes only. LEAs should consult with their attorneys when developing or revising policies. LEAs are encouraged to incorporate, as appropriate, the provisions of the sample policy into existing LEA policy manuals and post the policy to LEA websites to ensure that the rights of students in temporary housing are widely known and fully protected.

LEAs can reach out to the NYSED and/or NYS-TEACHS for technical assistance with developing policies. Should you have any questions or need additional information about the rights of students in temporary housing, please contact Jane Fronheiser by telephone at (518) 473-0295 or via email at jane.fronheiser@nysed.gov. LEAs may also contact NYS-TEACHS, NYSED's statewide McKinney-Vento technical assistance center, at 1-800-388-2014, Monday-Friday, 9 a.m. - 5 p.m. or via email at info@nysteachs.org.