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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 95 ADM-3

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: January 12, 1995

SUBJECT: Education Transportation for Homeless Children

SUGGESTED
 DISTRIBUTION:

Public Assistance Staff
 Staff Development Coordinators
 School District Superintendents

CONTACT
 PERSON:

Income Support Programs: Jeffrey Gaskell at
 1-800-343-8859, extension 4-9343
 Claiming Questions: Bureau of Local Financial
 Operations; Roland Levie at extension 4-7549 and
 Marvin Gold, Metropolitan Area, (212) 383-1733

ATTACHMENTS:

Attachment - Designation of School District of
 Attendance for Homeless Child - not
 available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
88 ADM-41	88 ADM-41	372.1(b)	Chapter 569	PASB	GIS
83 ADM-53		372.4(d)	of Laws of	XXIII-M-	94 ES/DC035
83 ADM-47			1994	all	88 IM/DC020
			SSL 371		All Comm'er Letter 8/15/83

I. PURPOSE

This Directive amends and clarifies the responsibilities of the social services districts (SSDs) in relation to the education and transportation of homeless school age children who are temporarily placed outside of their original school district.

II. BACKGROUND

On August 25, 1994, Chapter 569 of the Laws of 1994 was enacted. This law requires homeless school age children to have the option as to which school district they choose to attend. The law also sets forth responsibilities for the transportation to and from school of children who elect to continue to attend the school they previously attended.

Definition of Terms

The following are the definitions of terms that are used in this directive.

1. Homeless child (State Education Department Definition). A child who lacks a fixed, regular, and adequate nighttime residence; or a child who has a primary nighttime location that is: a supervised publicly or privately operated shelter; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This term does not include a child in foster care.
2. School district of origin. The school district within the State of New York in which the homeless child was attending a public school on a tuition-free basis, or was entitled to attend, when circumstances arose which caused the child to become homeless.
3. School district of current location. The public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child is located, which is different from the school district of origin.
4. School district of last attendance. This refers to the school district where the homeless child last attended tuition-free school when there are multiple placements into temporary housing, each in a new school district. In these cases, the school district of last attendance is the school district of the previous temporary housing location if it was designated as the school district of attendance during the placement at that previous temporary housing location.

5. Regional Placement Plan. A Regional Placement Plan utilizes a comprehensive regional approach to the provision of educational placements for homeless children.

III. PROGRAM IMPLICATIONS

Pursuant to Chapter 569 of the Laws of 1994 and the recently promulgated State Education Department regulations, homeless children who live in temporary housing are entitled to an education in the school district in which the temporary housing is located. When a homeless family moves into temporary housing outside of its school district of origin, the parent has the option to keep the children in the school district of origin, to enroll the children in the school district of the current location, or to enroll the children in a school district participating in a regional placement plan. If the child has no parent then the person in parental relationship or the homeless child (if none of these are available), will have the option as to which district of attendance will be designated. Any such designation made by the parent entitles the homeless child to all of the educational services which are provided to any other child of that district.

In addition, homeless children who have designated the school district of current location as the district of attendance and who relocate to another temporary housing location in yet another school district, will have the choice of attending the new school district or the school district of last attendance.

IV. REQUIRED ACTION

A. Placement of Families

When placing a homeless family into temporary housing, SSDs must attempt to place families with school age children, or children soon to be of school age, into temporary housing in their school district of origin. If a family with school age children is placed into temporary housing in its school district of origin, the parent does not have the right to designate a new school district and the homeless children must continue to attend school in that school district. If a homeless family with school age children is placed into temporary housing and originates from a school district outside of New York State, the school age children will be entitled to attend the school district of temporary placement.

If a family cannot be placed into its school district of origin and is placed into temporary housing outside of its school district of origin, the parent must designate which school district (the school district of origin, the school district of current location, school district of last attendance or a school district participating in the regional placement plan) the children will attend.

For families with school age children who have been placed outside of their school district of origin and who are traveling back to the school district of origin or the school district of last attendance, SSDs must attempt to relocate these families into the original district or district of last attendance if accommodations become available.

The duration of attendance in a designated school district varies upon the selection. Homeless children, who move into temporary housing in a school district outside of the school district of origin, who elect to return to the school district of origin may continue to attend this school uninterrupted until graduation or until the family is moved into permanent housing. Homeless children who elect the school district of last attendance, are entitled to attend the school district (same school building) for the remainder of the school year and one additional year if that year constitutes the child's terminal year in that building.

Homeless children who elect to attend the school district of current location are entitled to attend that school district until graduation or until the child relocates, from the school district of current location, into a new residence outside of the school district. If the child relocates, from the school district of current location, into a new residence which is permanent, then that child must attend the new school district. If the child is placed, from the school district of current location, into a new residence which is temporary, then that child may attend the new school district until graduation or move, or the district of last attendance for the remainder of the school year and one additional year if that year constitutes the child's terminal year in that building.

B. Notice to Families Currently Living in Temporary Accommodations

Each SSD which temporarily houses homeless families with school age children outside of that family's school district of origin or school district of last attendance must inform the family of its option to continue to allow the children to attend school in the school district of origin, school district of last attendance or to enroll their children in the school district in which the temporary housing is located or to enroll their children in a school district participating in a regional placement plan. The SSD must also give a copy of a "Designation of School District of Attendance for Homeless Children" form (Attachment A) to the family. The SSD may inform these families by mail or by site visit or by whatever means is determined by the SSD to be the most effective to assure that all homeless children are enrolled in school. Each SSD should have a school district directory which should be used to refer the homeless family to the school district serving the area of temporary placement. Information on the schools within the district of temporary housing should be included with the "Designation of School District of Attendance for Homeless Children" form when it is given or sent to the homeless family.

All temporary housing facilities operated or approved by a SSD, must have the "Designation of School District of Attendance for Homeless Children" forms available. This form can be completed with the assistance of the facility director or with a person designated by the SSD.

If the school district designation is not made at the time of placement into temporary housing, the parent should be advised by the SSD that this designation must be made within two business days of this placement in an effort to continue the education for their children. After a designation has been made, the parent must complete the attached "Designation of School District of Attendance for Homeless Child" form for each child and return it to the SSD. The SSD must forward copies of this form to the 1) homeless family, 2) designated school district, and 3) State Education Department.

State Education Department regulations provide that, within 60 days of making the designation or before the end of the semester, whichever is later, the parent may change the designation. A change can only be made if the parent finds the designation to be educationally unsound. The change in designation can only be made once during each temporary housing placement located outside of the school district of origin.

If the parent fails or refuses to complete the "Designation of School District of Attendance for Homeless Child" form and does not make a good faith effort to notify the SSD about this designation, the SSD should inform the school district liaison about the situation. When a problem cannot be resolved at the local level, the SSD should notify the contact person, Jeffrey Gaskell, at 1-800-343-8859, extension 4-9343.

C. Transportation

When a parent has designated a school district other than the school district of current location, the SSDs are responsible for providing transportation to and from school for homeless children who are eligible for Emergency Assistance to Needy Families with Children (EAF) and who have been placed by the SSD into the temporary housing. Transportation can be provided, if such transportation is necessary and is requested by the parent, by the SSDs or by contract with a board of education or a cooperative educational services.

If the family has not been placed by the SSD or is not eligible for EAF, then the responsibility for the transportation of these homeless children rests with the school district of origin, the school district of last attendance or a school district participating in a regional placement plan.

When a parent designates the school district of current location as the district of attendance, then that school district is responsible for the transportation of the homeless child.

Special circumstances, such as age or disability of the child, may require the parent to accompany the child to and from school when the parental assistance is instrumental to the education and/or security of the child. If necessary, the SSD must also provide child care for other children in the family while that parent accompanies the child to and from school.

In an All Commissioner letter dated August 15, 1983, this Department informed SSDs that payment of services for homeless families, such as child care and transportation to continue school and search for permanent housing, could be authorized as EAF under Department Regulation 372.4(d).

In particular, SSDs are reminded that EAF may be authorized for families who meet the eligibility criteria set forth in Department regulation 372.1(b). Any such payments made to provide transportation or child care (related to transporting homeless children to and from school) do not count as income for determining food stamp eligibility and benefits amounts. The "Determination of Eligibility for Emergency Assistance to Families (EAF)", (DSS-4403) form must be completed and placed in the case record.

When homeless families with school age children are placed into temporary housing within the school district the children currently attend, the SSD is not responsible for transportation expenses related to the cost of transporting these children. All such transportation costs are the responsibility of the local school district.

D. Responsibility of the Parent

The parent must play an integral role in the educational process. The SSD must inform homeless families with school age children of the following responsibilities:

1. All families with school age children currently living in temporary housing outside of their school district of origin, must complete and return for each school age child a "Designation of School District of Attendance for Homeless Child" form to the SSD;
2. Any parent who designates a new school district, must take his or her children to that school district for enrollment;
3. A parent must assure that his or her children attend school on a daily basis.

E. Monitoring

As part of the placement process, the SSD must monitor the placement of all families with school age children placed into temporary housing. Each SSD must document the number and ages of all school age children placed in temporary housing. This information must be submitted to this Department's Division of Economic Security on an annual basis.

F. Claiming

Transportation payments for EAF cases should be claimed on "Schedule F: Schedule of Costs For Emergency Assistance to Needy Families with Children" (DSS-1285) under non-medical vendor payments. Any related child care costs should be claimed on the "Schedule H: Non Title XX Services for Recipients" (DSS-4283) under the EAF column.

V. SYSTEMS IMPLICATIONS

None

VI. EFFECTIVE DATE

The provisions of this directive are effective August 25, 1994.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security