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State Education Commissioner Rosa and Attorney General James Take Action to Support Students Experiencing Homelessness

NYSED and AG Issue Guidance to Local Education Agencies to Ensure Homeless Students Have Access to Equal Educational Opportunities

The New York State Education Department and the Office of the Attorney General today released guidance to assist local education agencies in their obligations to students experiencing homelessness to help ensure that these children are connected to education and other supports. While the number of homeless students has likely increased due to the COVID pandemic, identifying children experiencing homelessness has become more difficult because many schools across the state are delivering instruction remotely.

"Under normal circumstances, children experiencing homelessness are some of our most vulnerable students and this situation becomes more concerning when compounded by a global health pandemic," Board of Regents Chancellor Lester W. Young said. "Now, with these resources available schools can implement best practices to ensure these students receive the education and supports they deserve. Working with our partners at the Office of the Attorney General, we are ensuring that educators across the state have access to these tools."

"Unfortunately, we know the pandemic is putting more families at risk for homelessness and we want to be sure we are accounting for every homeless student," Commissioner Betty A. Rosa said. "With this guidance, we are supporting our local education authorities as they work to ensure no student falls through the cracks. I thank Attorney General James, her staff and our educators for their efforts on this issue which is especially important during these challenging times."

"Our children are our future, and we have a responsibility to ensure they are getting the supports they need and deserve," said Attorney General Letitia James. "Far too often, students experiencing homelessness are left behind, especially in times of crisis. Ensuring our most vulnerable students have access to fundamental educational resources has never been more important, and I thank Commissioner Rosa for her partnership and continued commitment to New York's students and families."

The McKinney-Vento Act and New York Education Law section 3209 require local education agencies (LEAs) to ensure that homeless children and youth have equal access to education. Children and youth are considered homeless if they lack a fixed, regular and adequate night-time residence. LEAs have various affirmative responsibilities to ensure they meet the needs of children experiencing homelessness, including to:

- Ensure children have the opportunity to continue education in their school of origin;
- Provide transportation;
- Affirmatively identify and assist children experiencing homelessness;
- Ensure children experiencing homelessness are immediately enrolled;
- Provide comparable and additional supports;
- Maintain a dispute resolution process; and
- Use federal education funds to support students experiencing homelessness.

To ensure that children experiencing homelessness receive equal access to education, LEAs are encouraged to reference the resources provided for assistance, strategies, and best practices related to identifying and enrolling homeless students.

New York State is committed to ensuring that all students succeed and thrive in school no matter who they are, where they live, where they go to school, or where they come from. The state's ESSA plan includes strategies for supporting the professional growth of educators and ensuring that all students, including Multilingual learners/English language learners, immigrant students, migratory youth, students with disabilities, homeless youth, and neglected and delinquent youth, have access to a well-rounded, culturally responsive and sustaining education that supports students' academic and social-emotional development.

For additional information about McKinney-Vento, the rights of students in temporary housing, and strategies that schools can implement to meet students' needs, please visit the State Education Department's McKinney-Vento website or the NYS-TEACHS website.

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