



## COMMUNITY EDUCATION COUNCIL DISTRICT 15

Office: 131 Livingston Street, Room 301, Brooklyn, New York 11201

[CEC15@schools.nyc.gov](mailto:CEC15@schools.nyc.gov) | tel. 718-935-4267 | [facebook.com/CECD15](https://facebook.com/CECD15) | [CECD15.org](https://CECD15.org)

*The Community and Citywide Education Councils (CCECs) are composed of parents who have been elected or appointed to serve as stakeholders of NYC School Community Districts, and specific cohorts of students, representing NYC public school students and their families.*

*Approved on November 14, 2023, the following resolution offers CEC15's position regarding the NYSED to Adjust Interpretation of the McKinney-Vento Homeless Assistance Act:*

### **Resolution for NYSED to Adjust Interpretation of the McKinney-Vento Homeless Assistance Act**

WHEREAS, according to the New York Times, 104,000 students were homeless in New York City in 2021-22;<sup>1</sup>

WHEREAS, statewide there were 133,599 homeless students in 2021-22 school year;<sup>2</sup>

WHEREAS, that number has increased dramatically in the last year due to new arrivals, both in New York City and elsewhere in New York State;

WHEREAS, a *homeless child* means:<sup>3</sup>

- a. a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:
  1. sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
  2. living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
  3. living in emergency or transitional shelters;
  4. abandoned in hospitals;
  5. a migratory child;
  6. an unaccompanied youth; or
- b. a child or youth who has a primary nighttime location that is:

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<sup>1</sup><https://www.nytimes.com/2022/10/26/nyregion/nyc-homeless-students.html?smid=tw-nytimes&smtyp=cur> and [https://www.advocatesforchildren.org/sites/default/files/library/nyc\\_student\\_homelessness\\_21-22.pdf?pt=1](https://www.advocatesforchildren.org/sites/default/files/library/nyc_student_homelessness_21-22.pdf?pt=1)

<sup>2</sup> <https://www.nysteachs.org/data-on-student-homelessness>

<sup>3</sup> <https://www.nysed.gov/curriculum-instruction/1002-general-school-requirements#HomelessChildren>



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1. *a supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the State or local department of social services, and residential programs for runaway and homeless youth; or*
2. *a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting;*

WHEREAS, Subtitle VII-B of The McKinney-Vento Homeless Assistance Act authorizes the federal [Education for Homeless Children and Youth \(EHCY\) Program](#) and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness;<sup>4</sup>

WHEREAS, The McKinney-Vento Homeless Assistance Act was reauthorized in December 2015 by Title IX, Part A, of the [Every Student Succeeds Act \(ESSA\)](#);

WHEREAS, the New York State Education Department (NYSED) interprets the Federal Law<sup>5</sup> in the following way:

*The McKinney-Vento Act<sup>6</sup> states that children and youth who lack “a fixed, regular, and adequate nighttime residence” will be considered homeless. McKinney-Vento eligible students have the right to:*

1. *receive a free, appropriate public education;*
2. *enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;*
3. *enroll in school and attend classes while the school gathers needed documents;*
4. *continue attending the school of origin, or enroll in the local attendance area school if attending the school of origin is not in the best interest of the student or is contrary to the request of the parent, guardian, or unaccompanied youth;*
5. *receive transportation to and from the school of origin, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth; and*

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<sup>4</sup> <https://nche.ed.gov/legislation/mckinney-vento/>

<sup>5</sup> <https://www.federalregister.gov/documents/2016/03/17/2016-06073/mckinney-vento-education-for-homeless-children-and-youths-program> and <https://nche.ed.gov/legislation/mckinney-vento/>

<sup>6</sup> <https://www.nysed.gov/essa/mckinney-vento-homeless-education>



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6. *receive educational services **comparable**<sup>7</sup> to those provided to other students, according to each student's need.*<sup>8</sup>

WHEREAS, amendments to NYSED interpretation of McKinney-Vento must be considered to account for the expanding need of support and services for students living in temporary housing (STH);

WHEREAS, in number 4, the local attendance area school is the school that is zoned for the homeless shelter;

WHEREAS, connecting a shelter to a specific school zone causes a concentration of high need students in a single school and segregates children experiencing the trauma of homelessness;

WHEREAS, an amendment to number 4 can include the additional option of enrollment in a school of choice within the school district or town;

WHEREAS, in NYC, many Middle Schools and all High Schools are unzoned;

WHEREAS, specifically for NYC, the language in the State Law must be clarified that a student may choose to attend any school within the community school district or Borough;

WHEREAS, number 6 assumes that the need of the child who is homeless would equal the need of any other child in “comparable” educational services;

WHEREAS, the need of the homeless child is greater due to the trauma that they face and this should be acknowledged; and

WHEREAS, the NYC Public Advocate addressed the need to support asylum seekers in our schools with language-accessible programming, and highlighted the need to support holistic school safety efforts rather than relying solely on law enforcement solutions.<sup>9</sup>

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<sup>7</sup> Per the Federal Statute: Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3)...

<sup>8</sup> <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

<sup>9</sup>

<https://www.pubadvocate.nyc.gov/press/nyc-public-advocate-pushes-social-emotional-learning-supports-education-equity-measures-city-budget/>



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**THEREFORE BE IT RESOLVED**, that New York State and New York City electeds increase financial support to local school districts in order to provide more services and resources to students living in temporary housing in coordination with Office of Pupil Transportation (OPT) and other social service agencies<sup>10</sup> tasked with serving students in temporary housing;

**BE IT RESOLVED**, that NYSED will clarify the language in the Commissioner's Regulation Part 100.2(x)1.ix.<sup>11</sup> that a student can attend any school within the community school district; and

**BE IT FURTHER RESOLVED**, that the DOE will allow students living in temporary housing to enroll in their school of choice and ensure that families are aware of their rights to attend the schools of their choice.

*This Resolution was approved at a CEC15 Business Meeting held on November 14, 2023 by a vote of members present including:*

*Of the 7 members present, 7 voted YES,  
0 voted NO, and  
0 ABSTAINED.*

*5 was absent.*

<sup>10</sup> <https://www.nyc.gov/html/acs/education/homelessstudents.html>

<sup>11</sup>

<https://www.nysed.gov/curriculum-instruction/1002-general-school-requirements#HomelessChildren>