

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 215, 305, 3202, 3209 and 3713 and Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11431), as reauthorized by the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq., (Public Law 114-95, title ix, section 9302, 129 STAT. 1802).

1. That the emergency action taken by the Board of Regents at its May Regents meeting to amend section 100.2(x) of the Regulations of the Commissioner of Education is repealed, effective September 18, 2017.

2. Paragraph (1) of subdivision (x) of section 100.2 of the Regulations of the Commissioner of Education shall be repealed and a new paragraph (1) shall be added to subdivision (x) of section 100.2 of the Regulations of the Commissioner of Education, effective September 19, 2017, to read as follows:

(1) Definitions. For purposes of this subdivision:

(i) Designator means:

(a) the parent or person in parental relation to a homeless child; or

(b) the homeless child, together with the McKinney-Vento liaison designated under subparagraph (iii) of paragraph (7) of this subdivision, where applicable, in the case of an unaccompanied youth; or

(c) the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program.

(ii) Feeder school means:

(a) a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

(b) a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, or high schools upon completion of the terminal grade of such school; or

(c) a school that sends its students to a receiving school in a neighboring school district pursuant to Education Law section 2040.

(iii) Homeless child means:

(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, as defined in section 1309(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. section 6399(2), (Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), who qualifies as homeless under any of the provisions of subclauses (1) through (4) of this clause or clause (b) of this subparagraph;

(6) an unaccompanied youth, as defined in section 725 of subtitle B of Title VII of the McKinney-Vento Homeless Act, which includes a homeless child or youth not in the physical custody of a parent or guardian. The term “unaccompanied youth” shall not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district; or

(b) a child or youth who has a primary nighttime location that is:

(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 established pursuant to Article 19-H of the Executive Law; 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;

(c) the term “homeless child” shall not include a child in foster care, including a child awaiting foster care on or after December 10, 2016, or receiving educational services pursuant to Education Law section 3202 (4), (5), (6), (6-a) or (7) or pursuant to Articles 81, 85, 87 or 88.

(iv) Preschool means publicly funded:

(a) pre-kindergarten programs administered by the Department or a local educational agency,

(b) Head Start programs administered by a local educational agency, and/or

(c) preschool services under the Individuals with Disabilities Education Act administered by a local educational agency.

(v) Receiving school means:

(a) a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(b) a school that enrolls students from a feeder school in a neighboring local educational agency pursuant to Education Law section 2040.

(vi) Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the commissioner.

(vii) School district of current location means 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, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.

(viii) School district of origin means the school district within the State of New York in which the homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless, which is different from the school district of current location. School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances arose that caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a

school in the school district in which the child was residing when circumstances arose that caused such child to become homeless.

(ix) School of origin means the public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or charter school. Provided that, for a homeless child or youth who completes the final grade level served by the school of origin, the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child’s last residence before the circumstances arose that caused such child to become homeless.

2. Paragraphs (2) through (7) of subdivision (x) of section 100.2 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(2) Choice of district and school.

(i) The designator shall have the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

(a) the school district of current location;

(b) the school district of origin; or

(c) a school district participating in a regional placement plan.

(ii) The designator shall also have the right designate one of the following as the school where a homeless child seeks to attend for instruction:

(a) the school of origin; or

(b) any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

(iii) Where the school district in which a homeless child is temporarily housed is the [same district the child attended on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless] school district of origin, the child shall be entitled to attend the schools of such district without the payment of tuition for the duration of homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building, subject to a best interest determination in accordance with subparagraph (iii) of paragraph (4) of this subdivision. In lieu of attending the school serving the attendance zone in which the child is temporarily relocated, such child may choose to remain in the [public] school building he or she previously attended for the duration of homeless and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[(iii)] (iv) A homeless child who designates the school district of current location as the district of attendance and who relocates to another temporary housing arrangement outside of such district, or to a different attendance zone or community school district within such district, shall be entitled [to maintain the prior designation] to continue

attendance in the same school building [until the end of the school year and for one additional year if the year constitutes the child's terminal year in such building] or designate any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination in accordance with subparagraph (iii) of paragraph (4) of this subdivision, for the duration of homeless and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[(iv)] (v) Where the school district of origin [public school or school district] that a homeless child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located [outside the] in the State, [the homeless child shall be deemed a resident of the school district in which the child is temporarily located and shall be entitled to attend the schools of such district without payment of tuition. Such district of residence shall not be considered the school district of origin or the school district of current location for purposes of this section.] and the homeless child's temporary housing arrangement is located in a contiguous state, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination in accordance with subparagraph (iii) of paragraph (4) of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

~~[(v)]~~(vi) [Whenever the school district of origin is designated, the child shall be entitled to return to the school building where previously enrolled. Whenever the school district of current location is designated, the child shall be entitled to attend the school that is zoned for his or her temporary location or any school that nonhomeless students who live in the same attendance zone in which the homeless child or youth is temporarily residing are entitled to attend.] Where the child's temporary housing arrangement is located in New York State, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including preschool, subject to a best interest determination in accordance with subparagraph (iii) of paragraph (4) of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

~~[(vi)]~~ (vii) Prior to the end of the first semester of attendance or within 60 days of commencing attendance at a school pursuant to the designation made in accordance with this subdivision whichever occurs later, the designator may change the designation if the designator finds the original designation to be educationally unsound.

(3) (i) A designation form provided by the commissioner shall be completed by the [appropriate] designator as defined in subparagraph ~~[(1)(ii)]~~ (i) of paragraph (1) of this subdivision. Such form shall be completed in full. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth shall make such forms available to a homeless child who seeks admission to school or to the parent or person in parental relation who seeks

to enroll such child in school and shall ensure that the completed designation forms are given to the local educational agency McKinney-Vento liaison for the local educational agency in which the designated school is located immediately, but no later than two business days from the earlier of the date on which the child or youth either:

(a) sought enrollment in school; or

(b) was placed in a temporary housing facility or residential facility for runaway and homeless youth.

(ii) Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services districts, shall[, within two business days of entry into such facilities,] assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school [district] and shall forward the completed designation form to the local educational agency McKinney-Vento liaison for the local educational agency in which the designated school is located immediately, but no later than two business days of entry into such facilities.

[(ii) Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth established pursuant to Article 19-H of the Executive Law, designates the school district of current location, the school district shall forward to the department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.]

(4) Upon receipt of a designation form, the designated local educational agency[school district] shall immediately:

(i) review the designation form to assure that it has been completed;

(ii) admit the homeless child even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, [medical records], records of immunization and/or other required health records, proof of residency or other documentation and/or even if the child has missed application or enrollment deadlines during any period of homelessness, if applicable. Provided that if a child or youth seeks enrollment in a charter school or preschool and the lottery application deadline for seats in such school or program has passed but the lottery has not yet been held, such child or youth should be entered into the lottery. If the lottery has been held, such child or youth should be placed on the school's waitlist, if one exists, comparable to other students in the district and consistent with any applicable laws, regulations or policies. Provided further that nothing herein shall be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily pursuant to Education Law section 906 because of a communicable or infectious disease that imposes a significant risk of infection of others;

(iii) determine whether the designation made by the designator is consistent with the best interests of the homeless child or youth. In determining a homeless child's best interest, a local educational agency shall:

(a) presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's parent or guardian, or in the case of an unaccompanied youth, the youth;

(b) consider student-centered factors, including but not limited to factors related to the impact of mobility on achievement, education, the health and safety of the homeless child, giving priority to the request of the child's or youth's parent or guardian or the youth in the case of an unaccompanied youth;

(c) if after considering student-centered factors and conducting a best interest school placement determination, the local educational agency determines that it is not in the homeless child's best interest to attend the school of origin or the school designated by the designator, the local educational agency must provide a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. The information must also include information regarding the right to a timely appeal in accordance with clause (b) of subparagraph (ii) of paragraph (7) of this subdivision. The homeless child or youth must be enrolled in the school in which enrollment is sought by the designator during the pendency of all available appeals.

[(iii)] (iv) provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;

[(iv)] (v) immediately contact the school district where the child's records are located for a copy of such records and coordinate the transmittal of records for students with disabilities consistent with section 200.4(e)(8)(iii) of this Title;

[(v)] (vi) if the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth shall immediately refer the parent or guardian of the homeless child or youth to the local educational agency McKinney-Vento liaison designated under subparagraph [(7)](iii) of paragraph (7) of this

subdivision who shall assist in obtaining necessary immunizations, screenings, or immunization or medical records in accordance with section 42 U.S.C. section 11432(g)(3)(C) and (D) ([Public Law 107-110, title X, section 1032, 115 STAT. 1998] Every Student Succeeds Act of 2015, 20 U.S.C. section 6399(2), (Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; [2002] 2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234); and

[(vi)] (vii) forward a copy of the designation form to [the commissioner, and] the school district of origin, where applicable.

(viii) arrange for transportation pursuant to Education Law section 3209(4) and paragraph 6 of this subdivision; provided, however, that where the school of origin is a charter school, the school district designated pursuant to this section shall be deemed to be the school district of residence of such child for purposes of fiscal and programmatic responsibility under Article 56 of the Education Law and shall be responsible for transportation of the homeless child if a social services district is not otherwise responsible; and

(ix) arrange for free school meals pursuant to the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758(b).

(5) Within five days of the receipt of a request for school records, the school district shall forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

(6) Transportation for any homeless child or youth shall be provided in accordance with this paragraph. Any homeless child not entitled to receive transportation pursuant to Education Law, section 3209(4) from a social services district [the Department of Social Services or from the Division for Youth, to the extent funds are provided for such purpose as determined by the Director of the Budget,] shall be transported by the designated school district of attendance consistent with this paragraph.

(i) The designated school district of attendance shall immediately provide or arrange in the most cost-effective manner for transportation to and from the child's temporary housing location and the school the child legally attends consistent with subparagraphs (ii) through (vi) below.

(ii) Where such transportation is in excess of 50 miles one way, such transportation shall only be provided where the commissioner certifies that such transportation is in the best interest of the child in accordance with subparagraph (iii) of paragraph (4) of this subdivision to the extent applicable, on a form and timeline prescribed by the commissioner.

(iii) Where a homeless child designates the school district of current location as the district the child will attend and such child does not attend the school of origin, such district shall provide transportation to such child on the same basis provided to resident students.

(iv) [If] Where a homeless child [chooses to continue attendance in the public school building where he or she previously attended pursuant to subparagraph (2)(ii) or (iii) of this subdivision] attends the school of origin, the designated school district of attendance shall provide transportation to and from the child's temporary housing location

and the school the child legally attends [if such temporary housing is located in a different attendance zone or community school district within such district] for the duration of homelessness and through the end of the school year in which the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school.

(v) Where the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the designated school district of attendance shall provide transportation.

(vi) The designated school district of attendance, or the social services district if such child is eligible for transportation from the social services district pursuant to Education Law, section 3209(4), shall provide or arrange for transportation to extracurricular or academic activities where:

(a) the homeless child participates or would like to participate in an extracurricular or academic activity, including an after-school activity at the school;

(b) the homeless child meets the relevant eligibility criteria for the activity; and

(c) the lack of transportation poses a barrier to such child's participation in the activity.

[(v)] (vii) Expenditures for the transportation of a parent accompanying a transported homeless child shall be eligible for transportation aid pursuant to section 3602(7) of the Education Law under the following circumstances:

(a) where the homeless child is being transported using public transportation, transportation of the child with an accompanying parent has been determined by the

school district responsible for transporting the child to be the most cost-effective means of transportation, and the school district has determined that public transportation unaccompanied by the parent is inappropriate because of the child's age, the distance to be traveled, the complexity of the transportation arrangement, the need to transport the child through a high crime area, or a combination of such factors; or

(b) where the homeless child is a student with a disability whose individualized education program (IEP) includes the services of a transportation aide or attendant, and providing transportation with the parent serving as the transportation aide or attendant for the child is the most cost-effective means of transportation; or

(c) where transportation by the parent in the parent's vehicle is the most cost-effective means of transportation.

[(vi)] (viii) For purposes of determining the maximum amount of aidable transportation expense of regular transportation for a homeless child pursuant to section 3209(4)(c) of the Education Law, the transportation service provider or school district shall demonstrate that the costs of such transportation are based on an appropriate unit cost determined by dividing the grand total of transportation expenditures for the preceding school year of all regular transportation services provided to students of the district by the service provider or school district by the number of vehicles, passengers, miles traveled or other appropriate transportation service units represented by all such transportation services. For purposes of determining the maximum amount of aidable transportation expense of transportation pursuant to section 3209(4)(c) of the Education Law for a homeless child who attends a preschool as defined under subparagraph (iv) of paragraph (1) of this subdivision that is the school of origin, the transportation service provider or

school district shall demonstrate that the costs of such transportation are based on an appropriate unit cost not otherwise reimbursed under federal programs.

(7) School district responsibilities.

(i) Enrollment. Each school district shall:

(a) ensure that homeless children and youth are not segregated in a separate school, or in a separate program within a school, based on their status as homeless;

(b) [to the extent feasible and consistent with the requirements of paragraphs (2) and (4) of this subdivision, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian] designate and train an employee, who may also be the local educational agency McKinney-Vento liaison, who will be responsible for making best interest determinations in accordance with the requirements of subparagraph (iii) of paragraph (4) of this subdivision;

(c) ensure that a student with a disability as defined in section 200.1(zz) of this Title, who transfers school districts within the same academic year, is provided with a free appropriate public education, including services comparable to those described in the previously held individualized education program (IEP) pursuant to section 200.4(e)(8) of this Title[.];

(d) ensure that homeless children are provided with services comparable to services offered to other students in the district of attendance designated pursuant to this subdivision including preschool and other educational programs or services for which a homeless student meets the eligibility criteria, such as programs for students with disabilities, English language learner services, after-school programs, school nutrition

programs and transportation, career and technical education, and programs for gifted and talented students, and to the extent such child or youth is eligible, services provided under Title I of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015, (20 U.S.C 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802.);

(e) immediately contact the school last attended by the homeless child or youth to obtain relevant academic and other records.

(ii) Dispute resolution. Each school district shall:

(a) establish procedures, in accordance with 42 U.S.C. section 11432(g)(3)(E), for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth ([Public Law 107-110, title X, section 1032, 115 STAT. 1998] Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; [2002] 2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), including, but not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth;

(b) provide a written explanation, including a statement regarding the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the name, post office address and telephone number of the local educational agency McKinney-Vento liaison and the form petition for commencing an appeal to the commissioner pursuant to Education Law section 310 of a final determination regarding enrollment, school selection and/or transportation, to the homeless child's or youth's parent or guardian, if the school district

declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian ([Public Law 107-110, title X, section 1032, 115 STAT. 1998] Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; [2002] 2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234); and

(c) [delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth; provided that if the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the commissioner pursuant to Education Law, section 310 with a stay application within 30 days of such final determination, the homeless child or youth or unaccompanied youth shall be permitted to continue attending the school he or she is enrolled in at the time of the appeal until the commissioner renders a decision on the stay application] immediately enroll the child or youth in the school in which enrollment is sought and/or provide transportation pending final resolution of the dispute over the school district's final determination of the child's or youth's homeless status and all available appeals, including appeals within the local educational agency and the commissioner pursuant to the provisions of Education Law section 310.

(iii) Local educational agency McKinney-Vento liaison. Each school district shall:

(a) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency McKinney-Vento liaison for homeless children and youth to carry out the duties described in 42 U.S.C. section

11432(g)(6) ([Public Law 107-110, title X, section 1032, 115 STAT. 2000] Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; [2002] 2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). Such duties shall include but not be limited to:

(1) ensuring that school personnel providing services under the McKinney-Vento Act receive professional development and other support;

(2) ensuring that homeless children and youths are identified by school personnel through outreach and coordination activities and that homeless families;

(3) ensuring that homeless children and youths and their families receive referrals for health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

(4) ensuring that homeless children and youth are enrolled in, and have full and equal opportunity to succeed in, the school or schools of the local educational agency;

(5) ensuring that homeless families and homeless children and youths have access to and receive educational services for which such families, children and youths are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, and other preschool programs administered by the local educational agency;

(6) ensuring that enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, including where if a dispute arises over eligibility, school selection, or enrollment in a school, the child shall be enrolled;

(7) ensuring that parents and guardians and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in assessing transportation services;

(8) ensuring that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is understandable;

(9) assisting the parent or guardian of the child or youth (or in the case of an unaccompanied youth) the youth with obtaining any necessary immunizations or screenings, or immunization or other required health records;

(10) in the case of unaccompanied youth, ensuring that such youths are enrolled, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. section 1087(vv)) and their right to receive verification of this status from the local educational agency McKinney-Vento liaison; and

(11) ensuring that the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.

(b) in the case of an unaccompanied youth, ensure that the local educational agency McKinney-Vento liaison assists in placement or enrollment decisions under this paragraph, including coordination with the committee on special education for students with disabilities pursuant to section 200.4 of this Title, considers the views of such

unaccompanied youth, and provides notice to such youth of the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii) ([Public Law 107-110, title X, section 1032, 115 STAT. 1998] Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; [2002]2015; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234) and provides the form petition for commencing an appeal to the commissioner pursuant to Education Law, section 310 of a final determination regarding enrollment, school selection and/or transportation;

(c) require the local educational agency McKinney-Vento liaison to assist the homeless child's or youth's parent or guardian or the unaccompanied youth in commencing an appeal to the commissioner pursuant to Education Law, section 310 of a final determination regarding eligibility, enrollment, school selection and/or transportation by:

(1) providing the parent or guardian or unaccompanied youth with the form petition;

(2) assisting the parent or guardian or unaccompanied youth in completing the form petition;

(3) arranging for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;

(4) accepting service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arranging for service by mail by mailing the form petition and supporting

documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of superintendent who has been designated by the board of education to accept service on behalf the school district;

(5) providing the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the local educational agency liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of superintendent who has been designated by the board of education to accept service on behalf of the school district;

(6) transmitting on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, Education Department, State Education Building, Albany, NY 12234;

(7) providing the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the local educational agency liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, Education Department, State Education Building, Albany, NY 12234; and

(8) accepting service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects related to the appeal on behalf of the parent or guardian or unaccompanied

youth and making such correspondence available to the parent or guardian or unaccompanied youth;

(d) ensure that the local educational agency liaison maintains a record of all appeals of enrollment, school selection and transportation determinations; and

(e) inform school personnel, service providers, [and] advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency McKinney-Vento liaison.

(iv) Coordination. Each school district shall coordinate:

(a) the provision of services provided pursuant to subtitle B of title VII of the McKinney-Vento Homeless Education Assistance Improvement Act, as amended, (42 U.S.C. sections 11431 et seq.) with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. sections 5701 et seq.);

(b) with other school districts on interdistrict issues, such as transportation or transfer of school records; and

(c) implementation of this subdivision with the requirements of the individuals with Disabilities Education Act (20 U.S.C. sections 1400 et seq.).

(v) Reporting. Each school district shall collect and transmit to the commissioner, at such time and in such manner as the commissioner may require, a report containing such information as the commissioner determines is necessary to assess the educational needs of homeless children and youths within the State.

(vi) Privacy. Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. section 1232g; Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.; Public Law 114-95, title ix, section 9302, 129 STAT. 1802).

