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POLICY G. 1

STUDENTS

SUBJECT: INTERVIEW OF STUDENTS BY POLICE AND DEPARTMENT OF SOCIAL SERVICES

When used in this policy, the word student means any individual who is on Oneonta City School District (OCSD) property for the purpose of receiving instruction.

Except as otherwise authorized by this policy, police authorities may not interview students in the school building or use OCSD facilities in connection with police department work. Students will not be made available for police interviews. Police authorities must take any matter up directly with the parents of minor students off OCSD premises. A warrant should be reviewed by the OCSD counsel before release of a student or interview of a student.

If a crime is committed on OCSD property, it is expected that school officials will notify the appropriate police authorities regarding the event and give full cooperation to any investigation. In such a case, interviews of students and school personnel may be conducted on OCSD property regarding the incident.

When a request is made by law enforcement agencies to detain someone who is on OCSD property, the request must be referred to the person in charge of the building or program. That person will handle the request in accordance with the administrative guidelines established by the Superintendent.

In the event that OCSD receives from the Department of Social Services of any county a request to interview a student, OCSD shall require the Department of Social Services to provide a statement in writing indicating that the interview is necessary to carry out the purposes of the Child Protection Act.

Adopted: 7/07/10

POLICY G. 2

STUDENTS

SUBJECT: GRADUATION REQUIREMENTS

In order to graduate from Oneonta City School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents, which additional requirements shall be set forth in a regulation. The District shall give notice of such requirements to all high school students, which notice may include posting the regulation on the District website.

Adopted: 7/07/10

POLICY G. 3

STUDENTS

SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation in fewer than eight semesters upon completion of all requirements for graduation, excluding physical education, as mandated by the Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth semester.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(3)

Adopted: 7/07/10

POLICY G. 4

STUDENTS

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. However, when necessary, the District may award local certificates and high school individualized education program diplomas to students with disabilities.

The administration shall develop regulations to implement the policy.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.6 and 100.9

Adopted: 7/07/10

POLICY G. 5

STUDENTS

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (U.S.C.) 1232(g)(b)(4)(A) 34 Code of Federal Regulations (C.F.R.), Part 99

Adopted: 7/07/10

POLICY G. 6

STUDENTS

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide “a fair opportunity” to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 U.S.C. Section 4071(c)).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity. One-half of the school day is defined as follows: from the start of the school day until noon or from noon until the end of the school day.

8 New York Code of Rules and Regulations (NYCRR) Sections 172.1 and 172.2, Education Law Section 1709, 1709-a, 2503-a, and 2554-a, Equal Access Act, 20 United States Code (U.S.C.) Sections 4071 and 4074

Adopted: 7/07/10

POLICY G. 7

STUDENTS

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT
PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Adopted: 7/07/10

POLICY G. 8

STUDENTS

SUBJECT: TRAINING REGULATIONS FOR ALL INTERSCHOLASTIC TEAMS

Athletes do their best when they are in peak physical condition. Because the best effort is expected from each Oneonta athlete, it is necessary to establish certain regulations to assist them in reaching their goal. Additionally, all athletes will participate in an in-season program to assist them in making healthy and legal choices. It should be considered an honor and a privilege to represent Oneonta City School District on an interscholastic sports team and thus, by accepting this honor, the athlete MUST accept the responsibilities which go along with it. Athletes are to abide by all of the training rules set forth here as well as any additional rules, codes of conduct and behavior set forth by the coach, administration and school board. All athletes are expected to recognize the need and importance of the following training regulations:

Training Rules

a) Athletes are not to use, or possess, or be under the influence of alcoholic beverages, illegal drugs or tobacco since these are considered health hazards and detrimental to an athletes' physical and mental well being. Athletes are not to attend a function or enter a place where the illegal consumption or illegal possession of drugs, alcohol or tobacco is taking place. Example: bar, house party, field party.

1. Any athlete who is reported to be in violation of any part of a) will be subject to an investigation originating from the office of the athletic director.

2. Any athlete found to be in violation of a) will be subject to the penalty outlined herein.

First Offense – The athlete will be suspended from participation in athletic contests for a period of 5 (five) sports weeks. During these 5 sport weeks the athlete may attend practices and attend contests but may not dress in uniform or participate in any contests. They also will forfeit any awards that they may have received for that sport season.

If the offense occurs with less than 5 weeks remaining in that current sport season the suspension will carry over until the 5-week suspension has been completed. If the suspension is carried over to another sport season, the athlete may try out for the team but will be ineligible for any scrimmages or contests until the 5-week suspension is completed.

Additionally, the athlete will be required to meet with their school counselor before reinstatement.

Second Offense or Subsequent Offenses during career- The athlete will be suspended for a time period of 365 days and forfeit any awards that they may have received for that sports season. Additionally, the athlete will be required to meet with his/her school counselor before reinstatement to full participation on any interscholastic team will occur. Parents or guardians may substitute another school approved counselor at their own expense.

b) Each coach may specify a definite rest program and hours when team members must be in their homes. Any adjustments must be approved by the coach of the sport.

c) Attendance at practice is essential to develop the greatest degree of skill and teamwork. All requests to be excused from practice sessions must be submitted to the coach 24 hours before the practice for which the request is made.

d) Athletes absent from school may not practice or play the day such absence occurs. Exceptions to this rule can be made only by the school principal or his/her designee. Frequent or excessive tardiness may result in the same penalty.

e) Athletes will adhere to all school rules as outlined in the student handbook.

The athlete will be disciplined at the discretion of the coach and/or administration for any violation of training rules a) through e).

I have read and understand the above training regulations as adopted by the Board of Education.

Signature of Athlete

Date Signed

Signature of Parent/Guardian

Date Signed

Adopted: 7/07/10 – Updated 1/12

POLICY G. 9

STUDENTS

SUBJECT: STUDENT SAFETY AND HAZARDOUS INITIATION TO SCHOOL-RELATED ORGANIZATIONS: HAZING

Any student or student groups who, in the course of another student's initiation into or affiliations with any school-related organization, intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other student or a third person and does cause such injury will be in violation of the School District Policy, the Student Discipline Code of Conduct and may also be in violation of the New York State Penal Law.

Similarly, any student or student group who, in the course of another student's initiation into or affiliation with any school-related organization, intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other student or a third person, even without actually causing such physical injury, will also be in violation of School District Policy, the Student Discipline Code of Conduct, as well as possible violation of the Penal Law.

The practice of "hazing" as defined above, and in accordance with the New York State Penal Law, shall be prohibited in school buildings and on school premises as well as at any activities which are sponsored by the School District and occur off school grounds.

The prohibition of "hazing" will be incorporated into the Student Discipline Code of Conduct and appropriate sanctions for such behavior will be developed in consultation with administrators, teachers, other school service professionals, students and parents/legal guardians. Such a Student Discipline Code of Conduct will be publicized and explained to all students and provided in writing to all parents/legal guardians on an annual basis.

New York State Penal Law Sections 120.16 and 120.17
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)

Adopted: 7/07/10

POLICY G. 10

STUDENTS

SUBJECT: NON-RESIDENT STUDENTS

Effective, January 26, 2012, the Oneonta City School District will no longer accept nonresident students. Any student admitted as a nonresident of the School District prior to the above date will be permitted to continue in enrollment as a non-resident student upon the payment of tuition through the completion of grade twelve or withdrawal from enrollment in the School District, whichever occurs first.

Siblings of currently enrolled nonresident students born on or before January 1, 2012 will be eligible for nonresident enrollment. Siblings born after the aforementioned date will not be eligible.

Adopted: January 25, 2012

POLICY G. 11

STUDENTS

SUBJECT: ACADEMIC INELIGIBILITY

- a) A basic skill deficiency is identified when any subject grade is below the defined acceptable minimum in any report card or interim report. Any middle school or high school student identified as having two or more basic skill deficiencies on any report card or interim report will be declared academically ineligible to participate in extra-classroom organizations, activities, and volunteer programs for the immediately following 5 week period unless that student is involved in a remedial program.
- b) The remedial program for any such student shall be carefully planned, appropriate to the individual needs of the student, in the subjects in which the student is deficient, and approved by the building principal.
- c) If the student does not adhere regularly to the remedial program or does not satisfactorily achieve the objectives specified for the immediately following 5 week period, as determined by the principal, that student will be declared academically ineligible.
- d) At the end of the 5 week period of ineligibility, a student who has satisfactorily achieved the objectives of a remedial program, as determined by the principal, will no longer be academically ineligible.

Adopted: 7/07/10

POLICY G. 12

STUDENTS

SUBJECT: USE OF A TIME OUT ROOM

The Board of Education recognizes that use of a time out room may be an effective and safe means for a student with a disability to safely deescalate, regain control and prepare to meet the expectations to return to his or her education program. It also recognizes that it may be necessary to remove a student from a potentially dangerous situation:

to protect oneself from physical injury;

to protect another pupil or teacher or any person from physical injury;

to protect the property of the school, school district or others; or

to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

Except where there is an unanticipated and immediate concern for the physical safety of a student or others, a time out room is to be used only in conjunction with a student's behavioral intervention plan.

A student may not be placed in a locked room as a means of "time out" and may not be placed in a room, or in a space within a room, where the student cannot be continuously observed and supervised. Additionally, the door must be able to be opened from the inside. Any and all-time out rooms must conform to the requirements set forth below.

A student may be placed in a time out room (1) in accordance with that student's behavioral intervention plan, which is to include specification of factors to determine the need for use of the time out room and limitations for the time to be spent in the time out room or (2), if not designated on a behavioral intervention plan, when the student's behavior poses an immediate and unanticipated concern for the physical safety of that student or of others and it is determined by the professional staff working with the student that the use of the time out room is the least restrictive means to enable the student or others to remain safe and/or to enable the student to safely deescalate and regain control.

Use of the time out room for an individual student may not exceed that time designated on the student's behavioral intervention plan or, if not so designated, may not exceed ninety minutes per incident.

If the student is not able to safely return to his or her education program after the time specified in the behavioral intervention plan, the staff shall adhere to the behavioral intervention plan for other behavioral interventions.

If there is not a behavioral intervention plan, or if the behavioral intervention plan does not specify use of the time out room, the student's parent will be called and arrangements made for the student's removal from the school if the student is not able to safely return to his or her education program after ninety minutes.

All parents of students with a disability whose behavioral intervention plan specifies the use of a time out room shall be provided with a copy of this policy and shall be notified prior to its' implementation that the plan incorporates the use of a time out room and that they have the right to view the physical space to be utilized as a time out room.

Staff shall continuously monitor any student in the time out room. The school will establish and implement procedures to document the use of the time out room. Data will be gathered to monitor the effectiveness of the use of the time out room. Such information is to be made available to the CSE and, upon request, to the student's parents. If the time out room is used they will be notified the same day of the occurrence. Additionally, parents should be notified if their child was placed in a time out room. Whenever a time out room is used in an emergency intervention in accordance with commissioners' regulations, the parent or person in parental relation will be notified of the emergency intervention on the same day as occurrence.

The Director of Special Education is to arrange for training of staff regarding this policy and procedures related to the use of the time out room.

Time Out Room Requirements

The time out room must be of adequate width, length and height to allow the student to move about and recline comfortably. It must provide a means for continuous visual and auditory monitoring of the student and must have adequate lighting and ventilation. Wall and floor coverings should be designed to prevent injury. The temperature of the room is to be within the normal comfort range and consistent with the rest of the building. The room is to be clean and free of all objects and fixtures that could be potentially dangerous to a student. It is to meet all local fire and safety codes. The time out room shall be unlocked and able to be opened from the inside.

POLICY G. 13

Students

SUBJECT: Education of Homeless Children

IDENTIFICATION OF HOMELESS STUDENTS

Under the McKinney-Vento Act, it is the obligation of all districts to affirmatively identify all homeless students. Therefore, it is the policy of the Oneonta City School District (OCSD) to determine whether there are homeless students within the OCSD by using an enrollment/residency questionnaire that asks the nighttime residence of all newly enrolled students as well as when a student's address changes. It is understood that not all homeless students can be identified through social service agencies or shelters as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. It is for this reason, the OCSD will have an enrollment form/residency questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 USC §11434a[2]) ("McKinney-Vento") and New York Education Law §3209(1)(a). The use of an enrollment form/residency questionnaire is a requirement of all Title I schools (see "Coordination with Title I") A sample enrollment form/residency questionnaire may be found at the following website: <http://www.nysteachs.org/info-forms/nysed/>.

This OCSD will also contact our local department of social services (http://www.health.state.ny.us/health_care/medicaid/dss.htm), the local runaway and homeless youth shelter (http://www.ocfs.state.ny.us/main/youth/runaway_homeless_services.pdf) and any other shelters located in the OCSD.

DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH

Pursuant to McKinney-Vento 42 USC §11434a [2], Education Law §3209(1)(a), and 8 NYCRR §100.2(x)(1)(i) a homeless child is defined as:

(1) a child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

- (i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as "doubled-up");
- (ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- (iii) abandoned in hospitals;
- (iv) awaiting foster care placement; or
- (v) a migratory child who qualifies as homeless because he or she is living in circumstances described above; or

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

- (i) 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
- (ii) 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.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian.

42 USC § 11434a (6); 8 NYCRR §100.2(x)(l)(vi)

DUTIES OF THE MANDATED LOCAL LIAISON FOR HOMELESS CHILDREN AND YOUTH

Every LEA, regardless of whether it receives a McKinney-Vento sub-grant, is required to designate a local liaison for homeless children and youth ("homeless liaison"). The homeless liaison OCSD serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. The homeless liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

The OCSD understands that its homeless liaison must ensure that:

- Homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
 - Homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the OCSD;
 - Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the OCSD, and referrals to health, mental health, dental, and other appropriate services;
 - Parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
 - Parents and guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school district of origin, and are assisted in accessing transportation services;
 - Disputes regarding school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento;
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- Assistance in commencing an appeal pursuant to Education Law §310 of a

final determination regarding enrollment, school selection and/or transportation is provided to the homeless child's or youth's parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii);

- Public notice of the educational rights of homeless students is posted in locations where such students receive services, such as schools, shelters, and soup kitchens;
- A record is maintained of all appeals of enrollment, school selection and transportation; and
- School personnel, service providers and advocates working with homeless families are informed of the duties of the homeless liaison.

42 USC §11432(g)(6)(A); 8 NYCRR §100.2(x)(7)(iii)

SCHOOL OF ORIGIN

The McKinney-Vento Act defines school of origin as "the school that the child or youth attended when permanently housed or the school in which the child or youth last enrolled."

42 USC §11432(g)(3)(G)

THE DESIGNATOR HAS RIGHT TO CHOOSE THE SCHOOL DISTRICT THE HOMELESS CHILD OR YOUTH WILL ATTEND

The O C S D understands that the "designator" decides which school district a homeless child or youth will attend. A designator is:

- the parent or person in parental relation (guardian) to a homeless child; or
- the homeless child, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the homeless child, where such homeless child is living in such program.

NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(l)(ii)

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

- **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, or the residential program for runaway and homeless youth is located;
- **School district of origin** - the public 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 such child to become homeless. If the school district of origin is designated, the homeless child is entitled to return to the school building where previously enrolled;
- **School district participating in a regional placement plan** - a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education. It currently exists only in Westchester County.

Please note: students who have designated the district of current location and move to another temporary housing location outside of such district or to a different attendance zone may continue the prior designation to enable the student to remain in the same school building.

42 USC §11432(g)(3)(A); NY Education Law §§3209(1)(c)-(e) & (2); 8 NYCRR §100.2(x)(l)(iii)-(v) & (2)

DESIGNATION/STAC 202 FORM

The OCSD understands it must identify all students who are homeless and that a designation form must be completed for all such students and any other student who claims homelessness. Designations must be made on STAC 202 forms available at http://www.nysteachs.org/media/INF_SED_STAC202_Form.pdf.

- The appropriate designator must complete the designation form. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make designation 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.
- 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 district, must, within two business days of the child's or family's 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.
- Where a parent or person in parental relation to 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 designates the school district of current location, the school district of current location must forward to the New York State Education Department (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.

NY Education Law §3209(2)(d); 8 NYCRR §100.2(x)(3)

OCSD'S DUTIES UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM

Upon identification of a child who is homeless and/or receipt of a completed designation form, the designated school district must:

- immediately review the designation form to assure that it has been completed and 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, immunization records, proof of residency or other documentation;
- provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;

- immediately contact the school district where the child's records are located in order to obtain a copy of such records;
- if the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth must immediately refer the parent or guardian of the homeless child or youth to the homeless liaison who must assist in obtaining necessary immunizations or immunization or medical records;
- forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the district must give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the OCSD's records.

42 USC §11432(g)(3)(C)&(g)(4); NY Education Law §3209(2)&(2-a); 8 NYCRR §100.2(x)(3)&(4)

OCSD'S DUTIES UPON RECEIPT OF A REQUEST FOR RECORDS

Within five days of receipt of a request for school records, the OCSD must forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. NY Education Law §3209(2) (f); 8 NYCRR §100.2(x)(5)

TUITION REIMBURSEMENT

Where either the school district of current location or a school district participating in a regional placement plan is designated as the school district which the homeless child will attend and such homeless child's school district of origin is within New York State, the school district providing instruction will be eligible for reimbursement by the Department for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the Commissioner for the period of time for which such services are provided. The claim for reimbursement must be on the STAC 202 form prescribed by the Commissioner. NY Education Law §3209(3)(a)

TRANSPORTATION RESPONSIBILITIES

- A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts.

- To the extent funds are provided for such purpose, the Office of Children and Family Services ("OCFS") must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. The social services district or OCFS may contract with a school district or board of cooperative educational services ("BOCES") to provide such transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295).
- Any homeless child not entitled to receive transportation from the Department of Social Services or OCFS must be transported by the designated school district. *NY Education Law §3209(4); 8 NYCRR §100.2(x)(6)*
- When the school district of the current location is designated as the school district the homeless child will attend, that school district must provide transportation to the homeless child on the same basis as it is provided to resident students. *NY Education Law §3209(4)(d); 8 NYCRR §100.2(x)(6)(iii)*
- If the homeless child designates the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school. Such transportation cannot exceed 50 miles one way, unless the Commissioner determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Homeless children are entitled to transportation during any disputes regarding school selection and enrollment. *8 NYCRR §100.2(x)(7)(ii)(c)*

TRANSPORTATION EXPENSES

- A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless children under certain circumstances.
- To the extent funds are provided for such purpose, OCFS must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. If the runaway and homeless youth shelter is not capable of transporting or contracting for transportation, the school district must provide transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295). *NY Education Law §3209(4)(b)*

DISPUTE RESOLUTION PROCESS

This school district has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- Provide a written explanation, including a statement regarding the right to appeal 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.
- 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 of a homeless child or youth or unaccompanied youth.
- If the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within 30 days of such final determination, the homeless child or youth will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision on the stay application.
- If the Commissioner grants the stay request and issues a stay order, the homeless child or youth or unaccompanied youth can continue attending the school until the Commissioner issues an appeal decision. However, if the Commissioner denies the stay request, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.
- If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth can continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.

42 USC §11432(g)(3)(E); 8 NYCRR §100.2(x)(7)(ii); US. Department of Education, Education for Homeless Children and Youth Program, Non-Regulatory Guidance (July 2004)

HOMELESS LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES

- The homeless liaison must assist the homeless child's or youth's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law §310 of a final school district decision regarding enrollment, school selection and/or transportation.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: <http://www.counsel.nysed.gov/appeals/petition.htm>.
- The homeless liaison must assist the parent or guardian or unaccompanied youth in completing the form petition, including the section requesting interim relief (stay provision).
- The homeless liaison must arrange 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.

- The homeless liaison must accept 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 arrange 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 the superintendent who has been designated by the board of education to accept service on behalf of the school district.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the homeless 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 the superintendent who has been designated by the board of education to accept service on behalf of the school district.
- The homeless liaison must transmit 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, New York State Education Department, State Education Building, Albany, New York 12234.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless 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, New York State Education Department, State Education Building, Albany, New York 12234.
- The homeless liaison must accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth.
- The homeless liaison must maintain a record of all appeals of enrollment, school selection, and transportation determinations.

42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)

ADDITIONAL HOMELESS LIAISON RESPONSIBILITIES

The homeless liaison must maintain a record of all appeals of enrollment, school selection and transportation determinations. The homeless liaison must also keep a record of all homeless students, their grade level, and their nighttime residence for the year and report this data annually to NYSED. The homeless liaison must inform school personnel, service providers and advocates working with homeless families of the duties of the homeless liaison. *8 NYCRR §100.2(x)(7)(iii)(d) & (e)*

COORDINATION

- The school district must coordinate the provision of services provided 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.
- The school district must coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records.

42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(vi)

COORDINATION WITH TITLE I

The school district acknowledges that homeless children and youth are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The school district will ensure that:

- Title I, Part A funds are set aside as are necessary to provide homeless children who do not attend participating schools with services comparable to those provided to children in Title I, Part A funded schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.
- OCSD, as a school receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with McKinney-Vento which provides services to homeless children.
- If the OCSD states that there are no homeless children or unaccompanied youth in non-Title I schools, the OCSD must describe the efforts it made to identify homeless children and unaccompanied youth. Such efforts must include contacting the local department of social services or OCFS to verify that there are no homeless children or unaccompanied youth in the OCSD.
- The OCSD has documented that their enrollment form/residency questionnaire asks the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing; or awaiting an OCFS permanent foster care placement. Documentation of the OCSD's efforts to identify homeless children and unaccompanied youth are maintained on file along with a copy of the OCSD's enrollment form/residency questionnaire which asks the above questions. Copies of these documents may be obtained from the Homeless Liaison.

REPORTING

Each school district must 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, including the numbers of homeless students, their grade, and their nighttime residence.

8 NYCRR §100.2(x)(7)(vii)

ACCESS TO FREE MEALS (only for districts participating in the federal free/reduced meal program)

All children identified as homeless are eligible for free meals if offered in the district. They do not have to complete an application. When a liaison or a shelter director provides a child's name to the local school food service office, free school meals should commence immediately.

42 USC §1758(b)(12)(A)

BOE ADOPTED:

July 22, 2014