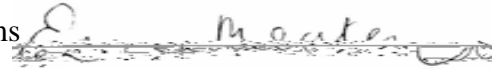


P-12 Education – Office of Accountability

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**TO:** BOCES District Superintendents  
Superintendents of Public Schools  
Charter School Administrators  
McKinney-Vento Liaisons

**FROM:** Erica Meaker, Director of ESSA Funded Programs



**SUBJECT:** McKinney-Vento Summer School Information

**DATE:** June 29, 2023

**Introduction and Background:**

During the 2022-23 school year, Local Education Agencies have provided a wide variety of supports to students experiencing homelessness, including those students made homeless by international conflict or economic instability. As Local Education Agencies (LEAs) begin to plan summer programming, LEAs should continue to consider the needs of these students, who regularly face extraordinary academic and social emotional challenges

temporary living situations, including shelters and emergency or transitional housing; students in hotels, motels, trailer parks, or campgrounds due to lack of alternative adequate housing; students who are “doubled-up” with friends or relatives due to loss of housing, economic hardship, or lack of adequate alternative accommodations. Unaccompanied youth who live in these arrangements are also included under the protections of the law. Under the McKinney-Vento Act, students experiencing homelessness are entitled to immediate enrollment in either their school of origin or in the public school where they are currently living.

Outside of the school year, LEAs are required to ensure that students have access to summer school and programming, and that barriers to attending such programming, such as transportation, are removed. LEAs are also required to ensure that a summer McKinney-Vento Liaison is appointed if the school year liaison is not working during the summer break. By meeting these requirements, LEAs will ensure that students experiencing homelessness have an equal opportunity to succeed and thrive alongside their peers.

## **Access to Summer School and Summer Programming**

Under McKinney-Vento, LEAs “must ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including... summer school.”<sup>2</sup> In practice, this means:

- To the extent that an LEA has a summer school policy that limits participation based on a student’s attendance during the regular school year, the LEA must revise such policy to make an exception for students experiencing homelessness. The McKinney-Vento Act requires that LEAs “develop, review and revise, policies to remove...barriers to enrollment and retention due to outstanding fees or fines, or absences.”<sup>3</sup>
- If a LEA recommends that a student who is homeless participate in summer school and/or LEA-sponsored summer programming and the student can’t participate without transportation, the LEA where the student is enrolled is responsible for arranging transportation.<sup>4</sup>
- If the LEA where the student is enrolled does not offer a summer school program, but instead offers all students the opportunity to enroll in a summer school program provided by a neighboring LEA for a fee, the LEA where the student is enrolled must offer this program to the homeless student and cover the fee. LEAs can utilize any of the following to pay for fees associated with these students attending summer school: Title I, Part A set-aside, the Elementary and Secondary School Emergency Relief (ESSER) grant, the Governor’s Emergency Education Relief (GEER) grant and/or the American Rescue Plan Homeless Children and Youth (ARP-HCY) grant.
- If a student should become permanently housed before June 30, 2023, and needs access to summer school, the student is entitled to enroll in the new LEA of residence and participate in that LEA’s summer school program.<sup>5</sup> Please note, however, that if the student becomes permanently housed before June 30, 2023, and the student will be entering their terminal grade in a school building (e.g., 8th grade or a school serving students in grades 6-8 or 12th grade of a school serving students in grades 9-12) next fall, the student may opt to continue enrollment in the same LEA for summer school and for the terminal grade.<sup>6</sup>
- If students experiencing homelessness need access to a remote learning device or internet access to support participating in remote summer learning programming, LEAs may use Title I, Part A, ESSER, and GEER funds or ARP-HCY funds to purchase technology. Funds may also be used to purchase books and to pay any fees associated with summer school for students who are homeless.

These grant funds may also be used to support students working over the summer to satisfy any Regents or graduation requirements. For information on High School, Regents Examinations see <http://www.nysed.gov/state-assessment/high-school-regents-examinations>.

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<sup>2</sup> 42 U.S.C. § 11432[g][1][F][iii]

<sup>3</sup> 42 U.S.C. § 11432[g][1][I]

<sup>4</sup> Education Law § 3209[4][e]

<sup>5</sup> Education Law § 3209[2][c]

<sup>6</sup> Education Law § 3209[2]

For more information on allowable uses of funds to support students experiencing homelessness, please review New York State Education Department’s (NYSED or “the Department”) [Title I, Part A: Homeless Set-Aside, Guidance on Allowable and Unallowable Expenditures](#) and the United States Department of Education’s [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), Sections H and M. For specific questions about allowable uses of Title I or federal stimulus funds (ESSER, GEER, or ARP-HCY) to support homeless students over the summer, please contact [conappta@nysed.gov](mailto:conappta@nysed.gov).

**Appointing a McKinney-Vento Liaison:**

All LEAs must ensure that there is a McKinney-u, Gu1 G