

a case-by-case basis under the law's broad definition, which includes youth who are persons due to economic hardship. McKinney-Vento eligibility determinations must be made by school districts on a case-by-case basis and should take into account the unique circumstances of each child. School districts are reminded of their obligation to immediately enroll such students while McKinney-Vento eligibility determinations are being made in accordance with §100.2(x) of the Commissioner's regulations.

B. Immunizations

govern the immunizations required for school attendance.⁸ Upon arrival at a U.S. Customs and Border Patrol facility, unaccompanied children are provided an initial medical screening.⁹ Children and youth without documentation of previous valid vaccinations are provided with vaccinations by the Office of Refugee Resettlement.¹⁰

Therefore, unaccompanied children who have been placed with a sponsor following custody in a HHS shelter should have documentation of immunization. However, some unaccompanied children may present to schools with incomplete or no documentation of immunizations. PHL §2164(7)(a) provides that when a student is transferring from another country, a principal (or other designee) may allow that child to attend school for up to 30 days if there is evidence of a good faith effort to obtain immunizations or other evidence of immunization.

C. Additional Resources for School Districts

USDOE and other federal and State agencies have issued guidance with respect to the education of these children. For more information, please see:

<http://www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ens>
<http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>
<http://www2.ed.gov/policy/rights/guid/unaccompanied-children.pdf>
<http://www2.ed.gov/policy/rights/guid/unaccompanied-children-2.pdf>

⁷ <http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>
<http://www.acf.hhs.gov/unaccompanied-children-frequently-asked-questions>
<http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>

⁸ Please note that the Department of Health revised its regulations regarding immunization requirements for school attendance, effective July 1, 2014 (see 10 NYCRR §66-1.3). The Department issued updated guidance on school immunization requirements in March 2014, which is available at

<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/immunizationlettertoschools.pdf>
<http://www.health.ny.gov/prevention/immunization/schools>

⁹ <http://www.acf.hhs.gov/unaccompanied-children-frequently-asked-questions>

¹⁰ *Id.* Please note that if a sponsor does not have a copy of the child's medical or immunization records, the sponsor can request a new copy from HHS via email at Requests.DUCS@acf.hhs.gov

The United States Department of Health and Human Services, Office of Refugee Resettlement:

<http://www.acf.hhs.gov/programs/orr/programs/ucs/about>

The New York State Office of Temporary and Disability Assistance, Bureau of Refugee and Immigrant Assistance (BRIA):

<http://otda.ny.gov/programs/bria/>

The New York State Technical Assistance Center for Homeless Students

<http://www.nysteachs.org/>

Vaccinations in Refugee Children: New York State and New York City
Recommendations and Guidelines