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To: District Superintendents
Superintendents of Public Schools
Administrators of Public, Charter and Nonpublic Schools

From: Cosimo Tangorra, Jr. 

Subject: Resources Regarding Recently Arrived Unaccompanied Children

Recent media reports regarding the difficulties faced by unaccompanied children who have recently arrived in the United States and have attempted to enroll in public school districts have highlighted the need to increase outreach to school districts to ensure that all districts understand and comply with their obligation to enroll all resident students regardless of their immigration status. In addition, some or all of these students may be homeless students entitled to the protections of the federal McKinney-Vento Homeless Education Assistance Improvements Act, 42 U.S.C. § 11431, et. seq., and State law relating to the education of homeless children.

Simply put, under federal law, all such children must be enrolled in New York State public school districts unless and until a district makes a final determination, in accordance with 8 NYCRR §100.2(x)(7), that such students are not homeless pursuant to McKinney-Vento or a final determination that they are not district residents, in accordance with 8 NYCRR §100.2(y).

Below are links to several helpful guidance documents issued by the Department. Please share this information throughout your districts and schools immediately.

Thank you for your continuing efforts to ensure that all students receive the educational services to which they are entitled.

Links to Guidance Documents and Resources:

SED's September 2014 Guidance on Educational Services for Recently Arrived Unaccompanied Children:
<http://www.p12.nysed.gov/sss/documents/EducationalServicesforRecentlyArrivedUnaccompaniedChildren.pdf>

SED's August 2010 Student Registration Guidance:

<http://www.p12.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf>

For specific information regarding the educational rights of children and youth experiencing homelessness, including guidance, FAQs and training opportunities for school districts, parents and others, please visit the website of the Department's technical assistance center – the New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS):

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