



**Q and A: Information for School Districts Impacted by Severe Weather Events**

(Last updated November 2012)

**1. Average Daily Attendance**

Q. What is the effect on State Aid, if any, of poor attendance due to homeless families leaving the area, inability to transport some students, etc.?

A. a) Average daily attendance is far less significant a driver of State Aid than it was when Operating Aid was the major general funding formula. The primary pupil count that drives Foundation Aid is average daily membership, which primarily is based on the students that *could* attend on a given day based on the enrollment register, not on the students that actually *do* attend.

b) That said, attendance does still affect some pupil counts and therefore some aids. However, the following language is included in the NYSEL 3602 definition of average daily attendance: "In computing average daily attendance, school districts may, with the commissioner's approval, exclude attendance for those days on which school attendance was adversely affected because of an epidemic or manmade or natural disaster or act of terrorism."

**2. Split Session**

Q. Is it possible to open school if only some district facilities are available for use, and/or some students cannot be transported to the school they usually attend?

A. Districts in certain situations may wish to consider requesting a split session. Pursuant to 175.5 of the Commissioner's regulations, there are hourly and weekly session minimums that must be met in order to consider a day a day of session for purposes of the 180 day requirement. However, 175.5 also provides several exceptions to those minimums. One of them states that the minimums shall not apply "...to schools which operate on double or overlapping sessions, provided the written approval of the commissioner to operate such sessions has been obtained prior to the scheduling of such sessions for any school year, and provided further that each such session shall consist of not less than the following number of hours:

- (1) The daily sessions for pupils in half-day kindergarten shall be a minimum of two hours.
- (2) The daily sessions for pupils in full-day kindergarten and grades one through six shall be a minimum of four hours, exclusive of the time allowed for lunch.
- (3) The daily sessions for pupils in grades 7 through 12 shall be a minimum of four and one-half hours, exclusive of the time allowed for lunch.

This provision typically is used during an in-session renovation or when the opening of a new school is delayed past the beginning of a school year, but it may be an option in the situations described above.

The form to request approval for a split session can be found on the State Aid website at <https://stateaid.nysed.gov>. Click on 'Forms' on the left side of the home page.

### **3. The 180 Days of Session Requirement**

Q. Can SED waive the requirement that districts be in session for 180 days in order to receive full Foundation Aid funding?

A. This is a statutory requirement; therefore, the department is not authorized to waive it. Absent special legislation addressing this situation, all days on which scheduled session is canceled would have to be made up using upcoming scheduled vacation days. If the district still does not reach 180 days, SED can excuse up to 5 days due to extraordinary conditions before Foundation Aid would start to be reduced by 1/180th per day. Note however, that the Foundation Aid reduction is prorated if not all schools in the district are short, or if schools are short by different numbers of days.

### **4. Declaration of a State of Emergency**

Q. Will the requirement to be in session for 180 days be implemented as described above even if a state of emergency has been declared?

A. Yes. It has been the department's position in the past that a school district could be ordered to close in an emergency and still be required to meet the 180 days of session requirement.

### **5. Emergency Transportation Options**

Q. What options are available to districts that may need buses, or busing services, as a result of damages from the recent storm?

A. Districts may a) enter into an emergency lease of buses, b) enter into an emergency contract, c) purchase a school bus under emergency conditions and/or d) lease a bus or buses from another school district or BOCES.

### **6. Leasing of School Buses Under Emergency Conditions**

Q. What is most important to know and do?

A. Districts should contact the Office of Ed. Mgt. Services (519-474-6541) as soon as possible if they plan to enter a lease under emergency conditions, as some time limitations may apply.

### **7. Emergency Bus Purchase**

Q. What is most important to know and do?

A. a) Replacement of vehicles owned by the district and used for the transportation of children of the district, necessitated by damage or loss, does not require voter approval.

b) Prior to purchase, a written request for approval of the emergency replacement(s) should be sent to the State Aid Transportation Unit, attention: Louise Gallerie. Please include the reason for the replacement, the bus number being replaced and a copy of the board resolution indicating the Board's vote authorizing the replacement(s).

c) After the district takes delivery, SA-16 form (s) should be submitted to the State Aid Transportation Unit in order to receive aid on the purchase.

### **8. Lending of drivers**

Q. What about lending of drivers?

A. Districts should consult with their attorneys and school insurance representatives regarding liability and coverage.

### **9. Emergency Capital Projects**

Q. What is most important to know and do?

A. a) Approval for emergency capital projects can be expedited.

b) Building Aid for certain emergency projects *paid for with capital funds*, not borrowings, can be claimed and received in the year following the expenditure; i.e., aid is not based on assumed amortization of approved project costs over 15, 20 or 30 years.

### **10. Competitive Bidding**

Q. Are contracts for public work and/or certain purchases related to this emergency subject to competitive bidding requirements?

A. General Municipal Law Section 103(4) addresses the letting of contracts for public work and certain purchases in the case of a public emergency when immediate action is required. Districts should consult with their attorneys regarding whether and to what extent this section applies to their various contracts and purchases.

### **11. Information on Educating Homeless Students**

Q. What services do districts need to provide to homeless students, and what are some specific actions districts need to take?

A. Children and youth displaced by extreme weather events may be eligible for services under the federal McKinney-Vento Homeless Education Assistance Improvements Act (McKinney-Vento). NYS Education Law Section 3209 and Section 8 NYCRR 100.2(x) address districts' responsibility for educating homeless students, responsibility for the cost of educating homeless students, required reporting to SED on homeless students, the transportation of homeless students and more. Please see <http://www.p12.nysed.gov/sss/lawsregs/3209.html> for additional information.

Under McKinney-Vento, homeless children and youth are entitled to immediate enrollment in school even if they lack the records normally needed for enrollment, including, but not limited to, proof of immunization and/or a physical exam. Homeless children and youth must also have access to all of the school district's programs, activities and services to the same extent as they are provided to non-homeless resident students.

In addition, homeless children and youth are entitled to enroll in a public school in New York State on a tuition-free basis where they are temporarily residing, which is referred to as the school district of current location, or may return to their school district of origin. The school district of origin is the school district within New York State 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, which is different from the school district of current location. Whenever the school district of origin is designated by the homeless child's parent or guardian or homeless unaccompanied youth, the child or youth is entitled to return to the school building where he or she was previously enrolled. Additionally, whenever the school district of current location is designated, the homeless child or youth is entitled to attend the school that is zoned for his or her temporary location or any school that non-homeless students who live in the same attendance zone in which the homeless child or youth is temporarily residing are entitled to attend.

The following issues must also be addressed:

Homeless Liaison: McKinney-Vento requires each school district to have a homeless liaison to serve as the primary contact between homeless families and school staff, district personnel and local social services agencies and other programs providing services to homeless students. A school district's homeless liaison is responsible for ensuring, among other things, that homeless students are identified by school personnel and through coordinated activities with other entities and/or agencies; enrolled in and have a full and equal opportunity to succeed in school; and receive education services for which they are eligible and are referred to health, mental health, dental and other appropriate services. Further information regarding McKinney-Vento may be found at <http://www.p12.nysed.gov/accountability/homeless/> and by the New York State Technical and Education Assistance Center for Homeless Education: <http://www.nysteachs.org/>

Records Transfer Assistance: Many homeless children and youth may need assistance with records transfers. The school district that has been designated as the homeless child's or youth's school district of attendance must immediately contact the school district where the child's or youth's records are located to request a copy of them and coordinate the transmittal of records for students with disabilities. Within five days of receipt of such a request for school records, the school district where the records are located must forward to the requesting school district a complete copy of the homeless child's or youth's records, including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship records, if applicable.

Nutrition Assistance: Homeless students are eligible to receive free meals through the National School Lunch and School Breakfast Programs for the entire school year if the homeless liaison informs the school food service director. Schools can also accept new applications for families

eligible for free or reduced priced meals at any time. Children eligible for free or reduced meals in the 2011-2012 school year retain their eligibility 30 days after school begins for 2012-2013. For further information go to <http://portal.nysed.gov/portal/page/pref/CNKC>

Health Requirements: Additionally, under McKinney-Vento, if homeless children or youth need to obtain immunizations and/or required school physicals, the enrolling school must immediately refer the student's parent/guardian to the school district's homeless liaison. The liaison must assist the student's parent/guardian in obtaining the necessary immunizations, physical exam or medical records. If a student is unable to obtain a physical through their personal medical provider, the district medical director must provide a school physical at no cost to the parent/guardian.

If student records have been damaged or destroyed; immunization records may be retrievable electronically, through the NYSIIS (New York State Immunization Information System) via the Health Commerce System. For questions related to the Health Commerce System contact the Commerce Accounts Management Unit (CAMU) at 1-866-529-1890. Copies of immunization records or physical reports may also be obtainable through the student's personal medical provider.

School nurses are reminded that although these students may enter school without the required health documents, students can be assessed by a school nurse for the presence of any acute condition and should not be in school if clearly ill (just like any other student in the district).

Q. Is reimbursement available to districts that provide educational services to homeless students?

A. Yes. There is State reimbursement for 100% of the direct cost pursuant to the requirements of Education Law section 3209. Aid is paid to the educating district through the System to Track and Account for Children (STAC) system. The district provides the attendance and program information through STAC and must obtain tuition rate approval from the State if the student is educated in a district operated program. Aid is paid to each district during the current year of education of the students. The school district of last attendance before the student became homeless reimburses the State a defined amount of local contribution during the following school year. The Homeless STAC form may be found at:

[http://www.oms.nysed.gov/stac/schoolage/schoolage\\_placement\\_summary/homeless/stac\\_202\\_form.pdf](http://www.oms.nysed.gov/stac/schoolage/schoolage_placement_summary/homeless/stac_202_form.pdf)

Q. Who is responsible for transporting homeless students?

A. Generally, where the student designates the school district of origin as the district of attendance, that district must provide transportation to and from the student's temporary housing location and the school the child attends. Such transportation must not exceed 50 miles each way, unless the Commissioner of Education certifies that transportation in excess of 50 miles is in the best interest of the child. Where the student designates the school district of current location as the district of attendance, such district provides transportation to the student on the same basis as a resident student. These citations are located in Education Law Section 3209 and Section 100.2(x) of the Commissioner's Regulations. Districts are eligible for State Aid for transportation expenses for homeless students.

Under certain circumstances, the Department of Social Services (DSS) may be responsible for transporting homeless students and Runaway and Homeless Youth (RHY) shelters may also transport homeless students.

## **12. Other Health Issues**

Q. What health issues should schools be looking for that may affect students or staff?

A. Due to favorable conditions for mold growth, schools are encouraged to review the NYSDOH site on mold at: <http://www.health.ny.gov/environmental/indoors/air/mold.htm>

Due to potential mold growth, schools are reminded to be vigilant in monitoring students for signs of respiratory symptoms, particularly with students who have a previous history of allergies and/or lung conditions (e.g. asthma, Cystic Fibrosis).

## **13. Mental Health Issues**

Q. Is there assistance available for students who require counseling related to the aftermath of the storm?

A. Because of the trauma and upheaval students have experienced, many will need extra support. Title I set-aside funds are a resource districts may use to support these students. Examples of services that can be provided with Title I set-aside funds include, but are not limited to basic needs such as clothing, uniforms, school supplies, and health-related needs. Further information may be found at <http://nysteachs.org/info-topic/titleI.html>

### **For additional information please contact the following offices:**

Child Nutrition Program Administration at 518-473-8781

Educational Management Services: 518-474-6541

Facilities Planning: 518-474-3906

State Aid: 518-474-2977

Student Support Services: 518-486-6090

Title I (McKinney-Vento): 518-473-0295