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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON GENERAL WELFARE**

Hon. Stephen Levin, *Chair*

**Oversight: Youth in Shelter and the School System**

**April 16, 2021**

**INT. NO. 0139:** By Council Member Levin

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight

**Administrative Code:** Amends Section 21-965

**INT. NO. 0150:** By Council Members Levin, Brannan, Powers, Rosenthal, Salamanca, Chin, Lander, Barron and Rivera

**TITLE:** A Local Law in relation to a task force regarding the transportation of homeless students

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# **Introduction**

On April 16, 2021, the Committee on Education, chaired by Council Member Mark Treyger, and the Committee on General Welfare, chaired by Council Member Stephen Levin, will conduct an oversight hearing on “Youth in Shelter and the School System.” The Committees have previously held joint hearings on the topic of students in temporary housing in October 2017 and February 2016. The Committees will also hear Introduction Number 139 (“Int. 139”), sponsored by Council Member Levin, relating to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight; and Introduction Number 150 (“Int. 150”), sponsored by Council Member Levin, relating to creating a task force regarding the transportation of homeless students. Witnesses invited to testify include representatives of the Department of Education (DOE), Department of Social Services/Department of Homeless Services (DHS), students, parents, educators, unions, advocates, and other interested stakeholders.

# **Background**

## Student Homelessness

New York City is experiencing a homelessness crisis, with homelessness in recent years reaching its highest levels since the Great Depression of the 1930s.[[1]](#footnote-1) According to DHS’s shelter census, as of April 6, 2021, there were 50,269 individuals in shelters, including 9,205 families with 16,044 children.[[2]](#footnote-2) While there is a significant number of NYC children experiencing homelessness in DHS shelters, most homeless children do not live in DHS shelters. As explained later in this report, homeless children and youth are defined as “individuals who lack a fixed, regular, and adequate nighttime residence.[[3]](#footnote-3) According to DOE, during school year 2019-20, 62,861 students lived “doubled up” with another family due to a loss of housing or economic hardship, 20,775 lived in DHS shelters, 9,167 lived in non-DHS shelters, 275 lived in motels, and 4,348 lived in cars, parks, or other public places.[[4]](#footnote-4) Overall, in school year 2019-20, 97,943[[5]](#footnote-5) DOE students experienced homelessness, representing 9.4 percent of the city’s entire public school student population.[[6]](#footnote-6) Furthermore, nearly all students experiencing homelessness were Black or Hispanic as they account for 85 percent of the student homelessness population.[[7]](#footnote-7)

While students experiencing homelessness attend schools in every district, student homelessness is over-represented in some parts of the city. As reported by the DOE, the Bronx has the highest concentration of students living in temporary housing (STH), with 15.9 percent of its student population experiencing homelessness.[[8]](#footnote-8) The following chart shows a breakdown of student homelessness across the city.

**Borough Breakdown of STH[[9]](#footnote-9)**

*DOE’s 2019-20 STH Report*

Table

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Data also shows that the number of students experiencing homelessness is concentrated in certain schools.[[10]](#footnote-10) At 50 percent of DOE schools, or 836 schools, 10 percent or greater of its student population are homeless and at 3 percent of DOE schools, or 54 schools, 30 percent or greater are experiencing homelessness.[[11]](#footnote-11) Further, in 13 schools over 40 percent of the student population are living in temporary housing.[[12]](#footnote-12)

## The McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) was designed, in part, to ensure that every child receives a “free, appropriate public education,” including preschool.[[13]](#footnote-13) Under the terms of the Act, States receive federal grant money if they meet certain requirements regarding the education of homeless children and youth.[[14]](#footnote-14) Pursuant to the Act, homeless children and youth are defined as “individuals who lack a fixed, regular, and adequate nighttime residence.”[[15]](#footnote-15)

The McKinney-Vento Act requires that students in homeless shelters be allowed to either remain in their school of origin or, if the parent or guardian determines it is not in the child’s best interest to remain in that school, the student may enroll in any public school that students living near the shelter are eligible to attend. [[16]](#footnote-16) If the Local Educational Agency (LEA)[[17]](#footnote-17) determines it is not within the student’s best interest to remain in the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of the decision and notify them of their right to appeal.[[18]](#footnote-18)

Homeless children and youth must also be allowed to enroll in school immediately, even if they do not have documents normally required for enrollment.[[19]](#footnote-19) If the student needs to obtain immunization records or medical records, the school must immediately refer the parent, guardian, or unaccompanied youth to the local homeless education liaison to assist them in obtaining their records.[[20]](#footnote-20) The enrolling school is also required to contact immediately the student’s last school in order to obtain records.[[21]](#footnote-21)

Under the McKinney-Vento Act, homeless children and youth are also entitled to equal participation in other school services, and the state educational agency and LEA must ensure that transportation is provided, if the parent, guardian, or liaison requests it.[[22]](#footnote-22) For example, disability programs, limited English proficiency programs, vocational and technical education programs, gifted and talented programs, and school nutrition programs must be provided on a comparable basis.[[23]](#footnote-23)

State education agencies and LEAs are also responsible for examining policies that act as a barrier to enrollment for homeless children and youth and revising such policies where appropriate.[[24]](#footnote-24) They must develop and implement professional development programs to educate school personnel on problems faced by homeless children and youth and methods for identifying homeless children and youth. Finally, the agencies are required to ensure that students are not stigmatized or segregated based on being homeless.[[25]](#footnote-25)

On December 10, 2015, President Barack Obama signed into law the “Every Student Succeeds Act of 2015,” (ESSA) which reauthorized the Elementary and Secondary Education Act.[[26]](#footnote-26) For homeless students, ESSA builds on existing provisions of the McKinney-Vento Act in order to improve services in areas including school stability, enrollment and full participation, credit accrual and college readiness. With regard to school stability, the amendments include requiring the LEA to make a best interest determination, with a presumption that staying in the school of origin is in the child or youth’s best interest, unless it is against the parent or guardian’s wishes.[[27]](#footnote-27) Further, if a student obtains permanent housing, and if it is determined to be in the student’s best interest to remain in the school of origin, transportation must continue to be provided until the end of the academic year.[[28]](#footnote-28) The previous version of the Act limited transportation to currently homeless students.[[29]](#footnote-29) The amendments also guarantee that homeless students are able to participate fully in both academic and extracurricular activities including summer schools, career and technical education, advanced placement, online learning and charter school programs.[[30]](#footnote-30) ESSA additionally requires planning for how homeless youth will receive assistance from school counselors to prepare and improve their readiness for college.[[31]](#footnote-31) The amendments went into effect July 1, 2016.[[32]](#footnote-32)

## Department of Education

The DOE is charged under federal law of ensuring that students who are homeless or living in a temporary housing arrangement receive the “same public education and the same educational services as permanently housed students.”[[33]](#footnote-33) These rights include “the right to remain in the school they were attending before they became homeless, the right to transportation to their school, and the right to enroll in the local school and attend classes immediately, even if they don't have the documents formally needed.”[[34]](#footnote-34)

The DOE provides help to students in temporary housing through three levels of staffing: 1) community coordinators; 2) family assistants; and 3) Bridging the Gap Social Workers.[[35]](#footnote-35)

* **Community coordinators**: There are 107 community coordinators assigned to schools with a high concentration of STH. The core tasks of a community coordinator include “helping to identify students at risk or living with homelessness to coordinate tailored, data-driven, culturally relevant, trauma-informed strategies and supports; resolve escalated student or family challenges, particularly regarding student transportation, school placement and registration, mid-year transfers, documentation of housing status, and other related issues and advocate on families behalf as needed; create partnerships and relationships to support the needs of STH families including partnerships with key shelter and DOE STH staff; and coordinate with shelter based family assistants and conduct shelter, hotel or home site visits with families as needed to share information about important services and supports and ensure that basic necessities (e.g., school material, hygiene kits).”[[36]](#footnote-36)
* **Family assistants**: Family Assistants are located at shelters and in some schools and are tasked with helping “families with enrollment, getting immunizations and school records, and arranging transportation to and from school.”[[37]](#footnote-37)
* **Bridging the Gap Social Workers**: Bridging the Gap social workers, funded specifically through the City Council, “provide counseling to students who are homeless to help address the trauma often associated with housing loss, connect them to academic support and mental health services, and work to address chronic absenteeism.”[[38]](#footnote-38) DOE’s most recent report, February 15, 2021, indicates there are 99 Bridging the Gap social workers in schools with high rates of students in temporary housing.[[39]](#footnote-39)

## Department of Homeless Services

The DHS shelter system is designed to provide temporary, emergency shelter to families with no other housing options available to them.[[40]](#footnote-40) DHS operates and maintains approximately 150 shelters for families with children.[[41]](#footnote-41) DHS considers families with children to be: (1) families with children under 21 years old; (2) pregnant women; and (3) families with a pregnant woman.[[42]](#footnote-42) As previously mentioned, as of April 6, 2021, there were 9,205 families with children, including 16,044 children in the DHS shelter system.[[43]](#footnote-43)

In recent years, the overall number of families with children entering DHS shelters has decreased.[[44]](#footnote-44) In Fiscal Year 2020, DHS reported that families with children entering the DHS shelters had decreased by 15.7 percent and the average number living in shelters per day had declined by 5.6 percent compared to Fiscal 2019.[[45]](#footnote-45) DHS attributes the continued decline of families entering DHS shelters to the City’s increased investment in legal services funding as well as an increased investment in prevention and rehousing programs, such as rental assistance.[[46]](#footnote-46) DHS also observed a correlation between the COVID-19 eviction moratorium and a further reduction in the agency’s family shelter census.[[47]](#footnote-47)

While the average number of families entering DHS shelters has declined, the average length of stay has increased by 12.5 percent for families with children in the first 4 months of Fiscal Year 2021 compared to the first 4 months of Fiscal Year 2020.[[48]](#footnote-48)

### *Families with Children: Applying for Shelter*

All families with children must apply for shelter at DHS' Prevention Assistance and Temporary Housing (PATH) intake center located in the Bronx.[[49]](#footnote-49) Once a family arrives at PATH, they will first be interviewed by a Human Resources Administration (HRA) caseworker, who will inquire about their living situation and explain the services[[50]](#footnote-50) that may help them avoid entering shelter.[[51]](#footnote-51) If these services do not apply to a family’s specific circumstances, a DHS family worker interviews the family to obtain information about their prior living situation.[[52]](#footnote-52) Families may be assigned a temporary shelter placement for up to 10 days while DHS investigates the information provided during the interview.[[53]](#footnote-53) Families are required to bring their children to the initial intake, but are not required to attend any follow up appointments while determination is pending.[[54]](#footnote-54) According to a report by the Independent Budget Office, families interviewed stated that they were not told that children were not required to attend subsequent appointments.[[55]](#footnote-55)

Based on the investigation, DHS determines whether the family is eligible or ineligible for shelter.[[56]](#footnote-56) Families deemed eligible for shelter are then provided a shelter placement. As discussed in more detail below, an effort is made by DHS to place families in shelters within the same area as the family’s youngest school-aged child’s school of enrollment.

Due to reports that families were not receiving important information regarding school options while applying for shelter at PATH, the City Council passed Local Law 82 of 2018.[[57]](#footnote-57) The legislation requires educational continuity materials and information be provided to families with children applying for shelter during the intake process. Local Law 82 also requires that DHS permit DOE staff access to intake facilities for the purpose of holding discussions with shelter applicants on educational opportunity, the rights of students who are experiencing homelessness, and transportation.

# **Pre-COVID Challenges**

## Academic Challenges

The instability and frequent disruptions for students facing homelessness can place additional burdens on their ability to learn and succeed in school. The impacts of homelessness on young children can lead to changes in brain development that can interfere with learning, emotional self-regulation, cognitive skills, and social relationships.[[58]](#footnote-58) Research shows that children experiencing homelessness are four times more likely to show delayed development and face twice the likelihood of having learning disabilities as stably housed children.[[59]](#footnote-59) Frequent transfers of schools has been shown to be an obstacle to the educational achievement of homeless youth and can impede their academic and social growth.[[60]](#footnote-60)Residential mobility is frequently associated with poor educational outcomes for homeless youth including negative effects on academic performance, rates of grade retention, and rates of high school graduation.[[61]](#footnote-61) In New York City, homeless students are falling behind their peers academically.[[62]](#footnote-62) Generally, any child who changes schools takes from four to six months to recover academically.[[63]](#footnote-63) Students who are experiencing homelessness in New York City are less likely to perform at grade level in math and English, with only a quarter of homeless students scoring at grade level or above compared to about half of their stably housed peers.[[64]](#footnote-64) Students who do not meet grade level proficiency standards often struggle later on and are less likely to graduate on time or at all. Ninety-four percent of homeless students in New York City who passed both exams graduated on time, but significantly only five percent of unhoused students passed both exams.[[65]](#footnote-65) In addition, only 55 percent of homeless students who didn’t pass either exam graduated on time, with as much as 80 percent of unhoused students not passing either.[[66]](#footnote-66)Homeless students frequently achieved worse outcomes than housed students, including housed students eligible for free lunch, on all educational indicators.[[67]](#footnote-67) [[68]](#footnote-68)

## Attendance Rates

According to a report by the Research Alliance for New York City Schools, students in temporary housing in NYC changed schools more often than permanently housed students.[[69]](#footnote-69) Students in shelter moved around the most, with at least one transfer between kindergarten and 4th grade for the average student who was in shelter for three or more years.[[70]](#footnote-70) Some students in shelter changed schools seven times during a five-year span.[[71]](#footnote-71) Families are often placed in shelter based on available space and can end up living far from their original neighborhood and school.[[72]](#footnote-72) The long distances that some students must travel to stay in their original school can impact their sleep patterns and thus their alertness in the classroom.[[73]](#footnote-73) Some families might choose to switch their children into schools that are nearer to the shelter.[[74]](#footnote-74) In the 2018-2019 school year (before the pandemic), of the 23,854 students residing in a DHS shelter, 6,018 were transferred to a different school.[[75]](#footnote-75)

DHS has sought to address this in recent years by ensuring that families are placed in a shelter in the borough of the youngest child’s school.[[76]](#footnote-76) In Fiscal 2020, 55.4 percent of families with children entering DHS shelters received an initial placement according to the youngest school-aged child’s school address, a 2.5 percentage point increase compared to Fiscal 2019.[[77]](#footnote-77) In Fiscal 2020, 76.1 percent of families with children in shelter resided in the borough of their youngest child’s school.[[78]](#footnote-78) Through the School Proximity Project, the DHS team proactively reaches out to families in shelter with longer commutes to schools, offering them shelter placements close to their youngest school-aged child’s school.[[79]](#footnote-79) Since DHS developed this School Proximity Project initiative in July 2018, more than 570 households comprised of more than 2,000 individuals have moved to shelters that are closer to their prior school district.[[80]](#footnote-80) In the first nine months of 2020, out of the 575 families (with children in Pre-K - 5th Grade) who were offered a transfer through this program, 156 families accepted.[[81]](#footnote-81)

Even when students experiencing homelessness do remain in their original school, they struggle to maintain good attendance.[[82]](#footnote-82) In one study, students who experienced homelessness had almost double the levels of chronic absenteeism (meaning they missed about a month of school) between kindergarten and 4th grade, relative to students who did not experience homelessness.[[83]](#footnote-83) The attendance rate of students in temporary housing in the 2018-2019 school year was 87.6 percent[[84]](#footnote-84) compared to 91.5 percent for all students.[[85]](#footnote-85) Attendance issues are driven, in part, by the long trips that students in shelter must often take to and from school. [[86]](#footnote-86)

## Transportation

Pursuant to the McKinney-Vento Act, as previously mentioned, homeless students have the right to transportation to and from school.[[87]](#footnote-87) DOE began offering yellow bus service to homeless students in shelters in 2016, with service for kids in kindergarten through sixth grade.[[88]](#footnote-88) Before 2016, the only option offered to students in shelters was public transportation.[[89]](#footnote-89) DOE now provides yellow buses for students eligible for bus transportation in Pre-K to grade six.[[90]](#footnote-90) Students eligible for transportation in grades 7–12 are eligible for a student MetroCard.[[91]](#footnote-91) Students in doubled-up housing can receive yellow bus service if a route is available.[[92]](#footnote-92) If no bus route is available, the student is entitled to a free, full-fare MetroCard, and the parent or caregiver should also receive a free MetroCard to accompany children in Pre-K–6th grade to school.[[93]](#footnote-93) Students receiving special education services with transportation listed on their Individualized Education Programs (IEP) must receive the service as mandated.[[94]](#footnote-94) Students who live in shelters can receive a MetroCard from their school, while parents can receive them from the Family Assistant at their shelter.[[95]](#footnote-95) Homeless students outside the shelter system can also receive MetroCards from the school, and parents can obtain them from the Students in Temporary Housing Regional Manager for their borough.[[96]](#footnote-96)

Notwithstanding DOE’s expansion of yellow bus service to all Pre-K to 6th grade students living in shelters,[[97]](#footnote-97) transportation remains a significant area of concern.[[98]](#footnote-98) In particular, yellow bus service is not provided to students while their families are in the conditional approval period, which advocates say for most families lasts three to five weeks.[[99]](#footnote-99) Although MetroCards are available while bus service is being coordinated, families are required to return to borough offices each week to receive a new card.[[100]](#footnote-100) Out of the 101,174 students in temporary housing in the 2018-2019 school year, 92,486 were eligible to receive MetroCards and 17,224 were assigned busing.[[101]](#footnote-101)

Moreover, several steps are required to arrange bus transportation. First, families must make a transportation request, then the student’s information in DOE’s Automate the Schools (ATS) system must be updated, the shelter code and request for transportation are made to DOE Office of Pupil Transportation’s (OPT), which verifies the shelter address and arranges transportation.[[102]](#footnote-102) This process can reportedly take weeks after a family is placed in a new shelter.[[103]](#footnote-103)

Furthermore, transportation continues to remain an issue more generally for students in temporary housing who reside in cluster sites and hotels and who live far distances from their schools. School staff who participated in focus groups for a 2016 Independent Budget Office (IBO) report stated that MetroCards, while available, are not a viable form of transportation for young students or students traveling long distances.[[104]](#footnote-104) For parents who are eligible to receive MetroCards to accompany their children to school, school staff report that because cluster sites and hotels do not have full-time DOE staff, these parents have difficulty receiving the MetroCards, as they must arrange to pick up the card from alternative locations such as borough offices.[[105]](#footnote-105) According to the IBO, OPT’s data on transportation services provided to students is incomplete, as student information in ATS is not regularly updated.[[106]](#footnote-106)

# **COVID-19 Challenges**

## Regional Enrichment Centers (RECs)

On March 23, 2020, in order to meet the Governor’s mandate and ensure that essential frontline workers, including medical personnel, transit workers and other key personnel, could continue to report to work,[[107]](#footnote-107) the DOE created childcare for essential workers.[[108]](#footnote-108) The DOE operated more than 90 REC sites in DOE buildings, DOE pre-K centers and community-based programs across the five boroughs.[[109]](#footnote-109) RECs were staffed by “DOE employees and community-based organization partners, and provided children with three daily hot meals, remote learning time with their teachers, and activities like art, music, and physical education, and social and emotional support.”[[110]](#footnote-110) Hours of operation for RECs were 7:30 a.m. to 6:00 p.m.[[111]](#footnote-111)

While RECs provided daily childcare and hot meals for eligible frontline workers, RECs were not without some criticism. At the September 3, 2020, Committee on Education hearing, education advocates criticized the DOE for not allowing students in temporary housing to attend RECs unless their parents fell into one of its employee categories.[[112]](#footnote-112) For many STH, schools provide “a source of stability in an otherwise unstable life” with predictable routines, connections to peers, and relationships with trusted adults who can offer much-needed emotional support.[[113]](#footnote-113)

Advocates called for the prioritization of students “whose academic and developmental progress is most dependent on the social environment and consistency of in-person education,” which, in addition to early and elementary school students, students with Individualized Education Programs and multilingual learners, includes students in temporary housing, such homeless shelters, hotels, transitional housing, shared housing, domestic violence shelters and other home situations, many of which lack internet access, and do not provide an environment conducive for academic enrichment and learning.[[114]](#footnote-114)

The City permanently closed RECs on September 11, 2020 in order to prepare for schools reopening on September 21, 2020 without every adding students in temporary housing to the list of eligible participants.[[115]](#footnote-115)

## Technology Distribution

In response to the COVID-19 pandemic, schools were closed effective March 16, 2020 and on March 23, 2020, DOE transitioned to remote learning, which allows educators to deliver lessons virtually and students to complete assignments, projects and exams online.[[116]](#footnote-116) To support students with learning remotely, NYC public schools initially loaned 175,000 technology devices from school supplies to their students and DOE also ordered 300,000 internet-enabled iPads to loan to public school students in need.[[117]](#footnote-117) However, the Mayor announced that only the first 25,000 iPads out of the 300,000 ordered, would be distributed the week of March 23.[[118]](#footnote-118) According to DOE officials, the first batch of 25,000 iPads was reserved for a priority group of students in temporary housing, including students in shelter and foster care.[[119]](#footnote-119) The remaining iPads were to be delivered on a staggered basis with new shipments arriving from Apple each week and then sent to IBM for “staging,” which means connecting them to the internet, adding all necessary applications, and enabling content filtering, before being assigned to individual students and shipped to homes.[[120]](#footnote-120) This process meant that the distribution of devices to students took many weeks, leaving many students at a significant disadvantage and falling further behind their peers.[[121]](#footnote-121) Despite being prioritized in the distribution of iPads, some students in shelters did not receive devices until many weeks after the transition to remote learning.[[122]](#footnote-122) Further, advocates contend that some students living in City shelters had not received an iPad more than eight months after school buildings closed.[[123]](#footnote-123)

## Internet Connectivity Issues

Even after receiving devices, internet connectivity has proven to be a serious problem for students in shelters, as many shelters have no Wi-Fi service and only spotty cellular service.[[124]](#footnote-124) The lack of wireless internet at city shelters has been a longstanding problem that has only intensified with the demands of online classes, which require students to have strong, reliable connections for video teaching and assignments.[[125]](#footnote-125) Unreliable internet connections make it difficult for students to log on to classes or cause them to repeatedly drop off, impairing access to remote learning for these vulnerable students.[[126]](#footnote-126) DOE-distributed iPads were equipped with cellular data plans from T-Mobile so that students without WiFi would have a way to get online, which did not work well in many City shelters.[[127]](#footnote-127) City officials tried to improve internet access for students living in homeless shelters by switching some iPads from T-Mobile to Verizon, but advocates maintained that those efforts were wholly inadequate and argued that installing WiFi was the only long-term solution.[[128]](#footnote-128) Additionally, some parents of students who missed too many remote classes because of unreliable internet were threatened with having child services notified about potential educational neglect.[[129]](#footnote-129)

Subsequently, in the wake of these complaints and pressure from advocates, in late October 2020 the City announced that it would wire all family homeless shelters with Wi-Fi.[[130]](#footnote-130) Just days later, City officials revealed that most shelters would not be connected until the summer, when the school year would have ended.[[131]](#footnote-131) The city’s goal was to get Wi-Fi up and running in 27 “priority” shelters by winter 2021, and to install Wi-Fi in the rest of the 240 family and domestic violence shelters by summer 2021.[[132]](#footnote-132) This timeline was considered much too slow by parents and advocates, concerned about children who had already missed many months of instruction.[[133]](#footnote-133) As a result, a group of homeless families, with representation from the Legal Aid Society, filed a lawsuit calling for a judge to force the city to provide Wi-Fi in all family shelters across the city no later than Jan. 4, 2021 — the first day of school after winter break.[[134]](#footnote-134) A settlement was reached in this lawsuit in the beginning of April 2021, requiring New York City to finish installing Wi-Fi by the end of August in more than 200 homeless shelters and domestic violence shelters that have not yet received the updates.[[135]](#footnote-135)

## Educational Programming

For the week of March 16, 2020, before online remote instruction commenced on March 23, 2020, most students received a paper packet of work from their school to work on at home.[[136]](#footnote-136) Since it took weeks, if not months, for many students to receive a device, some students were forced to rely on paper homework packets for a much longer period and sometimes it took days of back-and-forth communication for schools to create and send new ones.[[137]](#footnote-137) While paper packets were mailed weekly by some teachers to students without devices, for some students in shelters the updated assignments were sent to other sites, such as RECs, for students to pick up, further impeding consistent access to schoolwork for these students.[[138]](#footnote-138) DOE also posts learning activities for students and resources for families to support learning at home on its website,[[139]](#footnote-139) but this does little to help those who lack internet access.

# **Conclusion**

Prior to the COVID-19 pandemic, homeless children and youth already faced many obstacles that hinder them from achieving their full potential. COVID-19 has exacerbated those obstacles and added new ones. Education is a way to keep children connected to their friends and communities, provide them with the stability they may not have in other aspects of their lives, and empower them to break out of poverty. While DOE and DHS share goals geared towards helping homeless students access the services they need, the Committees seek to better understand how the agencies work together to ensure homeless children and youth are properly educated, especially given the added burden of COVID-19 and all the challenges it has brought—remote learning; access to technology; access to internet; appropriate educational learning and study places among other issues.

# **Bill Analysis**

## Introduction No. 139

**A local law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight**

The proposed legislation would amend existing DOE reporting requirements on student health and student health services. Introduction No. 139 would expand DOE’s reporting to now include data on school based health centers, common student illnesses, and health screenings. The data would specifically be disaggregated by student housing status for students in kindergarten through grade eight in order to assist the Council in identifying unique or acute health challenges faced by such students who reside in temporary housing. Int. No. 139 would take effect immediately.

## 

## Introduction No. 150

**A Local Law in relation to a task force regarding the transportation of homeless students**

The proposed legislation would require the creation of a task force regarding the transportation of homeless students. The task force would include the respective Commissioners of the Department of Homeless Services and the Department of Social Services, the Deputy Chancellor for Operations at the Department of Education (DOE), which oversees student transportation, family assistants from the DOE, representatives of organizations that provide shelter for families with children, and representatives of companies that provide student-busing services.

The task force would meet at least quarterly for a year and at the end of the year would issue a report assessing the barriers to arranging transportation for students living in shelter and recommendations for addressing those barriers. The task force would terminate upon the publication of its report. The proposed legislation would take effect immediately.

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Int. No. 139

By Council Member Levin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight

Be it enacted by the Council as follows:

Section 1. Section 21-965 of the administrative code of the city of New York, as added by local law number 12 for the year 2016, is amended to read as follows:

§ 21-965 Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.

NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.

Reside in temporary housing. The term “reside in temporary housing” means satisfying the definition of “homeless child” as set forth in chancellor’s regulation A-780.

School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.

Student. The term ["Student"]“student” [shall mean]means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.

Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.

b. Not later than April 30, [2017]2018, and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile;

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

[d]c. All information required to be reported by this section shall be disaggregated by:

1. [community] Community school district[.]; and

2. For students in kindergarten through grade eight, whether such students reside in temporary housing.

[e]d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

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Int. No. 150

By Council Members Levin, Brannan, Powers, Rosenthal, Salamanca, Chin, Lander, Barron and Rivera

..Title

A LOCAL LAW

In relation to a task force regarding the transportation of homeless students

..Body

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Family assistant. The term “family assistant” means department of education staff assigned to work with shelters and schools to assist homeless families with obtaining transportation assistance and other services for which they are eligible.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals and families by the department of homeless services, the department of social services or a provider under contract or similar agreement with such departments.

b. There shall be a task force regarding the transportation of homeless students consisting of at least nine members. Members of the task force shall be appointed by the mayor after consultation with the speaker of the council. Such task force shall include the following members:

1. the commissioner of homeless services, or their designee, who shall serve as chair;

2. the commissioner of the department of social services, or their designee;

3. the deputy chancellor for operations of the city school district, or their designee;

4. at least two family assistants;

5. at least two representatives of organizations which provide shelter for families with children; and

6. at least two representatives of a companies which provide busing services to students.

c. All members of the task force shall serve without compensation and at the pleasure of the mayor. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. All members shall be appointed within 60 days of the enactment of this local law.

d. The task force shall meet at least quarterly and shall submit a report of its recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. Such report shall include an assessment of the barriers to arranging transportation for students living in shelter and recommendations for addressing such barriers.

e. The task force shall cease to exist upon the publication of the report required pursuant to subdivision d.

§ 2. This local law takes effect immediately.

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8. New York City Department of Education: 2019-20 Students in Temporary Housing (STH) Report accessed at <https://infohub.nyced.org/docs/default-source/default-document-library/report-for-school-year-2019-20.pdf> [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. 42 USCA § 11431. [↑](#footnote-ref-13)
14. 42 USCA § 11432. [↑](#footnote-ref-14)
15. 42 USCA § 11434a. [↑](#footnote-ref-15)
16. 42 USCA § 11432 (defining “school of origin” as the school the student attended when permanently housed or the school in which the student last enrolled). [↑](#footnote-ref-16)
17. Local education agency is defined as a “public board of education or other public authority . . . that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.” 20 USCA 7801(30)(A). [↑](#footnote-ref-17)
18. 42 USCA § 11432 [↑](#footnote-ref-18)
19. *Id*. [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Id.* [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. *Id.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. National Center for Homeless Education, Every Student Succeeds Act of 2015, *available at* [https://nche.ed.gov/title-1-part-a*/*](https://nche.ed.gov/title-1-part-a/). [↑](#footnote-ref-26)
27. Every Student Succeeds Act, PL 114-95, Dec. 10, 2015, 129 Stat 1802; *see also* Nat’l Assoc. for the Education of Homeless Children and Youth, Statutory Language and Summary, Homelessness and Foster Care in “The Every Student Succeeds Act of 2015,” *available at* <https://naehcy.org/essa-legislation-bill-summaries-text-and-us-department-education-guidance-and-regulations/> [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. *Id.* [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. *Id.* [↑](#footnote-ref-32)
33. New York City Department of Education, “Students in Temporary Housing,” *accessed at:* <https://www.schools.nyc.gov/school-life/special-situations/students-in-temporary-housing>. [↑](#footnote-ref-33)
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38. Advocates for Children, “Students in Temporary Housing,” *accessed at:* <https://advocatesforchildren.org/who_we_serve/students_in_temporary_housing>. [↑](#footnote-ref-38)
39. New York City Department of Education, “Guidance Counselor Reporting,” accessed at: <https://infohub.nyced.org/reports/government-reports/guidance-counselor-reporting> [↑](#footnote-ref-39)
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45. *Id.* [↑](#footnote-ref-45)
46. *Id.*  [↑](#footnote-ref-46)
47. *Id.* [↑](#footnote-ref-47)
48. New York City Mayor’s Office of Operations, *Mayor’s Preliminary Management Report: Fiscal Year 2021* (Jan. 2021), at 168, <https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf>; *c.f.*, N.Y.C. Mayor’s Office of Operations, *Mayor’s Management Report: Fiscal Year 2020* (Sept. 2020), at 198, <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/2020_mmr.pdf> (reporting the average length of stay for families with children was 443 days in Fiscal 2020, compared to 446 days in Fiscal 2019). [↑](#footnote-ref-48)
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