



COMMUNITY EDUCATION COUNCIL DISTRICT 30

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RESOLUTION #177

Opposing 60-Day Limitation on Shelter Stays for Families of New York City Public School Students

WHEREAS, on October 11, 2023, Mayor Eric Adams announced that New York City would limit shelter stays for families with children to 60 calendar days (60-Day Rule), after which families would need to reapply for city shelters if they have nowhere else to live;¹

WHEREAS, Subtitle VII-B of The McKinney-Vento Homeless Assistance Act (the McKinney-Vento Act) authorizes the federal [Education for Homeless Children and Youth Program](#) and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness;²

WHEREAS, the McKinney-Vento Act was reauthorized in December 2015 by Title IX, Part A, of the [Every Student Succeeds Act](#);

WHEREAS, the New York State Education Department interprets the Federal Law³ in the following way:

The McKinney-Vento Act⁴ states that children and youth who lack “a fixed, regular, and adequate nighttime residence” will be considered homeless. McKinney-Vento eligible students have the right to:

1. *receive a free, appropriate public education;*
2. *enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;*
3. *enroll in school and attend classes while the school gathers needed documents;*
4. *continue attending the school of origin, or enroll in the local attendance area school if attending the school of origin is not in the best interest of the student or is contrary to the request of the parent, guardian, or unaccompanied youth;*
5. *receive transportation to and from the school of origin, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth; and*
6. *receive educational services **comparable**⁵ to those provided to other students, according to each student’s need.⁶*

WHEREAS, a diverse group of organizations and individuals, including the New York Legal Assistance Group,⁷ the Legal Aid Society, the Coalition for the Homeless, the New York Immigration Coalition,⁸ Advocates for Children,⁹ and a coalition of more than 135 doctors, nurses, hospital administrators, and other healthcare workers,¹⁰ among others, have condemned shelter time limits as detrimental to the safety and educational wellbeing of children residing in the shelters;

WHEREAS, a joint statement issued by the Legal Aid Society and the Coalition for the Homeless specifically condemned the 60-Day Rule, stating:

This plan will disrupt the lives of homeless students and create chaos for their schools, as parents are forced to choose between re-enrolling or spending the day traveling across the city to their current school. That’s a terrible outcome for both families and educators.¹¹

WHEREAS, during the 2021-22 school year 72% of students residing in temporary housing were chronically absent,¹² which is defined under Chancellor's Regulation A-210 III.D. as an attendance rate of less than 90%;¹³

WHEREAS, a review of relevant research underscores that there are significant negative effects on student outcomes as a result of involuntary and/or unplanned movement between schools, including but not limited to decreases in test scores and high school graduation rates,¹⁴ with the Institute for Children, Poverty, and Homelessness finding that as of the 2016-17 school year:

- Even when students did not experience a mid-year transfer or chronic absenteeism, those who experienced homelessness scored proficient on the ELA exam at lower rates than housed students (25% vs. 42%).
- ELA proficiency rates dropped significantly for homeless students who experienced a mid-year transfer (15%) or chronic absenteeism (14%).
- Among homeless students, those who experienced no instability factors were twice as likely to score proficient as those who were both chronically absent and transferred mid-year (25% vs. 12%).
- Among homeless students who were chronically absent and transferred schools mid-year, more than one in four, 29%, dropped out. This was over seven times the rate of homeless students with no instability factors (4%).
- Only 56% of students who were homeless at some point in high school graduated within four years, but when homeless students were able to attend school regularly and did not have to transfer mid-year during any of their years of high school, they graduated at rates similar to their housed peers (90% vs. 96%), and well above the citywide graduation rate of 74%.¹⁵

WHEREAS, relationships with students and their families, which can require sustained effort over time from teachers, parent coordinators, school counselors, and other staff, are essential to student engagement, well-being, and success;

WHEREAS, many students residing in shelters have already experienced significant disruptions to their education, compounded by the trauma experienced as a result of displacement, migration, and ongoing instability;

WHEREAS, under the 60-Day Rule, children could be forced to change schools up five times per school year;

WHEREAS, schools need additional resources and personnel, including bilingual staff, nurses, and social workers, to address the needs of students in temporary housing;

WHEREAS, under the 60-Day Rule, families who re-apply for shelter may be forced to move to new shelters far from their children's school of origin, causing significant disruption to both students' educational progress and schools' budgeting, planning, and allocation of resources and personnel;

WHEREAS, the only way for schools to receive the necessary funding for new students enrolling after the October 31 cut-off date is through an arduous appeals process which creates uncertainty and delays for school staff and the students they serve;¹⁶

WHEREAS, school bus delays have been endemic over the last several years,¹⁷ causing additional hardship on students who seek to continue to attend their school of origin after being moved to a new shelter;

THEREFORE, BE IT RESOLVED, that CEC 30 urges Chancellor David C. Banks and the Panel for Educational Policy to request that Mayor Eric Adams waive implementation of the 60-Day Rule in respect of families with children enrolled in New York City Public Schools.

VOTED AND APPROVED: December 11, 2023

- ¹ <https://www.nytimes.com/2023/10/18/nyregion/migrants-shelter-nyc.html>
- ² <https://nche.ed.gov/legislation/mckinney-vento/>
- ³ <https://www.federalregister.gov/documents/2016/03/17/2016-06073/mckinney-vento-education-for-homeless-children-and-youths-program> and <https://nche.ed.gov/legislation/mckinney-vento/>
- ⁴ <https://www.nysed.gov/essa/mckinney-vento-homeless-education>
- ⁵ Per the Federal Statute: Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3).
- ⁶ <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>
- ⁷ <https://nylag.org/statement-nylag-condemns-new-60-day-shelter-policy-for-migrant-families/>
- ⁸ <https://www.nyc.org/2023/10/adams-again-attacks-right-to-shelter-endangering-child-asylum-seekers/>
- ⁹ <https://www.advocatesforchildren.org/node/2261>
- ¹⁰ <https://drive.google.com/file/d/1dizKBtnOI8FPMEQAwTKhLsLML8pvihKt/view>
- ¹¹ <https://www.coalitionforthehomeless.org/press/joint-statement-from-legal-aid-coalition-for-the-homeless-in-response-to-reporting-that-the-adams-administration-will-limit-shelter-stays-for-families-with-children-to-60-days/>
- ¹² <https://www.nydailynews.com/2023/10/28/education-of-migrant-children-threatened-by-nyc-60-day-shelter-limit/>
- ¹³ <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-210-english>
- ¹⁴ <https://nepc.colorado.edu/publication/student-mobility>
https://www.advocatesforchildren.org/sites/default/files/library/up_against_the_od_ds_2006.pdf?pt=1
- ¹⁵ <https://www.icphusa.org/reports/disparities-in-academic-achievement/#overview>
- ¹⁶ <https://citylimits.org/2023/10/30/comptroller-calls-for-school-funding-changes-to-accommodate-asylum-seeker-enrollments/>
- ¹⁷ <https://ny.chalkbeat.org/2022/11/21/23472253/nyc-school-bus-del>

