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COMMUNITY BOARD NO. 2, MANHATTAN

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December 21, 2023

Hon. Eric Adams
Mayor, The City of New York
City Hall
New York, NY 10007

Hon. David Banks
Chancellor, New York City Department of Education
52 Chambers Street
New York, NY 10007

Hon. Dr. Angela Green, Chairperson
Hon. Gregory Faulkner, Vice Chairperson
Hon. Members of the Panel for Educational Policy

Re: **CB2 Resolution Opposing 60-Day Limitation on Shelter Stays
for Families of Public School Student**

Honorable Chancellor Banks, Chairperson Green, Vice Chairperson Faulkner, and Members of the Panel for Educational Policy:

At our Full Board meeting on December 19, 2023, Community Board 2/Manhattan adopted the following resolution.

CB2 Resolution Opposing 60-Day Limitation on Shelter Stays for Families of Public School Students (DRAFT)

1. **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
2. **WHEREAS**, Subtitle VII-B of The McKinney-Vento Homeless Assistance Act (the McKinney-Vento Act) authorizes the federal Education for Homeless Children and Youth

¹ <https://www.nytimes.com/2023/10/18/nyregion/migrants-shelter-nyc.html>

Program, and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness;²

3. **WHEREAS**, the McKinney-Vento Act was reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act;
4. **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:
 - a. receive a free, appropriate public education;
 - b. enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;
 - c. enroll in school and attend classes while the school gathers needed documents;
 - d. 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;
 - e. 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
 - f. receive educational services comparable⁵ to those provided to other students, according to each student’s need.⁶
5. **WHEREAS**, a diverse group of organizations and individuals, including the New York Legal Assistance Group⁷, the Legal Aid Society, the Coalition for the Homeless, the New York Immigration Coalition⁸, Advocates for Children⁹, and a coalition of more than 135 doctors, nurses, hospital administrators, and other healthcare workers¹⁰, among others, have condemned shelter time limits as detrimental to the safety and educational wellbeing of children residing in the shelters;
6. **WHEREAS**, a joint statement issued by the Legal Aid Society and the Coalition for the

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 <https://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.nycic.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/1dizKBtmOI8FPMEQAwTKhLsLML8pvihKt/view>

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

7. **WHEREAS**, during the 2021-22 school year 72% of students residing in temporary housing were chronically absent¹², which is defined under Chancellor's Regulation A-210 III.D. as an attendance rate of less than 90%¹³;
8. **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 rates¹⁴, with the Institute for Children, Poverty, and Homelessness found 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. Still, 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.

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_odds_2006.pdf?pt=1

¹⁵ <https://www.icphusa.org/reports/disparities-in-academic-achievement/#overview>

9. **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;
10. **WHEREAS**, under the 60-Day Rule, children could be forced to change schools up to five times per school year;
11. **WHEREAS**, schools need additional resources and personnel, including bilingual staff, nurses, and social workers, to address the needs of students in temporary housing;
12. **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;
13. **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 serve¹⁶.
14. **WHEREAS**, school bus delays have been endemic over the last several years¹⁷, causing additional hardship on students who seek to continue to attend their school of origin after being moved to a new shelter;
15. **WHEREAS**, the US Department of Health and Human Services defines child abuse as, “An act or failure to act which presents an imminent risk of serious harm.”¹⁸;
16. **WHEREAS**, NYC Child Protective Services uses the terms Child Neglect and Child Maltreatment interchangeably reference “to the quality of care a child is receiving from those responsible for the child. Maltreatment occurs when a parent or other person legally responsible for the care of a child harms a child or places a child in imminent danger of harm by failing to exercise the minimum degree of care in providing the child with any of the following: food, clothing, shelter, education or medical care when financially able to do so.”¹⁹

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-delay>

¹⁸<https://www.hhs.gov/answers/programs-for-families-and-children/what-is-child-abuse/index.html>

¹⁹<https://ocfs.ny.gov/programs/cps/definition.php>

THEREFORE, BE IT RESOLVED, Community Board 2 urges Chancellor David C. Banks and the Panel for Educational Policy to demand that Mayor Eric Adams waive the 60-Day Rule for families with children in NYC Public Schools.

FURTHER BE IT RESOLVED, that Community Board 2 condemns the 60-Day rule as educational abuse, and demands that Mayor Eric Adams waive the 60-Day Rule for families of children in NYC Public Schools, prioritizing principles of educational access, stability, and success for all students, irrespective of housing circumstances.

Vote: Unanimous in favor

Respectfully Submitted,



Susan Kent
Chair, Community Board 2



Patricia Laraia
Chair, Schools & Education Committee
Community Board 2, Manhattan

Members of the Panel for Educational Policy:

- Dr. Angela Green, Chairperson, PEP
- Gregory Faulkner, Vice Chairperson, PEP
- Aaron Bogad
- Alan Ong Alice Ho
- Amy Fair
- Anita Garcia
- Anthony Giordano
- Ephraim Zakry
- Geneal Chacon
- Gladys Ward
- Jessamyn Lee
- Kaliris Salas-Ramirez
- Lily Chan
- Maisha Sapp, Contracts Committee Chair
- Marjorie Dienstag
- Michelle Joseph
- Naveed Hasan
- Phoebe Sade-Arnold
- Tazin Azad
- Thomas Sheppard

Copies:

- Hon. Brad Hoylman-Sigal, NYS Senator, 27th District
- Hon. Brian Kavanagh, NYS Senator, 27th District
- Hon. Deborah J. Glick, NYS Assembly Member, 66th District
- Hon. Grace Lee, NYS Assembly Member, 65th District
- Hon. Jumaane Williams, NYC Public Advocate
- Hon. Brad Lander, NYC Comptroller
- Sayde Campoamor, Chief Equity Officer for NYC Comptroller Brad Lander,
- Hon. Mark Levine, Manhattan Borough President
- Hon. Alvin Bragg, Manhattan District Attorney
- Hon. Christopher Marte, NYC Council Member, 1st District
- Hon. Carlina Rivera, NYC Council Member, 2nd District
- Hon. Erik Bottcher, NYC Council Member, 3rd District
- Hon. Rita Joseph, NYC Council Member, 40th District
- Jason Borges, Executive Director of NYC Public Schools Literacy Collaborative
- Hon. Mark Treyger, Executive Director of Intergovernmental Affairs, NYCDOE
- Kelly McGuire, NYC DOE District 2 Superintendent
- Community Education Council District 2