




May 26, 2021

TO: District Superintendents
Superintendents of Schools
Administrators of Public and Charter Schools
Bilingual/ESL Coordinators/Directors

FROM: Commissioner Betty A. Rosa 

SUBJECT: Provision of Educational Services for Recently Arrived Unaccompanied Children and Youth

As a result of instability and violence in Central American countries, there has been a recent increase in the number of unaccompanied youth crossing the United States-Mexico border. The Board of Regents and the New York State Education Department (NYSED, or the Department) are deeply concerned about the mounting physical custody of unaccompanied children and are living in a temporary housing arrangement (See 42 Education Law §3209[1][a][1][v]; and 8 NYCRR §100.2[x][1][iii][6]).

This definition refers to all unaccompanied children and youth in temporary housing between the ages of 5 and 21, regardless of citizenship or immigration status, who are residing in New York State.

Pursuant to Education Law §3202(1), a person over 5 and under 21 years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Moreover, pursuant to Education Law §3205, school districts must ensure that all students within the compulsory school age attend upon full-time instruction. Therefore, New York

- Request the records from the school that the unaccompanied youth previously attended. This includes taking reasonable steps to promptly obtain the IEP and any other records relating to the provision of special education programs and services to the child. If the records are not immediately available, as may be the case with some of the students who have been displaced from Central America, schools must still immediately enroll the child and ensure full participation. For more information about enrollment without records, visit the National Center for Homeless Education's issue brief, [Prompt and Proper Placement: Enrolling](#)

