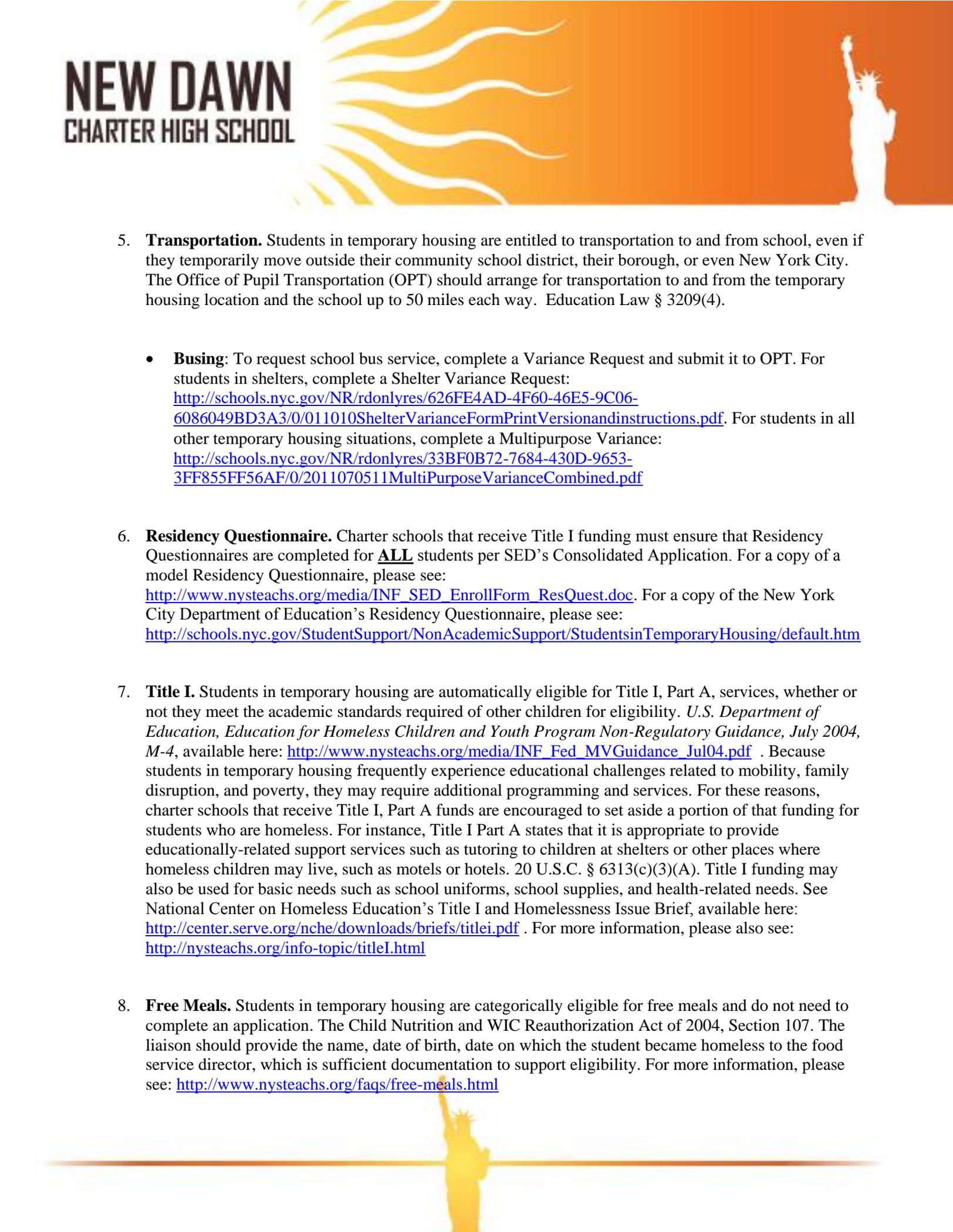


McKinney-Vento Policy

Charter schools have important obligations to students experiencing homelessness (also referred to as students in temporary housing) under the McKinney-Vento Homeless Assistance Act, the federal law that sets out the educational rights of such students.

1. **Eligibility.** Students do not need to live in shelters or on the street to be considered homeless. In addition to students living in these circumstances, students who are living doubled-up with families or friends due to loss of housing, economic hardship or other similar reason are also considered homeless under the McKinney-Vento Act and New York State Education Law Section 3209. For a more full description of students protected by these laws see: <http://www.nysteachs.org/faqs/definitions-eligibility.html>
2. **Liaisons.** Charter schools are considered to be their own local education agency, or LEA, for purposes of the McKinney-Vento Act and are required to have a Liaison available to help students in temporary housing. For more information see question 8 in the June 2004 Memo by the State Education Department (SED), available here: http://www.nysteachs.org/media/INF_SED_REV_QA_Jun04.doc or SED's July 2010 Memo, available here: http://www.nysteachs.org/media/INF_SED_NYCCharterLottery.pdf . For a list of the responsibilities of the liaison see: <http://www.nysteachs.org/liaisons/responsibilities.html>
3. **Preference in lotteries.** Charter schools must give preference to applications from students residing in same community school district as where the charter school is located. Students in temporary housing can be accorded a charter school preference in more than one community school district, depending on the situation. An application from a student in temporary housing is entitled to geographic preference in the charter school admission lotteries for:
 - any charter school located in the community school district where the student was last permanently housed AND
 - any charter school located in the community school district where the student's temporary housing is located.For more information, see the following Field Memo from the State Education Department : http://www.nysteachs.org/media/INF_SED_Homeless_Student_Charter_School_Guidance_QA.pdf
4. **Immediate enrollment.** Students in temporary housing are entitled to immediate enrollment in school, even if they do not have the documents typically required of permanently housed students, such as birth certificate, school records, and immunization records. 42 U.S.C. § 11432(g)(3)(c)(i); 8 N.Y.C.R.R. § 100.2(x)(4)(ii).

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5. **Transportation.** Students in temporary housing are entitled to transportation to and from school, even if they temporarily move outside their community school district, their borough, or even New York City. The Office of Pupil Transportation (OPT) should arrange for transportation to and from the temporary housing location and the school up to 50 miles each way. Education Law § 3209(4).
- **Busing:** To request school bus service, complete a Variance Request and submit it to OPT. For students in shelters, complete a Shelter Variance Request:
<http://schools.nyc.gov/NR/rdonlyres/626FE4AD-4F60-46E5-9C06-6086049BD3A3/0/011010ShelterVarianceFormPrintVersionandinstructions.pdf>. For students in all other temporary housing situations, complete a Multipurpose Variance:
<http://schools.nyc.gov/NR/rdonlyres/33BF0B72-7684-430D-9653-3FF855FF56AF/0/2011070511MultiPurposeVarianceCombined.pdf>
6. **Residency Questionnaire.** Charter schools that receive Title I funding must ensure that Residency Questionnaires are completed for **ALL** students per SED's Consolidated Application. For a copy of a model Residency Questionnaire, please see:
http://www.nysteachs.org/media/INF_SED_EnrollForm_ResQuest.doc. For a copy of the New York City Department of Education's Residency Questionnaire, please see:
<http://schools.nyc.gov/StudentSupport/NonAcademicSupport/StudentsinTemporaryHousing/default.htm>
7. **Title I.** Students in temporary housing are automatically eligible for Title I, Part A, services, whether or not they meet the academic standards required of other children for eligibility. *U.S. Department of Education, Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004, M-4*, available here: http://www.nysteachs.org/media/INF_Fed_MVGuidance_Jul04.pdf . Because students in temporary housing frequently experience educational challenges related to mobility, family disruption, and poverty, they may require additional programming and services. For these reasons, charter schools that receive Title I, Part A funds are encouraged to set aside a portion of that funding for students who are homeless. For instance, Title I Part A states that it is appropriate to provide educationally-related support services such as tutoring to children at shelters or other places where homeless children may live, such as motels or hotels. 20 U.S.C. § 6313(c)(3)(A). Title I funding may also be used for basic needs such as school uniforms, school supplies, and health-related needs. See National Center on Homeless Education's Title I and Homelessness Issue Brief, available here: <http://center.serve.org/nche/downloads/briefs/titlei.pdf> . For more information, please also see: <http://nysteachs.org/info-topic/titleI.html>
8. **Free Meals.** Students in temporary housing are categorically eligible for free meals and do not need to complete an application. The Child Nutrition and WIC Reauthorization Act of 2004, Section 107. The liaison should provide the name, date of birth, date on which the student became homeless to the food service director, which is sufficient documentation to support eligibility. For more information, please see: <http://www.nysteachs.org/faqs/free-meals.html>



For New York City charter schools that use School Food, the Office of School Food requires a letter from the shelter where the child is staying then School Food will change that child's status. Schools that do not use School Food will have access to change their own meal code status. Please see the following pdf for an explanation of codes:

http://schools.nyc.gov/NR/ronlyres/9831364D-E542-4763-BC2F-7D424EBD5C83/65942/ResidencyQuestionnairewCodesOFFICIALJuly09_English.pdf

9. **Higher Education.** Higher education is the key to helping students experiencing homeless escape poverty. Homeless unaccompanied youth qualify as independent students on the Free Student Application for Financial Act (FAFSA), which makes it easier for them to get the financial aid they need to pursue post-secondary education. A homeless unaccompanied youth is a youth not in the physical custody of a parent or legal guardian who meets the definition of homeless under the McKinney-Vento Act. For more information, please see: http://naehcy.org/higher_ed.html and <http://nysteachs.org/info-topic/access-college.html>

10. **Data Collection.** Each charter school is required to collect data on which of its students have experienced homelessness at any time during the year. Education Law 3209(5)(c); 8N.Y.C.R.R. § 100.2(x)(7)(v). These data are usually maintained in the charter school's student management system or ATS. For more information about how to enter this information into ATS, please contact your cohort operations liaison directly.

For more information about charter schools and McKinney-Vento please visit the website:
<http://www.nysteachs.org/faqs/charter-schools.html>.

Charter schools liaisons can contact Jennifer Pringle, Director of NYS Technical and Education Assistance Center for Homeless Students (NYS-TEACHS) with any additional questions. Her contact information is (212) 822-9546 or jpringle@advocatesforchildren.org.

