

Indiana Education for Homeless Children & Youth (INEHCY)
McKinney-Vento Homeless Education Program

Serving Homeless Children and Youth in Charter Schools

Every Student Succeed Act Charter School Guidance

Charter schools have been part of the Elementary and Secondary Education Act since 1994. The Every Student Succeeds Act expands current law by improving accountability throughout the authorization process.

The USED worked to secure language to ensure charters are educating the same populations as traditional public schools; to strengthen the standards that charters need to meet, with a focus on fiscal oversight; and to increase parental involvement to help ensure charter schools are locally grown and not forced on communities.

More specifically, the ESSA charter school language specifically supports:

- Efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools.
- Improving quality, accountability and transparency in the operational performance of public chartering agencies, including states, districts and other authorizing entities.
- Eligibility for state grants under ESSA requires:
- Charters to meet the needs of students served under such programs, including students with disabilities and English learners.
- That authorized public chartering agencies, in collaboration with districts (where applicable), establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools.

States to work with charter schools on:

- Recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students (e.g., foster youth and unaccompanied homeless youth).
- Supporting all students, once they are enrolled, to promote retention, including by reducing the use of discipline practices that remove students from the classroom.

States will also be required to ensure better oversight for federally funded charters by:

- Establishing authorizing standards, which may include approving, monitoring and re-approving or revoking the authority of an authorized public chartering agency based on charter schools' performance in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations.
- Requiring a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, a

school's performance in the state's accountability system, and a school's impact on student achievement (which may include student academic growth).

- Describing a state's right to revoke or not renew a school's charter based on financial, structural or operational factors involving the management of the school.
- Demonstrating how the charter will solicit and consider input from parents and other members of the community.

Additionally, states will be required to assure that they will:

- Adequately monitor each charter school in recruiting, enrolling, retaining and meeting the needs of all students, including children with disabilities and English learners.
- Promote quality authorizing, consistent with state law, such as by providing technical assistance including:
 - Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth and rates of student attrition.
 - Reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publicly reported.
 - Holding charter schools accountable to the academic, financial and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, nonrenewal or revocation of the school's charter.

FEDERAL GUIDANCE

Requirements in the McKinney-Vento Act for all LEAs

The McKinney-Vento Act includes a number of requirements for LEAs, which also apply to charter schools that are LEAs. These requirements include the following [42 U.S.C. § 11432(g)(3)]:

- LEAs must continue a homeless child’s education in the school of origin or enroll a homeless child in any public school that a non-homeless student who lives in the attendance area where the family is temporarily staying can attend, according to the child’s best interest;
- LEAs must provide written notice to parents, including a statement regarding the right to appeal, when the LEA sends the child to a school other than the one that the parents or guardians request;
- LEAs must enroll a homeless child or youth immediately in school, even if the child or
- make records available in a timely fashion when a homeless child or youth enters a new school or school district;
- provide services to homeless students that are comparable to those offered to other students (this would include providing transportation services comparable to those provided to other students);
- coordinate with local service agencies or programs that provide services to homeless children and youth;
- appoint a local homeless education liaison (hereafter referred to as *local liaison*) to ensure that:
 - homeless children and youth are identified, enrolled in school, and linked to services;
 - parents and guardians of homeless children are informed of their educational rights;
 - public notice of rights is disseminated;
 - disputes are carried out under the state’s McKinney-Vento dispute resolution process; and
 - parents and guardians of homeless children are informed of all transportation services, including transportation to and from the school of origin;
- coordinate with the SEA, community, and school personnel responsible for providing services to homeless children and youth; and
- review and revise policies that may act as barriers to the enrollment of homeless children and youth.

All LEAs are required to submit data on homeless students enrolled in their schools [42 U.S.C. § 11434(h)(1)]. LEAs collect homeless student data on an annual basis and submit the data to the SEA for the Consolidated State Performance Report (CSPR).

McKinney-Vento Act Requirements for Schools

Schools are required to carry out the policies established by the LEA for implementing the McKinney-Vento Act, with the guidance and support of the local liaison. Charter schools that are considered part of an LEA must carry out these responsibilities, as well.

School responsibilities include the following:

- identifying homeless children and youth;
- enrolling homeless children and youth, including unaccompanied homeless youth, immediately;
- providing services for and linking them to services to support their academic success.

Following are some common ways schools support the education of homeless students:

- assisting the family with obtaining records for enrollment;
- assessing the children's academic needs and provide tutoring or other support to ensure that they will be successful during the stressful time of experiencing homelessness;
- ensuring the children have needed school supplies;
- providing time and space for a child or youth who does not have a proper study environment outside of school to complete homework or work on school projects;
- ensuring that a homeless child is not punished for behavior related to his or her homelessness, such as tardiness or not completing homework, and providing support to address the behaviors;
- waiving fees and removing barriers to students' participation in extracurricular activities;
- discussing needs the family, children, or youth have, and linking them with community services;

- developing a resource or referral list to provide to families and youth who may not be familiar with community resources; and
- Maintaining the family's, children's, or youth's confidentiality related to their living situation.

The McKinney-Vento Act prohibits the segregation of homeless students in separate classrooms or in separate schools [42 U.S.C. § 11432(c)(3)(A)]. Segregating homeless students stigmatizes them on the basis of their homelessness and isolates them from what most want more than anything else – being with their peers and having as “normal” of a mainstream school experience as possible.

Transportation Requirements as They Apply to Charter Schools

Transportation to and from the School of Origin

If an LEA determines that remaining in the school of origin is in the best interest of a child or youth who becomes homeless, the LEA must provide transportation to and from the school of origin at a parent's or guardian's request (or at the request of a local liaison on behalf of an unaccompanied homeless youth) [42 U.S.C. § 11432(g)(1)(J)(iii)]. The definition of school of origin is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled [42 U.S.C. § 11432(g)(3)(G)].

The McKinney-Vento Act further states that when a homeless student who moves from one LEA to another wishes to remain in the school of origin and the parent or guardian requests transportation, the two LEAs must agree on a method to share the responsibility and costs for providing the child with transportation to and from the school of origin. If they are unable to agree on a method, they must share the responsibility and cost of the transportation equally [42 U.S.C. § 11432(g)(1)(J)(iii)(II)].

LEA must provide transportation for a homeless student to remain in the charter school as his or her school of origin, if requested. To the extent that transportation is a barrier to school attendance, LEAs, including charter schools that are LEAs, must provide transportation to and from the school of origin even if they do not provide transportation for any other students.

Charter schools should include funds for transporting homeless students to and from their school of origin in their annual budget. Charter schools should explore the use of public transportation and community partnerships, or consider reimbursing homeless parents for mileage for driving their children to school or providing them with gas vouchers.

General Transportation Requirements for Homeless Students

In the McKinney-Vento Act, general transportation for homeless students falls under comparable services [42 U.S.C. § 11432(g)(4)]. LEAs are required to provide transportation services to homeless students comparable to those provided to other students. However, some situations exist in which an LEA must provide transportation assistance for a homeless child that may exceed what is provided to other children. LEAs and schools are required to remove barriers to the school enrollment and attendance of homeless children and youth, including transportation barriers. As such for example, in an instance where an LEA does not provide student transportation in general but a homeless child has to walk across a busy intersection to get to school without a parent or guardian, the LEA must ensure that the child can get to and from school safely.

Enrollment Requirements as They Apply to Charter Schools

While the McKinney-Vento Act requires the immediate enrollment of homeless students, some charter schools have specific criteria for enrollment. Only those homeless students who meet the criteria would be eligible to enroll.

Many charter schools have enrollment caps and would violate their charters if the cap were exceeded. In these instances, a charter school would not have to enroll a homeless student but should assist the parents with finding another school in the local attendance area where the family is staying. The charter school should contact the LEA's local liaison for assistance in this effort.

Many charter schools have deadlines for enrollment or lotteries to determine which students may enroll. Families experiencing homelessness and high mobility could be disadvantaged by these requirements if they are not in the area when the deadline or lottery occurs. Charter schools should provide equal opportunity for homeless students to attend, and revise policies that constitute barriers to enrollment. One example is to extend the application deadline for identified homeless students if it were missed because the student, parent, or guardian experiencing homelessness did not receive written information mailed by the district, if there are still enrollment slots available or if the lottery has not already occurred.

Charter school enrollment policies, including enrollment caps, however, may not be used to override a homeless student's right to continue his or her education in the school of origin for the duration of homelessness in any case in which the student becomes homeless between academic years or during an academic year, or for the remainder of the academic year, if the student becomes permanently housed during an academic year, as established by 42 U.S.C. § 11432 (g)(3)(A)(i).

Free Meals and Snacks for Homeless Students

Students experiencing homelessness are automatically eligible for free meals through the federal school meal programs; yet, if a school does not have a federal meal program, there is no obligation to provide students with food. Nevertheless, since there is a strong correlation between adequate nutrition and academic achievement, many charter schools that do not participate in a federal school meal program choose to provide homeless students with food. Strategies include the following:

- Establish business partnerships or community collaborations with restaurant franchises, food pantries, or faith-based organizations.
- Link families with food banks so that they may send meals and snacks to school with their children.
- While not designed to meet all of a homeless child's nutritional needs, the Title I, Part A set-aside funds for homeless students may be used, for example, to provide snacks or food during a tutoring program.

Coordination between State Homeless Education Programs and Charter Schools

Coordination between charter schools (and agencies administering charter schools) and the state homeless education program will ensure that homeless children and youth have equal access to attend charter schools. Examples of coordination from states include

- SEA policies or charter board policies that specify ways charter schools must enroll and serve homeless children and youth,
- State Coordinators offering training to charter school administrators,
- State Coordinators including charter schools in local monitoring for implementation of the McKinney-Vento Act,
- charter school authorizers including indicators specific to enrolling and serving homeless students in their annual reviews of charter schools.

RESOURCES:

STATE HOMELESS EDUCATION COORDINATOR

Deepali Jani is the Indiana Department of Education's state homeless education coordinator. She is available to assist with homeless student issues throughout the year. Deepali can be reached at djani@doe.in.gov or **(317) 233-3372 (317)460-1340** text/direct.

National Center for Homeless Education <https://nche.ed.gov/pr/briefs.php#best>

National Association for the Education of Homeless Children & Youth
<http://www.naehcy.org/>

Frequently Asked: Q &A

Private Schools, Tribal Schools and Charter Schools

What obligations do private schools have under the McKinney-Vento Act? If the school of origin is a private school, must the student be allowed to continue attending?

A. The McKinney-Vento Act does not apply to schools that are entirely **privately funded**. Therefore, private schools are not required to allow children to continue to attend or to provide transportation. Public schools should offer McKinney-Vento and Title I, Part A services to students experiencing homelessness who are attending private schools, as public schools do for other private school students who are eligible for public education services (for example, special education and Title I, Part A services).

Are tribal schools required to designate a liaison for their schools?

A. Probably. The Department of the Interior receives McKinney-Vento funds for schools run by the Bureau of Indian Affairs (BIA). The Secretary of Education and the Secretary of the Interior must enter into an agreement to ensure that such funds are used to meet the purposes of the Act. The Secretary of the Interior must establish goals, objectives and milestones for use of the funds. Since the liaison position is essential to meet the purposes of the McKinney-Vento Act, it is likely that BIA schools would be required to designate a liaison. However, advocates working with Native American children experiencing homelessness should consult the Department of the Interior to obtain a copy of the McKinney-Vento plan and determine what activities are required.

In our state, charter schools do not have to provide transportation to students (except for special education students) unless they choose to do so. Do charter schools have to enroll students experiencing homelessness if the charter school is the school of origin? Do charter schools have to accept students experiencing homelessness if it is an attendance area school and there are other public schools available in the attendance area? Do charter schools have to appoint a homeless liaison?

A. Yes, yes, and yes. Public charter schools have the same responsibility under the McKinney-Vento Act as other schools and school districts. If a student who attends a charter school becomes homeless, the student has the same right to remain in the school of origin as other public school students. If a student experiencing homelessness attempts to enroll in a charter school, the school must enroll him or her as long as other students living in the same area would be eligible to attend the school. If the charter school has particular, skills-related entrance requirements, the student must meet those criteria (for example, a fine arts charter school with requirements related to artistic ability). Charter schools that are considered their own LEAs must designate a liaison for students experiencing homelessness.