



NATIONAL ALLIANCE FOR
**PUBLIC
CHARTER
SCHOOLS**



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SELECTED Q&A'S ABOUT SERVING STUDENTS EXPERIENCING HOMELESSNESS IN CHARTER SCHOOLS

The following questions and answers were submitted by charter school staff during a webinar convened by the National Alliance for Public Charter Schools (National Alliance) and SchoolHouse Connection (SHC) in December 2019, and during in-person convenings of charter schools by SHC in early 2020. For more in-depth information, consult the National Alliance/SHC publication, [How Charter Schools Can Support Students Experiencing Homelessness](https://www.publiccharters.org/our-work/publications/how-charter-schools-can-support-students-experiencing-homelessness) (<https://www.publiccharters.org/our-work/publications/how-charter-schools-can-support-students-experiencing-homelessness>).

ELIGIBILITY

- 1. If a family has a stable house, but their utilities are cut so that the housing may be considered insufficient, would that family be considered homeless? Is substandard housing part of the McKinney-Vento eligibility criteria?**

Generally, a lack of utilities would make the housing substandard and inadequate for children, making the family homeless under the McKinney-Vento Act. The definition of homelessness includes "substandard housing."¹

- 2. If a child's parent dies, and the child moves in with a grandparent, would the student be an unaccompanied homeless youth?**

That depends on the specific situation. If the child moves into a stable, adequate housing arrangement with grandparents, and the grandparents are demonstrably willing and able to provide housing to the child long-term, the child probably is not McKinney-Vento eligible. However, when children move in with relatives or other people on an emergency basis, the children often are considered unaccompanied homeless youth. In those situations, the housing is temporary; it is unclear how long the children will be able to stay; the housing may be inadequate for the children due to overcrowding or other conditions; or other factors may make the housing not fixed, regular, and adequate for the children.

3. If a student is staying with a grandparent or other relatives who do not have legal custody, is the student considered an unaccompanied youth?

Again, it depends. Generally speaking, the lack of legal custody implies a level of instability in the living situation, since the relative at any time can force the child to leave. The child has no right to the care of that adult. Therefore, the lack of legal custody is a strong factor in favor of a student being McKinney-Vento eligible. However, there are situations when a student is in a long-term, stable, adequate housing arrangement with a non-custodial relative, and the student is not McKinney-Vento eligible.

IMMEDIATE ENROLLMENT/PARTICIPATION

4. How do charter schools deal with lotteries and waitlists?

The U.S. Department of Education has emphasized that local educational agencies (LEAs) “should anticipate and accommodate the needs of McKinney-Vento-eligible students to enter charter schools... despite missing application and enrollment deadlines due to a period of homelessness.”ⁱⁱ Due to the mobility inherent in homelessness, students often enter a charter school’s geographic area after a lottery process has been

completed. Without the ability to apply outside the lottery, they may be locked out of the opportunity to attend charter schools. Also, charter schools may weight their lotteries in favor of homeless students, consistent with applicable state charter school laws and the requirements of their charter.ⁱⁱⁱ Some states or charters may prohibit weighted lotteries, or require waitlist policies to be approved by authorizers. Others may encourage or even require certain prioritization. For more information about lotteries and waitlists, see [How Charter Schools Can Support Students Experiencing Homelessness](#).

5. What do we do if a student experiencing homelessness seeks to enroll in a charter school, and there is space in the appropriate class, but the charter school's admission normally is through a lottery whose deadline has passed? Does it matter if the charter school is its own LEA, or part of a larger LEA?

If a McKinney-Vento student seeks to enroll in a charter school, and there is space in the appropriate class, the charter school should provide the student with immediate enrollment, per the McKinney-Vento Act.^{iv} The only exception would be if the charter school has some particular talent or skill requirement that all students must meet, such as a fine arts charter school that requires students to demonstrate expertise in a performing art. The fact that a lottery or enrollment deadline has passed cannot be a barrier to the student's enrollment.^v

These procedures would be the same whether the charter school is considered its own LEA, or is part of a larger LEA. In either case, it is helpful to include the school's policies on enrolling students experiencing homelessness in the student handbook and other enrollment materials. This can help facilitate implementation and make sure that McKinney-Vento families and students, as well as others, understand the policy and why McKinney-Vento students may be enrolled after a lottery or enrollment deadline has passed.

6. What do we do if a student experiencing homelessness seeks to enroll in a charter school, but the appropriate class already is full, and there is a waiting list? Does it matter if the charter school is its own LEA, or part of a larger LEA? and student shows up to enroll, no space.

The McKinney-Vento Act does not require charter schools to enroll a new student if the student's class is full. The U.S. Department of Education has stated that LEAs "should consider giving homeless children and youths priority if there is a waitlist for [charter] schools, programs, and activities."^{vi} Providing this priority, or holding spaces open for students experiencing homelessness who move into the area after the application or lottery period has closed, often are the only procedures that eliminate barriers to charter schools for this disadvantaged population.

State laws and/or a school's charter may place parameters on this. Some states or charters may prohibit offering any preferences or priorities, or may prohibit giving certain populations a priority on waitlists, or may require all preferences, priorities and/or waitlist policies be approved by authorizers. Others may encourage or even require certain prioritization.

If the classroom where a McKinney-Vento student seeks to enroll is full, the student should be referred to the liaison of the local public school district, and/or other nearby charter schools that have space, for immediate enrollment in another school. If the parent (or the student, if the student is an unaccompanied youth), wishes to be put on the charter school's waiting list, the charter school should place the student on the waiting list; the U.S. Department of Education's Guidance states that LEAs "should consider giving homeless children and youths priority if there is a waitlist for [charter] schools, programs, and activities."^{vii}

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on enrolling students experiencing homelessness in the student handbook and other enrollment materials. This can help facilitate implementation and make sure that McKinney-Vento families and students, as well as others, understand the policy and why McKinney-Vento students may be given priority on a waitlist.

7. Which comes first: immediate enrollment or McKinney-Vento identification/eligibility?

In practice, identification comes first, although identification and immediate enrollment should go hand-in-hand, simultaneously. Typically, red flags for homelessness will become apparent during the enrollment process. Staff handling registration should be trained how to ask sensitive and appropriate follow-up questions when families cannot produce proof of residency; students seek to enroll without an adult; caregivers seek to enroll a student who is not in their legal custody; students have multiple school moves in the current or previous school year; or parents comment about housing instability during the enrollment process. When enrollment staff uncover homelessness, they should proceed with immediate enrollment. In situations where there is a question about whether a student qualifies under McKinney-Vento, enrolling staff should proceed with immediate enrollment, and contact the homeless liaison to make the eligibility determination.

8. How do we enroll a student in classes without having transcripts to know previous classes they have taken?

In the absence of previous school records, school staff can speak with parents, students, previous school counselors and teachers to make initial decisions about appropriate classes. At the same time, the school must request records from the student's last school immediately.^{viii} When the school records are received, the school can make any needed class adjustments.

9. Do schools/LEAs have to provide financial support for McKinney-Vento students to attend activities?

LEAs must “review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths.”^{ix} “Enrollment” includes attending classes and participating fully in school activities.^x Therefore, school must work with McKinney-Vento students to remove barriers to full participation in school activities. That includes assisting with equipment, transportation, and other support.

10. What should the policy be for ten or more absences and withdrawals for McKinney-Vento students?

LEAs must “review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.”^{xi} Research shows that McKinney-Vento students are absent more often than other students, even other students in poverty. The instability and stress inherent in homelessness can interrupt regular school attendance, due to issues such as lack of transportation, constant moving, illnesses, and other challenges of homelessness. Therefore, blanket policies on maximum absences should not be applied to McKinney-Vento students. Those policies are a barrier to enrollment and retention in school. Rather, the school should find out why the student is missing school, and what supports can be put in place to support regular attendance.

TRANSPORTATION

11. What are a charter school's responsibilities for transportation? Is there a limit on the number of miles to transport a student?

Transportation requirements depend on the specific situation. Sometimes, a charter school will be a student's "school of origin." The school of origin is the school attended when the student was permanently housed or the school in which last enrolled.^{xii} McKinney-Vento students can remain in their school of origin for the duration of their homelessness and until the end of the academic year in which they move into permanent housing.^{xiii} This right applies regardless of where the student moves, so long as it is in the student's best interest to remain in the school of origin. McKinney-Vento students have the right to receive transportation to the school of origin at no charge for as long as they attend their school of origin, even if that school does not provide transportation for any other student.^{xiv} When students remain in their school of origin, the LEA of origin and the LEA where the student currently resides share the responsibility for providing transportation to the school of origin.^{xv} There is no mileage limit for school of origin transportation, as school of origin placement is based on the student's best interest.

Charter schools that are considered to be independent LEAs under state charter school laws also must assist students with transportation to extra-curricular activities, if needed. The U.S. Department of Education has established that "to the extent that lack of access to transportation is a barrier to extracurricular activities for a particular student, an LEA would be required to provide this student with transportation to or from extracurricular activities."^{xvi}

In addition to this required transportation, other transportation should be provided on a comparable basis: students experiencing homeless should receive the same basic transportation services other students receive.^{xvii}

For more information about transportation, see [How Charter Schools Can Support Students Experiencing Homelessness](#).

12. Our charter school does not have a lunch program or provide transportation. How do we address transportation and meals for our McKinney-Vento eligible students?

Charter schools are required to provide transportation as outlined in question 11, regardless of what they offer to housed students.

If your school does not offer meals, it is not required to offer meals to students experiencing homelessness. Some schools are able to offer bags of food for students to take from school on a weekly basis, and even daily lunches, through collaborations with local food banks or other service agencies.

13. For non-site based K-12 schools: what transportation is required for students to get to classes outside the home, such as vendor classes? Our students take classes outside the home, through local businesses (vendors), in addition to home-based curriculum. I am assuming that we are responsible to ensure an even playing field in terms of transportation; that is, we would have to support transportation to get to vendor classes in order to ensure success with the established individualized learning plan.

Your assumption is correct. A charter school considered to be an independent LEA under state charter school laws, even if it a non-site based school, must “review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths.”^{xviii} “Enrollment” includes attending classes and participating fully in school activities.^{xix} When virtual school students are required to travel to a site for classes, testing, or other reasons, the

school should work with the student to remove any barriers that transportation might present.

14. What about after school transportation to a daycare, rather than the location where the child is currently living?

Children experiencing homelessness sometimes often cannot return to where they spend the night until late in the evening. Shelters often do not open before the evening; motel rooms can be very unsafe for children to stay alone before their parents return; and people providing a couch or temporary accommodations to a family may not allow the children to be there unsupervised during the day. Providing transportation to child care can remove a barrier to school enrollment and retention. If the school otherwise is required to provide transportation, as outlined in question 11, transportation to child care rather than the child's current home should be provided.

15. Are there liability issues we should be concerned about if we connect a student to other parents for transportation and something happens to that student (e.g. an accident, inappropriate contact, etc.)?

You should consult your school's attorney about liability issues. Schools commonly provide opportunities for parents to meet each other, and parents then may make their own decisions about sharing transportation or child care responsibilities. Providing opportunities for parents experiencing homelessness to connect with other parents can help build community and provide parents with resources for their children.

CHARTER SCHOOLS AND LEAS

16. Our school district has a number of district-sponsored charter schools that our district McKinney-Vento program serves. But there also is a charter school within the district boundary that is not sponsored by or connected to the district. Would this charter school be considered its own LEA? Who provides the McKinney-Vento services, including transportation, to the students at that charter—the charter itself, or the local district?

Generally, state law determines whether a charter school is considered an independent LEA. For such charter schools, they will have their own McKinney-Vento liaison and implement the statute independently. They will collaborate with other LEAs as traditional public school districts do.

PRIVACY

17. If a student is classified as an unaccompanied homeless student (ran away from an abusive environment), do the parents still have educational rights? Do parents have the right to request educational information?

Unless a court order removes the parent's parental or educational rights, the parent retains them. The parent retains rights under the Family Educational Rights and Privacy Act (FERPA)^{xx} until the student turns 18, at which time rights transfer to the student. However, the student also can exercise FERPA rights even before turning 18.^{xxi} For more information about FERPA and homelessness, see [Privacy, FERPA, and Student Homelessness](#).

18. Are we allowed to speak with personnel at the shelter? I went to our local shelter and identified myself as the liaison for our school, and left literature, but some residents said they were not given the information.

Absolutely. Meeting local shelter staff and providing information about your program is an excellent way to ensure identification and immediate enrollment for students staying at the shelter. It may help to create a protocol with shelter staff about how they will share information with students and families, how you can work together to facilitate enrollment, and how to help ensure consistent attendance. If a protocol is in place, and all shelter staff are trained to implement it, families and students will be more likely to receive accurate and timely information.

19. I've received guidance that we should keep McKinney-Vento status confidential, even from our teachers. Should we tell teachers if a student is eligible?

Schools must remove barriers to identification, enrollment, and retention of McKinney-Vento students.^{xxii} If students and families believe that information about their homelessness will be shared widely with school staff or outside agencies, they may avoid disclosing their homelessness. This would create a barrier to identification and enrollment. Therefore, the McKinney-Vento Act requires heightened protection of information about homelessness.

Schools can share education records, including a student's homelessness, with other school officials, including teachers, within the local educational agency or school when they have a "legitimate educational interest" in the information. To ensure schools are not erecting a barrier to identification or increasing the likelihood of stigma for students experiencing homelessness, schools should interpret "legitimate educational interest" narrowly, and avoid broad, categorical sharing of homeless information school- or district-wide. The district or school must use reasonable methods to ensure that school officials obtain access only to those education records in which they have legitimate educational interests.^{xxiii} It is a best practice to ask parents/students for their permission prior to sharing homelessness information with teachers or other school staff.

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- ⁱ 42 USC §11434a(2)(B)(iii).
- ⁱⁱ US Department of Education (2018). [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), I-6.
- ⁱⁱⁱ 80 Fed. Reg. 114 (6/15/15), p. 34214. This is also from the comments and responses section of the NFP.
- ^{iv} 42 USC §11432(g)(3)(C).
- ^v 42 USC §11432(g)(3)(C)(i)(II).
- ^{vi} US Department of Education (2018). [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), I-6.
- ^{vii} US Department of Education (2018). [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), I-6.
- ^{viii} 42 USC §11432(g)(3)(C)(ii).
- ^{ix} 42 USC §11432(g)(1)(I).
- ^x 42 USC §11434a(1).
- ^{xi} 42 USC §11432(g)(1)(I).
- ^{xii} 42 USC §11432(g)(3)(I).
- ^{xiii} 42 USC §11432(g)(3)(A).
- ^{xiv} U.S. Department of Education (2018). [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), J-6.
- ^{xv} 42 USC §11432(g)(1)(J)(iii).
- ^{xvi} U.S. Department of Education (2018). [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), J-11.
- ^{xvii} 42 USC §11432(g)(4)(A).
- ^{xviii} 42 USC §11432(g)(1)(I).
- ^{xix} 42 USC §11434a(1).
- ^{xx} 20 USC §1232g; 34 CFR Part 99.
- ^{xxi} U.S. Department of Education, "Family Educational Rights and Privacy Act (FERPA) and the Disclosure of Student Information Related to Emergencies and Disasters", June 2010.
- ^{xxii} 42 USC §11432(g)(1)(I).
- ^{xxiii} 34 CFR §99.31(a)(1).