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NYS Field Memo
NCLB McKinney-Vento
03 - 2013

May 23, 2013

To: District Superintendents
Superintendents of Public Schools
Charter School LEA Administrators
Homeless Education Liaisons

From: Roberto Reyes

Ref: Charter School Guidance

Charter School Guidance Q&A

Definitions:

School District of Origin: the district in which the student was attending public school *or was eligible to attend public school* when the student became homeless.

School District of Current Location: the school district in which the student is temporarily residing, which must be different from the district of origin.

Designated School District of Attendance: the school district that is responsible for paying charter school basic tuition and providing transportation for students in temporary housing who are attending charter schools. This can be **either** the school district of origin **or** the school district of current location.

Q: What obligations do charter schools have under the McKinney-Vento Act, the federal law outlining the educational rights of students in temporary housing?

A: Charter schools are considered local educational agencies (LEAs) under the McKinney-Vento Act and are required to appoint a liaison to help students in temporary housing and their parents. Under the Act, the liaison is responsible for ensuring that:

- Children and youth in temporary housing are identified by school personnel and through coordination activities with other agencies;
- Children and youth in temporary housing enroll in, and have a full and equal opportunity to succeed in, schools of that LEA;
- Families, children and youth in temporary housing receive educational service for which such families and youth are eligible;
- The parents/guardians of children and youth in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children's education;
- Public notice of the educational rights of children and youth in temporary housing is disseminated where such children and youth receive services, such as schools, family shelters, and soup kitchens;
- Enrollment disputes are promptly mediated; and
- The parent or guardian of a child or youth in temporary housing, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin. (42 U.S.C. § 11432(g)(6)(A)).

Q: Are students in temporary housing who attend charter schools required to designate a school district of attendance?

A: Yes. Pursuant to state law, all students identified as homeless, including those attending charter schools, must complete a designation form, indicating the designated school district of attendance. (Education Law § 3209(2)(d)).

Q: Who designates the district of attendance for a student in temporary housing and on what form?

A: The parent or the student with the help of the McKinney-Vento Liaison, in the case of an unaccompanied homeless youth, designates the district of attendance on the designation form, otherwise known as the STAC-202 form, linked here:

http://www.oms.nysed.gov/stac/schoolage/schoolage_placement_summary/homeless/stac_202_form.pdf

Q: Who ensures that the designation form/STAC-202 form is completed for a student attending a charter school? Which districts are entered on the STAC-202 form?

A: After a student has been identified as homeless, a designation form or STAC-202 form must be completed.¹ A charter school, school district, or local department of social services (in cases where it has placed the family in temporary housing) may complete the STAC-202 form and send a copy to all parties listed on the STAC-202 form. In many instances, the charter school will be the first to become aware of a student's housing situation and should fill out the STAC-202 form. However, the charter school itself should *not* be entered anywhere on the STAC-202 form. It should be completed as follows:

- *Box 7A. NYS School District of Attendance Before Becoming Homeless:* the student's district of origin should be entered, even if the student has never attended a traditional public school in that district.
- *Box 8A. NYS School District of Current Location:* the school district in which the student is temporarily residing should be listed. Note that, because students may attend charter schools in any district, the student's school district of current location may or may *not be* the district in which the charter school they are attending is located.
- *Box 9A. NYS Designated District of Attendance:* the district designated by the student's parent (or the youth, if she is unaccompanied) should be listed

Q: Which school district should be designated as the district of attendance for a student in temporary housing attending a charter school; the district of origin or the district of current location?

A: A parent may designate either the district of origin or the district of current location as the district of attendance.

- In most cases, if the student was attending the charter school prior to becoming homeless, the district of origin should be designated as the district of attendance, to ensure the provision of transportation. Under Education Law, the district of origin must transport a student in temporary housing up to 50 miles each way to school, whereas the student is only eligible for transportation from the district of current location insofar as permanently housed students in that district are eligible for transportation to that charter school. (Education Law § 3209(4)).
- If the student enrolls in a charter school after becoming homeless, the designation of the district of attendance will depend on factors such as where the student is temporarily living, which district is better suited to provide the transportation, and which district is better suited to provide special education services if the student has an IEP (for example, which district may already have arrangements in place to provide speech therapy in the charter school in cases where the student in temporary housing is mandated to receive this related service according to his IEP).

¹ Please note that all local education agencies (charter schools, school districts, and BOCES) have an affirmative obligation to identify students experiencing homelessness. (42 U.S.C. § 11432(g)(6)(A)(i); Education Law § 3209(2-a)). To help LEA's meet this requirement, LEAs receiving Title I funds are required to administer a Residency Questionnaire inquiring about the housing status of all students seeking enrollment in the district as well as those who have a change of address per SED's Consolidated Application.

Q: What are the responsibilities of the designated school district of attendance for a student in temporary housing who is attending a charter school?

A:

- Typically, the school district of residence is responsible for charter school basic tuition payments to charter schools. (Education Law § 2856(1)(a)). However, students experiencing homelessness do not have a district of residence because of their loss of permanent housing. The designated district of attendance is responsible for paying the charter school basic tuition for a student in temporary housing who is attending a charter school.
- The designated district of attendance is responsible for transporting students in temporary housing who attend a charter school. If the district of origin is designated, it is required to provide transportation up to 50 miles each way. If the district of current location is designated, it is required to provide transportation subject to the mileage limitations applicable to permanently housed students in the district. (*Education Law § 3209(4)*).

Q: Will the designated district of attendance be reimbursed for the cost of charter school basic tuition paid for students in temporary housing?

A: If the district of current location is designated as the district of attendance, it will be reimbursed the non-resident district tuition rate, pro-rated for the period of instruction while the student is in temporary housing. The reimbursement is processed through the STAC Unit and is initiated with the sending of the STAC 202 form to the State Education Department. If the district of origin is designated, there is no reimbursement available through the STAC process, and the STAC 202 form should not be sent to the State Education Department, although the form should be completed and retained by the charter school.

Q: Will the designated district of attendance be reimbursed for expenses associated with transporting students in temporary housing to charter schools?

A: Yes, districts are eligible for state transportation aid for allowable costs associated with transporting students in temporary housing. Districts will be reimbursed using the same transportation aid ratios as those used for permanently housed students. (*Education Law § 3209(4)*).