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NYS Field Memo
NCLB McKinney-Vento
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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

A: After a student has been identified as homeless, a designation form or STAC

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)*).