



National Center for Homeless Education  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
[www.serve.org/nche](http://www.serve.org/nche)



## MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

### Serving Homeless Children and Youth in Charter Schools

#### INTRODUCTION

Over the past 20 years, the charter school movement has grown dramatically, with over 5,600 schools now serving more than two million students (Kern, Thukral, & Ziebarth, 2012). While charter schools are defined differently across states, some common elements include the following:

- Many are created by a developer or adapted by a developer from an existing public school.
- They may be considered a local educational agency (LEA) or a school within an LEA.
- Charter schools may be exempt from significant state or local rules, in accordance with state statutes authorizing the granting of charter schools.
- They may have specific eligibility requirements for students to enroll.

Because of the uniqueness of each state charter and each charter school, state educational agencies (SEAs) and specific programs within the SEAs often encounter challenges with determining how federal mandates apply to charter schools, such as mandates that address the needs of children and youth experiencing homelessness. Specifically, charter schools may not be fully aware of

#### Who is homeless?

(McKinney-Vento Homeless Assistance Act – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
  1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
  3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

the right of students who become homeless to remain in their school of origin, if the LEA determines that it is in the best interest of the child in consultation with the parent or guardian, or to share the cost and responsibility for transportation to and from the school of origin if the parent, guardian or youth requests it. Furthermore, they should be prepared to offer a dispute resolution process at the LEA and SEA levels if the student or parent/guardian disagrees with the school placement decision of the LEA or has encountered a barrier to enrollment.

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (hereafter referred to as *the McKinney-Vento Act*) describes the rights and services to which all children and youth experiencing homelessness are entitled. The law also specifies the responsibilities of LEAs and schools to ensure that homeless students can receive a free, appropriate public education and to remove barriers to homeless students' school access, attendance, and success. (To review the full text of the McKinney-Vento Act, visit <http://center.serve.org/nche/legis/mv.php>)

Charter schools that are LEAs or schools within LEAs must implement the requirements of the McKinney-Vento Act just as any other LEA or school to ensure that homeless students have access to and can succeed in their education. Services include those both for students who become homeless while attending a charter school as well as for homeless students who wish to enroll in a charter school.

This brief, developed by the National Center for Homeless Education, summarizes McKinney-Vento Act mandates for LEAs and schools. The brief includes additional explanation on two issues about which charter schools have frequently raised questions: transportation, specifically to and from the school of origin, and enrollment policies, which may create barriers for homeless students.

The brief includes the following sections:

- Requirements in the McKinney-Vento Act for all LEAs

- McKinney-Vento Act Requirements for Schools
- Transportation Requirements as They Apply to Charter Schools
- Enrollment Requirements as They Apply to Charter Schools
- Free Meals and Snacks for Homeless Students
- Coordination between State Homeless Education Programs and Charter Schools
- Learning About the McKinney-Vento Act and its Implementation

The brief includes examples of states and charter schools that have implemented strategies for serving homeless children and youth. Related excerpts from the law and Non-regulatory Guidance are included at the conclusion of this brief.

#### 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;
- 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;
- enroll a homeless child or youth immediately in school, even if the child or youth is unable to produce required records;

- 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; and
- 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)].

Similarly, a charter school that is considered an

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.

In developing policies and strategies for implementing the school of origin transportation provisions in the McKinney-Vento Act, charter school administrators should contact the State Coordinator for Homeless Education (hereafter referred to as *State Coordinator*) to see if state policies are in place that address the coordination of transportation between charter schools and LEAs, and meet with the local liaisons and pupil transportation directors in the LEAs where its homeless students are likely to move and discuss the development of a transportation agreement to share the cost and responsibility of transportation.

Title I, Part A funds cannot be used to provide transportation for homeless children to remain in the school of origin. Because the McKinney-Vento Act requires LEAs to provide transportation to and from the school of origin, the use of Title I, Part A funds to provide such services would be considered supplanting and is therefore not permissible (U.S. Department of Education, 2004, p. 21). However, there are instances when Title I, Part A funds may be used for transportation. The Non-regulatory Guidance states, “It may be appropriate in certain circumstances for an LEA to use Title I, Part A funds to transport formerly homeless students to or from their school of origin for the remainder of the school year in which they become permanently housed” (U.S. Department



of Education, 2004, p. 27).

### 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.

### STATE-LEVEL TECHNICAL ASSISTANCE ON TRANSPORTATION

The Florida Department of Education issued a technical assistance paper that addresses the provision of transportation for homeless students by encouraging new charter schools founders and school district representatives to discuss ways to make “arrangements so that transportation is not a barrier to equal access for homeless students residing within a reasonable distance of the charter school as determined in its charter.” Download: [http://www.floridaschoolchoice.org/information/Charter\\_schools/files/Homeless\\_Student\\_Transportation\\_TAP.pdf](http://www.floridaschoolchoice.org/information/Charter_schools/files/Homeless_Student_Transportation_TAP.pdf).

### 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<sup>1</sup>.

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.

### FREE MEALS AND SNACKS FOR HOMELESS STUDENTS

Students experiencing homelessness are

<sup>1</sup> 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).

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. (U.S. Department of Education, 2004, p. 36).

### 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

### STATE-LEVEL COLLABORATIONS TO SERVE HOMELESS STUDENTS IN CHARTER SCHOOLS

**New York:** New York State developed a Charter School Guidance Q&A that specifies the obligations charter schools have to provide educational rights to children and youth experiencing homelessness. Download: [http://www.nysteachs.org/media/NYSED\\_Charter%20School%20Guidance.pdf](http://www.nysteachs.org/media/NYSED_Charter%20School%20Guidance.pdf).

**Washington, DC:** In Washington, DC, the state homeless education office and charter board made solid attempts to ensure that

- homeless liaisons were identified and fully aware of their roles and responsibilities;
- referral forms were available to charter school administrators, counselors, social workers, etc.;
- related guidance materials and support resources were well-placed and noticeable; and
- stakeholders were clear on the requirements and related available supports starting with who the site level liaisons were and their core responsibilities.

McKinney-Vento requirements are provided in the charter board's policy and procedural manual.

**North Carolina:** The North Carolina State Coordinator includes charter schools in local monitoring and has specific questions in the monitoring protocol for charter schools.

**Missouri:** In Missouri, charter school renewals must submit a document with policies and procedures. The state charter school director has the State Coordinator review the document to ensure that it includes policies that address how homeless students are enrolled and served.

**Polk County, FL:** In Polk County, administrators for all title programs (including McKinney-Vento) began to build relationships with a new charter school soon after it formed by meeting with charter school administrators to review their responsibilities under title programs and on what aspects they would be monitored.

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, and
- charter school authorizers including indicators specific to enrolling and serving homeless students in their annual reviews of charter schools.

### LEARNING ABOUT THE MCKINNEY-VENTO ACT AND ITS IMPLEMENTATION

The following strategies will help administrators and local liaisons or homeless contacts in charter schools learn more about implementing the McKinney-Vento Act:

- Contact the State Coordinator.
- Attend national, state, and local trainings on the McKinney-Vento Act and serving homeless children and youth.
- View resources on the National Center for Homeless Education (NCHE), website at <http://center.serve.org/nche> and attend NCHE's regularly scheduled webinars.
- Review NCHE's *Local Homeless Education Liaison Toolkit* at [http://center.serve.org/nche/pr/liaison\\_toolkit.php](http://center.serve.org/nche/pr/liaison_toolkit.php).

### REFERENCES

- Kern, N., Thukral, R., & Ziebarth, T. (2012). *A mission to serve: How public charter schools are designed to meet the diverse demands of our communities*. Washington, DC: National Alliance for Public Charter Schools. Retrieved from [http://publiccharters.org/data/files/Publication\\_docs/NAPCS\\_DiverseModelBrief\\_5\\_16\\_12\\_20120511T164623.pdf](http://publiccharters.org/data/files/Publication_docs/NAPCS_DiverseModelBrief_5_16_12_20120511T164623.pdf)
- McKinney-Vento Homeless Assistance Act of 2001, 42 U.S.C. §§11431–11435 (2002). Retrieved from <http://www2.ed.gov/programs/homeless/legislation.html>
- U.S. Department of Education. (2004). *Education for Homeless Children and Youth program non-regulatory guidance*. Retrieved from <http://www2.ed.gov/programs/homeless/guidance.pdf>
- U.S. Department of Education. (2009). *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students*. Retrieved from <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>

**42 U.S.C. § 11432(g)(3) through 42 U.S.C. § 11432(g)(7)****(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS**

- (A) In general - The local educational agency serving each child or youth to be assisted under this part shall, according to the child's or youth's best interest—
- (i) continue the child's or youth's education in the school of origin for the duration of homelessness—
    - (I) in any case in which a family becomes homeless between academic years or during an academic year; or
    - (II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
  - (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
- (B) BEST INTEREST - In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—
- (i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
  - (ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
  - (iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).
- (C) ENROLLMENT
- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.
  - (ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.
  - (iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).
- (D) RECORDS - Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—
- (i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and
  - (ii) in a manner consistent with section 1232g of title 20.
- (E) ENROLLMENT DISPUTES - If a dispute arises over school selection or enrollment in a school—



- (i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
  - (ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
  - (iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and
  - (iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.
- (F) **PLACEMENT CHOICE** - The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.
- (G) **SCHOOL OF ORIGIN DEFINED** - In this paragraph, the term “school of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
- (H) **CONTACT INFORMATION** - Nothing in this part shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.
- (4) **COMPARABLE SERVICES** - Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:
- (A) Transportation services.
  - (B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.
  - (C) Programs in vocational and technical education.
  - (D) Programs for gifted and talented students.
  - (E) School nutrition programs.
- (5) **COORDINATION**
- (A) **IN GENERAL** - Each local educational agency serving homeless children and youths that receives assistance under this part shall coordinate—
- (i) the provision of services under this part with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and
  - (ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.
- (B) **HOUSING ASSISTANCE** - If applicable, each State educational agency and local educational agency that receives assistance under this part shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 12705 of this title to minimize educational disruption for children and youths who become homeless.
- (C) **COORDINATION PURPOSE** - The coordination required under subparagraphs (A) and (B) shall be designed to—
- (i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

- (ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

#### (6) LOCAL EDUCATIONAL AGENCY LIAISON

- (A) DUTIES - Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—
  - (i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
  - (ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
  - (iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
  - (iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
  - (v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this chapter, such as schools, family shelters, and soup kitchens;
  - (vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and
  - (vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).
- (B) NOTICE - State coordinators established under subsection (d)(3) of this section and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.
- (C) LOCAL AND STATE COORDINATION - Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

#### (7) REVIEW AND REVISIONS

- (A) IN GENERAL - Each State educational agency and local educational agency that receives assistance under this part shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).
- (B) CONSIDERATION - In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.
- (C) SPECIAL ATTENTION - Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

#### **42 U.S.C. § 11432(c)(3)(A)**

Except as provided in subparagraph (B) and section 11433(a)(2)(B)(ii) of this title, in providing a free public education to a homeless child or youth, no State receiving funds under this part shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

## 42 U.S.C. § 11434(h)(1)

From funds appropriated under section 11435 of this title, the Secretary shall, directly through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding

- (A) The number and location of homeless children and youths;
- (B) The education and related services such children and youths receive;
- (C) The extent to which the needs of homeless children and youths are being met; and
- (D) Such other data and information as the Secretary determines to be necessary and relevant to carry out this part.

### **Education for Homeless Children and Youth Program Non-regulatory Guidance**

H-3. May funds under Part A of Title I or Part A of Title V of ESEA be used to transport homeless students to and from the school of origin?

In general, LEAs may not use funds under Title I, Part A or Title V, Part A to transport homeless students to or from their school of origin. Transportation services to the school of origin are mandated under the McKinney-Vento Act's statute. The "no-supplanting" provisions in Title I and Title V prohibit those funds from being used to support activities that the LEA would otherwise be required to provide.

M-2. If a homeless child becomes permanently housed during a school year, is that child eligible to receive Title I, Part A services for the remainder of that school year?

Yes. In general, a homeless child or youth that becomes permanently housed during a school year continues to remain eligible for Title I, Part A services for the remainder of that school year. This helps ensure educational stability for formerly homeless children. For example, it may be appropriate in certain circumstances for an LEA to use Title I, Part A funds to transport formerly homeless students to or from their school of origin for the remainder of the school year in which they become permanently housed. (However, the Title I supplanting prohibition prohibits an LEA from using Title I, Part A funds to transport homeless students to or from their school of origin. (See Question H-3.)

### **Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students | The American Recovery and Reinvestment Act of 2009 (ARRA) Guidance**

G-11. May Title I, Part A ARRA funds be used to provide services to homeless students?

Yes. Serving homeless students is an integral part of Title I, Part A. Homeless students who attend any school served by an LEA, regardless of whether the school receives Title I funds, are eligible for Title I services. (ESEA section 1115(b) (2)(E).) Specifically, an LEA must reserve such funds as are necessary to provide services to homeless students who attend non-Title I schools that are comparable to those provided to students in Title I schools. These services may include providing educationally related support services to homeless children in shelters and other locations where they may live. (ESEA section 1113(c)(3)(A).) To the extent that services to students in Title I schools increase due to the large increase in Title I, Part A ARRA funds, the obligation to provide comparable services to homeless students in non-Title I schools would increase accordingly.

Title I, Part A ARRA funds may provide a wide variety of services to homeless students. In addition to providing services to assist homeless students in meeting the State's challenging academic achievement standards, Title I, Part A ARRA funds may be used to provide services that may not ordinarily be provided to other Title I students. For example, to help homeless students effectively take advantage of educational opportunities, an LEA may use Title I, Part A ARRA funds to provide, where appropriate, items or services including, but not limited to—

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement
- Clothing and shoes necessary to participate in physical education classes
- Student fees that are necessary to participate in the general education program
- Personal school supplies such as backpacks and notebooks
- Birth certificates necessary to enroll in school
- Immunizations
- Food
- Medical and dental services
- Eyeglasses and hearing aids
- Counseling services to address anxiety related to homelessness that is impeding learning
- Outreach services to students living in shelters, motels, and other temporary residences
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions
- Tutoring services, especially in shelters or other locations where homeless students live
- Parental involvement specifically oriented to reaching out to parents of homeless students
- Fees for AP and IB testing
- Fees for SAT/ACT testing
- GED testing for school-age students

Several principles govern the use of Title I, Part A ARRA funds to provide such services to homeless students. First, the services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities. (ESEA section 1113(c)(3)(A); OMB Circular A-87, Attachment A, C.1.a) Second, Title I, Part A ARRA funds must be used as a last resort when funds or services are not reasonably available from other public or private sources, such as the U.S. Department of Agriculture's free- and reduced-price school lunch program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally. (ESEA section 1115(e)(2).)

Title I, Part A ARRA funds also may be used to support a homeless liaison. The McKinney-Vento Homeless Assistance Act (McKinney-Vento) requires each LEA in a State that receives McKinney-Vento funds to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children. (MVHAA section 722(g)(1)(J)(ii)). Because the statute specifically authorizes that another Federally funded coordinator may perform these duties, an individual paid, in whole or in part, with Title I, Part A funds, including Title I, Part A ARRA funds, may also serve as a homeless liaison.

Funds provided under the McKinney-Vento Education for Homeless Children and Youth program, which is authorized under Title II, Subtitle B of McKinney-Vento including funds made available through the ARRA, may also be used to provide services for homeless students and pay for a homeless liaison.

**This brief was developed by:**

**National Center for Homeless Education**

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at [http://www.serve.org/nche/states/state\\_resources.php](http://www.serve.org/nche/states/state_resources.php).



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).

**Local Contact Information:**