



Basic Requirements of the McKinney-Vento Act

National Center for Homeless Education



Meet Your Presenters

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About NCHE

NCHE is the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program.

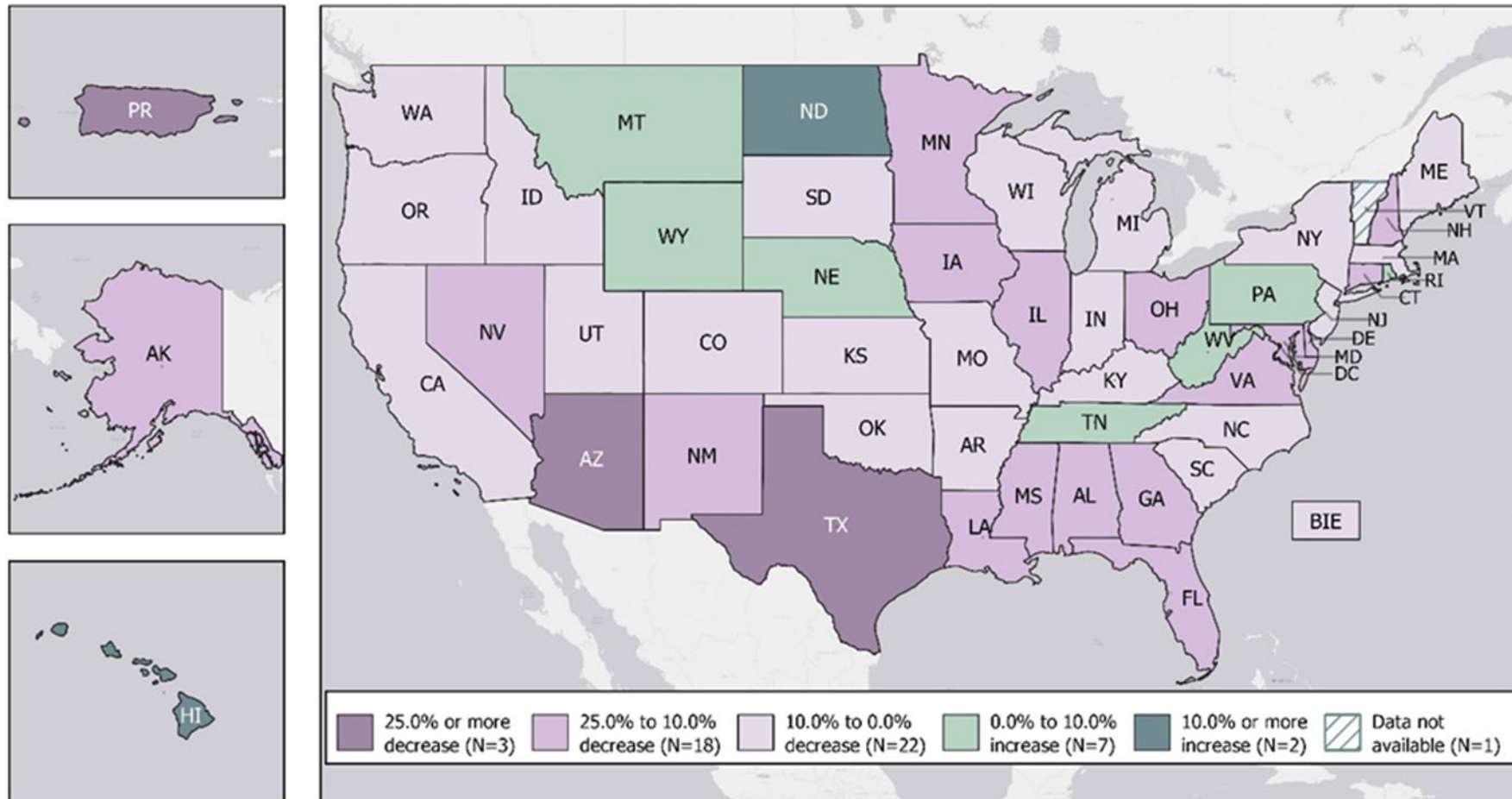
- Website: <http://nche.ed.gov>
- Helpline: 800-308-2145 or homeless@serve.org
- Products: <https://nche.ed.gov/resources/>
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By the end of this session participants will be able to...

- Explain the criteria for a student to be considered a homeless child or youth (HCY) under the McKinney-Vento Homeless Assistance Act (MV)
- Explain the responsibilities of a local educational agency (LEA) homeless liaison
- Identify the basic rights of students experiencing homelessness and LEA responsibilities for ensuring those rights

Percent Change in Enrolled HCY, School Years 2017-18 to 2019-20



NCHE Student Homelessness in America: School Years 2017-18 to 2019-20:

<https://nche.ed.gov/wp-content/uploads/2021/12/Student-Homelessness-in-America-2021.pdf/>

McKinney-Vento Definition of Homeless

Those who lack a fixed, regular and adequate nighttime residence, including students:

- Sharing housing due to loss of housing, economic hardship, or a similar reason
- Living in motels, hotels, trailer parks, camping grounds due to a lack of alternative, adequate accommodation
- Living in emergency & transitional shelters
- Abandoned in hospitals
- Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings
- Living in cars, parks, public spaces, abandoned buildings, bus or train stations or similar situations
- Migratory children living in the above situations

42 U.S.C. § 11434a(2)



Unaccompanied Homeless Youth

- The term *unaccompanied youth* includes a homeless child or youth not in the physical custody of a parent or guardian.

42 U.S.C. § 11434a(6)

- Liaisons must assist UHY with enrollment, school selection, & dispute resolution
- Have the same right to immediate enrollment & educational services as other students



Unaccompanied Homeless Youth

- There are no age limits in the McKinney-Vento Act
- Eligibility is based on the student's housing
- Pathways to homelessness for unaccompanied youth:
 - 35% of youth experienced the death of at least one parent or caregiver
 - 44% of youth had been in foster care
 - 24% were homeless with their families before becoming unaccompanied
 - https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_Youth-Pathways-FINAL.pdf

Local Liaison Duties

- Ensure HCY are identified in coordination with others
- Ensure immediate enrollment & access to services
- Provide information about rights & opportunities
 - Includes meaningful opportunities for parents to participate in their children's education
 - Includes transportation, school meals, & other programs
- Ensure disputes are mediated
- May affirm for Housing and Urban Development programs that HCY meet MV eligibility criteria

Local Liaison Duties

- Support UHY in school selection & dispute resolution
- Ensure UHY are provided verification of their status for FAFSA purposes
- Provide training & other support for school personnel
- Provide referrals to services in the community
- Collaborate & coordinate services with State Coordinators, community and school personnel
 - Includes collecting & reporting data

42 U.S.C. § 11434(g)(6)



Requirement to Remove Barriers

States and school districts must **develop, review, and revise policies**

- To remove barriers to the school identification, enrollment and retention of McKinney-Vento students
- Includes barriers due to outstanding fees or fines, or absences

42 U.S.C. § 11432(g)(1)(I)

Question A-4 of EHCY Non-Regulatory Guidance provides the following information on ensuring homeless students have equal access to public education

- Review of policy and practices is a broad, ongoing requirement
- Reviews should include input from parents, students, and advocates
- Should include review of discipline policies that disproportionately impact homeless students
- <https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>



The Jenkins Family

Jane, a case manager for a home visitor program reached out to you, the district liaison. She said that when she did a home visit to see one of the families enrolled in the program, she discovered that Ms. Jenkins, her two-year old twins, and Rosie (a student enrolled in one of your elementary schools) are all staying together in a single room at a relative's home. Rosie and the boys have toys and clothes, but it appears that they are living out of a couple of trash bags they keep in the corner of the room. When Jane asked Ms. Jenkins about the trash bags, she indicated that the closet and dresser were already full of her cousin's belongings. You thank Jane for the referral and follow up with Ms. Jenkins who says she recently had her hours cut at work and had to give up her apartment.

- Would you consider the Jenkins family to be homeless?
- What are your next steps as liaison?



Questions?

Immediate Enrollment

Enroll and enrollment includes “attending classes & participating fully in school activities”

42 U.S.C. § 11434a(1)

Enrollment must be immediate

- Even if students lack school, medical, or other records normally required
- Even if enrollment or application deadlines were missed while homeless
- Even if the student has history of absences or outstanding fines/fees

42 U.S.C. § 11432(g)(3)(C)(i)



School Selection

Option 1: School of origin

- Defined as the school the students attended when permanently housed or the school the students last attended
- Includes public preschools
- Includes receiving schools

Option 2: Local attendance area school

- Includes any public school that nonhomeless students living in the same location have the right to attend

School Selection

Can remain in the school of origin

- For the duration of the homelessness
- Until the end of the school year in which the student obtains housing
- If the student becomes homeless over the summer & is still homeless at start of school year

42 U.S.C. § 11432(g)(3)(A)(i)(II)

Decisions are based on the individual student's best interest

42 U.S.C. § 11432(g)(3)(B)



Best Interest

- School of origin is presumed to be in student's best interest
 - Unless this is contrary to parent or UHY's wishes
- Consider student-centered factors
 - Impact of mobility on achievement, education, health, & safety



42 U.S.C. §11432(g)(3)(B)

- US ED encourages consideration of sibling school placement

Question I-3, EHCY Non-Regulatory Guidance

Dispute Resolution

- Disputes may be over: eligibility, school selection, or enrollment
- If enrollment is denied, a written statement must be given explaining the reason and appeal process
 - Provided in a format and language the parent, guardian, or unaccompanied homeless youth can understand
- The parent/student must be immediately referred to the liaison
- Students must be enrolled and receive services while a dispute is mediated

42 U.S.C. §11432(g)(3)(E)



Transportation

HCY are eligible for transportation to the school of origin

42 U.S.C. §11432(g)(1)(J)(iii)

Right to transportation extends

- For the duration of the homelessness or
- Until the end of the school year in which they obtain housing

42 U.S.C. §11432(g)(3)(A)(2)

Transportation should be comparable to what others receive

42 U.S.C. §11432(g)(4)(A)



Transportation

Districts can split the cost & responsibility

- Can use a common agreement
- If can't come to agreement, then the split is 50-50

42 U.S.C. §11432(g)(1)(J)(iii)

Can use the following to cover **excess** cost:

- MV funds
- Title I, Part A of the Elementary and Secondary Education Act funds

42 U.S.C. §11433(d)(5) and 20 U.S.C. § 6313(c)(3)(C)(ii)



Title I, Part A and MV Basics

- Homeless students are categorically eligible for services under Title I, Part A
 - Eligibility standards normally required are waived for HCY
 - Eligibility for Title I, Part A services lasts for duration of homelessness or until end of year in which student obtains housing

20 U.S.C. § 6315(c)(2)(E)

- Title I, Part A staff and homeless liaisons are required to collaborate to provide services for homeless students

42 U.S.C. §11432(g)(6)(C) and 20 U.S.C. § 6312(a)(1)(B)



Title I, Part A Set-Aside

- Every LEA must have a set-aside for HCY
 - Must be based on the total LEA Title I, Part A allocation
 - Must be taken prior to any allowable LEA expenditure or transfer

20 U.S.C. § 6313(c)(3)

- EHCY Non-Regulatory Guidance, Question M-4 for list of possible expenses
<https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>
- Use of a needs assessment to determine the amount is encouraged
- Services must be comparable to what other students receive



School Meals

- HCY are categorically eligible for free meals

42 U.S.C. § 1758(b)(5)(A)(b)

- U.S. Department of Agriculture policy allows liaisons & shelter directors to qualify HCY
 - <https://www.fns.usda.gov/updated-guidance-homeless-children-school-nutrition-programs>
- Provide the school nutrition director a list with
 - The student's name
 - The effective date of eligibility
 - The liaison or shelter director's signature



Credit Accrual

Districts must have clear procedures in place to award full or partial credit for work completed in a previous district

42 U.S.C. §11432(g)(1)(F)(ii)

Examples:

- Consult with the prior school to evaluate the work completed
- Evaluate the student's mastery of courses & award credits accordingly
- Offer credit recovery or mastery- based courses
- Offer distance learning

Postsecondary Education



UHY must be assisted with FAFSA verifications

- Liaisons are allowed to provide subsequent year verifications

42 U.S.C. §11432(g)(6)(A)(III)

All HCY should receive information and individualized counseling regarding

- college readiness
- college selection
- applying for school
- financial aid
- on-campus supports

The Brown Family

Franklin and his daughter Violet had to go stay with Franklin's mother after they were evicted from their apartment. They were referred to you and you were able to designate Violet as homeless right away. Her grandmother's home is out of your school district, so you also arranged to keep Violet in the school of origin, where she's been attending ever since. That was over a year and a half ago and the new school year is about to begin. When you check in with Franklin, you ask him how much longer they'll be at his mother's home. He says it's become apparent that his mother's health is not what it used to be. As a result, he's not sure when they'll be able to move out because they need to work out a care plan for his mother first. However, he stresses that it is still their plan to get a place of their own for him and Violet as soon as they can.

- Would you consider Franklin and his daughter to be homeless?

Questions?

NCHE Resources

Determining Eligibility Flow Chart

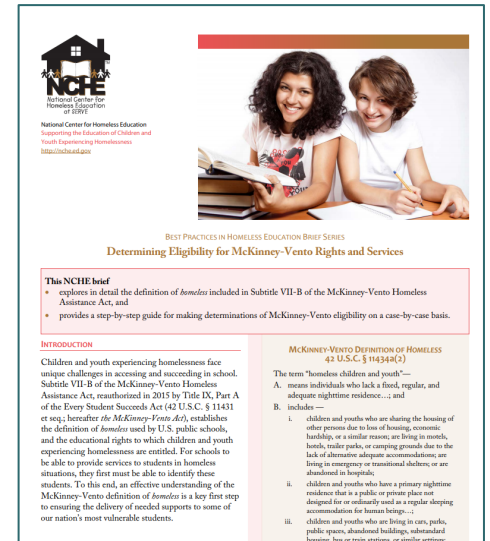
- <https://nche.ed.gov/wp-content/uploads/2020/05/NCHE-Eligibility-Flowchart.pdf>

NCHE Resource Page for Unaccompanied Homeless Youth

- <https://nche.ed.gov/unaccompanied-youth/>

Homeless Liaison Toolkit – Appendix 9.A UHY Flow Chart

- <https://nche.ed.gov/homeless-liaison-toolkit/>



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- Link to webpage where you can download handouts
- Link to a brief, anonymous online evaluation; once your evaluation is completed, you'll be directed to a webpage to download a certificate of completion, if desired

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