

**THE MCKINNEY-  
VENTO ACT:  
EDUCATION FOR CHILDREN AND  
YOUTH EXPERIENCING  
HOMELESSNESS**

**New Jersey Association of  
Federal Program  
Administrators General  
Membership Meeting**



Danielle Anderson Thomas, State Coordinator  
Education for Homeless Children and Youth Program

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# TODAY'S GOALS



- Become familiar with the cornerstones McKinney-Vento Act:
  - Eligibility
  - Immediate Enrollment
  - School Selection
  - Transportation
  - Designated Role of District Liaison

# THE MCKINNEY-VENTO ACT

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act; reauthorized by Title X, Part C of ESEA
- Critical components of the McKinney-Vento Act:
  - School access
  - School stability
  - Support for academic success
  - Child-centered, best interest decision making
  - Assistance to unaccompanied youth
  - Coordination with Title IA

# WHO QUALIFIES FOR SERVICES?

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including:
  - Sharing the housing of others due to loss of housing, economic hardship, or similar reason (“doubling up”)
  - Living in motels, hotels, trailer parks, camping grounds due to the lack of adequate alternative accommodations
  - Living in emergency or transitional shelters
  - Abandoned in hospitals

# WHO QUALIFIES? (CONT.)



- Awaiting foster care placement
- Living in a public or private place not designed for humans to live
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or a similar setting
- Migratory children living in the above circumstances
- Unaccompanied youth living in the above circumstances

*(The aforementioned list of examples describes common homeless situations, but is not exhaustive).*

# DETERMINING ELIGIBILITY: FIXED, REGULAR, AND ADEQUATE

- **Fixed:** Stationary, permanent, and not subject to change
- **Regular:** Used on a predictable, routine, or consistent basis (*e.g., nightly*); consider the relative permanence
- **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

***Consider: Can the student go to the SAME PLACE (fixed) EVERY NIGHT (regular) to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?***



# DETERMINING ELIGIBILITY: “DOUBLED-UP”

- McKinney-Vento defines “doubled-up” as “sharing the housing of others *due to loss of housing, economic hardship, or similar reason*”
- Considerations:
  - Why did the family move in together? Due to a crisis or by mutual choice as a plan for mutual benefit?
  - How permanent is the living arrangement intended to be?
  - Where would the family live if not doubling up?
  - Is the living arrangement fixed, regular, and adequate?

# DETERMINING ELIGIBILITY: THE PROCESS

## ■ Step 1: Get the facts

- Sample enrollment questionnaires can be found at [www.serve.org/nche/forum/eligibility.php](http://www.serve.org/nche/forum/eligibility.php)

## ■ Step 2: Analyze the facts

- Does the living situation fit into one of the specific examples of homelessness listed in the law?
- Is the living arrangement another type of situation that is not fixed, regular, and adequate?

What do the facts tell me?





# DETERMINING ELIGIBILITY: THE PROCESS (CONT.)

## ■ Step 3: Get Additional Input



- Contact your respective County Office of Education:
- Contact your State Coordinator:  
Danielle Anderson Thomas 609 984-4974 or [danielle.anderson-thomas@doe.state.nj.us](mailto:danielle.anderson-thomas@doe.state.nj.us)
- Contact the NCHE helpline at 800 308-2145 or [homeless@serve.org](mailto:homeless@serve.org)

# ENROLLMENT

- States and districts must develop, review, and revise policies to remove barriers to the school enrollment and retention of homeless children and youth
- McKinney-Vento defines enrollment as attending classes and participating fully in school activities
- The McKinney-Vento Act supersedes state or local law or practice when there is a conflict [U.S. Constitution, Article VI]

# ENROLLMENT (CONT.)

- Homeless children and youth have the right to enroll in school immediately, even if lacking documentation normally required for enrollment
- If a student does not have immunizations, or immunization or medical records, the local liaison must assist immediately in obtaining them, and the student must be enrolled in the interim



# SCHOOL SELECTION

- Students experiencing homelessness have the option of attending three schools:
  - School of Origin
    - The school attended when permanently housed; or
    - The school in which the student was last enrolled
  - Local Attendance Area School
    - Any public school that students living in the same attendance area are eligible to attend
  - School of Last Attendance (if applicable)



# SCHOOL SELECTION (CONT.)

- For school selection, a “best interest” determination must occur; ideally, the parents/guardians and school dialogue and come to an agreement; if there is a disagreement, the dispute resolution process is used
- Best interest: keep homeless students in their schools of origin, to the extent feasible, unless this is against the parent’s or guardian’s wishes
- Students can continue attending their school of origin the entire time they are homeless, and until the end of any school year in which they move into permanent housing
- If a student becomes homeless in between school years, he or she can continue attending the school of origin for the following school year

# SCHOOL OF ORIGIN AND FEASIBILITY

- Feasibility factors listed in U.S. Department of Education Guidance:
  - The age of the child or youth
  - The distance of a commute and the impact it may have on the student's education
  - Personal safety issues
  - A student's need for special instruction (*e.g., special education and related services*)
  - The length of anticipated stay in a temporary shelter or other temporary location
  - The time remaining in the school year

# HOW IS FEASIBILITY DETERMINED?

- Reference NCHE's *Guiding the Discussion on School Selection* brief at [www.serve.org/nche/briefs.php](http://www.serve.org/nche/briefs.php)
- The child's best interest is at the forefront
- Determining best interest is a case-by-case determination
- When determining transportation feasibility and options, length of commute, age of child, safety and eligibility for "special" programs should be considered. the unique situation of the student and how the transportation will affect the student's education

# TRANSPORTATION

- Districts must transport homeless students to and from the school of origin, at a parent's or guardian's request (or at the liaison's request for unaccompanied youth)
- The school district of origin must arrange transportation
- When living outside of the district, the student should be transported to the school of origin (when feasible and consistent with the wishes of the parent or guardian).



# TRANSPORTATION (CONT.)

- Districts must provide students in homeless situations with transportation services comparable to those provided to other students
- Districts can consider other safe transportation options beyond the school bus





# LOCAL LIAISONS

- Local liaisons play a critical role in the implementation of the McKinney-Vento Act
- Every school district must designate a local homeless education liaison.
- Local liaison responsibilities include:
  - Identifying homeless children and youth
  - Ensuring that homeless students can enroll immediately and participate fully in school
  - Informing parents, guardians, or youth of educational rights

# LOCAL LIAISONS (CONT.)

- Supporting unaccompanied youth in school selection and dispute resolution
- Linking homeless students with educational and other services, including preschool and health services
- Ensuring the public posting of educational rights through the school district and community; NCHE Educational Rights Posters are available at [www.serve.org/nche/products.php](http://www.serve.org/nche/products.php)
- Ensuring that disputes are resolved promptly
- Collaborating with other district programs and community agencies

# DISPUTE RESOLUTION

- Whenever a dispute arises, the parent, guardian, or youth must be provided with a written explanation of the school's decision, including the right to appeal
- The school must refer the parent, guardian, or youth to the local liaison to carry out the dispute resolution process as expeditiously as possible, in accordance with the state plan

# DISPUTE RESOLUTION (CONT.)

- While a dispute is being resolved, the student must be admitted immediately into the requested school and provided with services
- Documentation should be kept for all local liaison interventions with parents, and not just formal disputes



# YOUNG HOMELESS CHILDREN

- State McKinney-Vento plans must describe procedures that ensure that homeless children have access to public preschool programs
- Local liaisons must ensure that families and children have access to Head Start, Even Start, and other public preschool programs administered by the school district
- The Head Start Act includes many provisions for serving young homeless children; visit [www.naehcy.org/legislation-and-policy/early-childhood](http://www.naehcy.org/legislation-and-policy/early-childhood) for more information
- IDEA and McKinney-Vento staff must work together to ensure that young homeless children who may need special education services are identified, evaluated, and served (*IDEA's Child Find provision*)

# UNACCOMPANIED YOUTH: THE BASICS

- An unaccompanied youth's living arrangement must meet the Act's definition of homeless for him/her to qualify for McKinney-Vento services
- The McKinney-Vento Act defines unaccompanied youth as a youth "not in the physical custody of a parent or guardian"
- Local liaisons must support unaccompanied youth in school selection and dispute resolution processes



# THE TITLE IA SET-ASIDE: THE BASICS

- Title IA of ESEA requires districts to set aside Title IA funds to be used to serve homeless students. While there is no federally mandated amount/method of calculation; the state of New Jersey has determined that there will be a \$250 per pupil set aside calculated in the EWEG system
- Homeless students are automatically eligible for Title IA services, even if they don't attend a Title IA school or meet the academic standards required of other students for eligibility
- Homeless students are eligible to receive Title IA support for the rest of any academic year in which they become permanently housed





# USING TITLE IA SET-ASIDE FUNDS

- Set-aside funds can be used to provide:
  - Services to homeless students attending Title IA or non-Title IA schools that are comparable to those provided to non-homeless students in Title I schools
  - Services to homeless students that are not ordinarily provided to other Title I students and that are not available from other sources, according to the need of the homeless student (e.g., comparable may not mean identical)
- Title I funds should be used to support the student in meeting the state's academic standards

# PERMISSIBLE USAGES: ARRA GUIDANCE

- Used only when not available from other sources
- Partial list:
  - Clothing/shoes (school uniform/dress code/gym uniform)
  - Fees to participate in the general education program
  - School supplies
  - Birth certificates necessary to enroll in school
  - Medical/dental services (glasses, hearing aids, immunizations)
  - Counseling for issues affecting learning
  - Outreach services to students living in shelters, motels, and other temporary residences
  - Extended learning time or tutoring support
  - Supporting parent involvement
  - Supporting the position of the local liaison
- Full guidance: (*see question G-11*)

[www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf](http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf)



# PROHIBITED USAGES OF FUNDS

- Transportation to/from the school of origin for the regular school day
- Rent
- Utilities
- Clothing for parents



# ACCESS TO SERVICES

- Homeless students are automatically eligible to receive free school meals; the USDA permits local liaisons and shelter directors to qualify homeless students for free meals by providing a list of names with effective dates
- IDEA includes special provisions for serving homeless children and youth with disabilities; visit [www.serve.org/nche/ibt/sc\\_spec\\_ed.php](http://www.serve.org/nche/ibt/sc_spec_ed.php) for more information
- Undocumented students have the right to attend public school (Plyler v. Doe) and are covered by the McKinney-Vento Act to the same extent as other eligible students

# THE SCHOOL'S CHARGE

- Schools first and foremost are educational agencies
- The school's primary responsibility and goal is to enroll and educate, in accordance with the *federal McKinney-Vento Act*
- *Whenever there is a conflict*, federal law supersedes state and local law
- We/schools do not need to understand and/or agree with all aspects of a student's home life to educate him/her



# ADDITIONAL RESOURCES

- ❖ Department of Education website  
<http://www.state.nj.us/education/students/homeless/>
- ❖ NCHE website: [www.serve.org/nche](http://www.serve.org/nche)
- ❖ NCHE helpline: 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org)
- ❖ National Association for the Education of Homeless Children and Youth (NAEHCY): [www.naehcy.org](http://www.naehcy.org)
- ❖ The National Law Center on Homelessness & Poverty  
Phone: 202 638-2535 or <http://www.nlchp.org>

