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The McKinney-Vento Act

What LEAs Need to be Compliant

September 2019



Today's Agenda



- Overview of the McKinney-Vento Law
- Tiered Monitoring and the McKinney-Vento Act
- Guidance and documentations needed to be compliant
- Q and A

McKinney-Vento Act—Definition of Homeless



42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

A. means individuals who lack a **fixed, regular, and adequate** nighttime residence...; and

B. includes —

- i. children and youths who are **sharing the housing** of other persons due to loss of housing, economic hardship, or a similar reason; are living in **motels, hotels, trailer parks, or camping grounds** due to the lack of alternative adequate accommodations; are living in emergency or transitional **shelters**; or are **abandoned** in hospitals;
- ii. 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...;
- iii. children and youths who are living in **cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations**, or similar settings; and
- iv. 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).

McKinney-Vento Law



Statute, 42 U.S.C. §§11431-11435

- The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The most recently reauthorized was in December 2015 by the Every Student Succeeds Act (ESSA).
- The McKinney-Vento Act strongly emphasizes the importance of school stability for homeless children and youths. Therefore, the McKinney-Vento Act calls for LEAs to maintain students in their school of origin to **promote school stability** and **greater educational outcomes overall**, unless it is not in the student's best interest.

McKinney-Vento Law



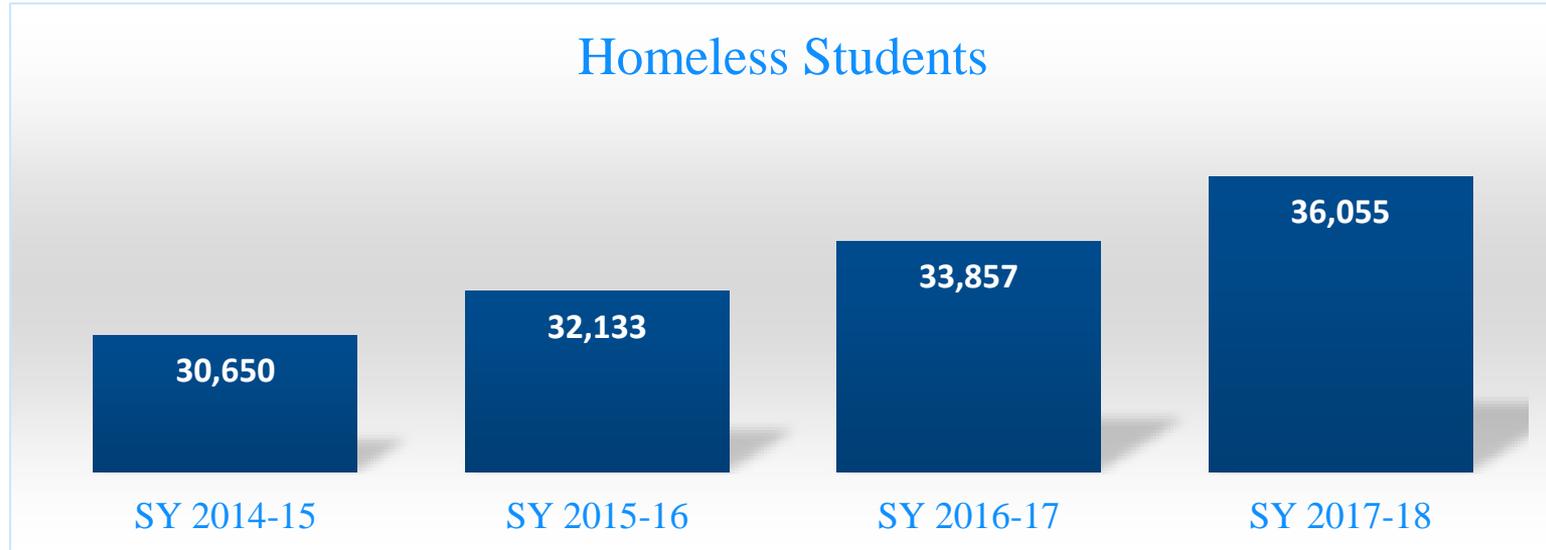
- The McKinney-Vento Act includes a broad, ongoing requirement for SEAs and LEAs to review policies or practices that may act as barriers to the **identification, enrollment, attendance, and school success** of homeless children and youths, including barriers due to outstanding fees or fines or absences. (*See, e.g.*, sections 721, 722(g)(1)(I)).
- State Coordinators must conduct monitoring of LEAs, in coordination with local liaisons, to ensure that all LEAs are complying with the requirements of the McKinney-Vento Act. (Section 722(f)(5)).

McKinney-Vento Law



- Homeless families and youths may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA **must** provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, **along with a written explanation of the appeal rights.** (Section 722(g)(3)(E)(ii)).
- The LEA must refer the unaccompanied youth, parent, or guardian to the **local Liaison, who must carry out the dispute resolution process...**as expeditiously as possible. (Section 722(g)(3)(B)(iii)).

Missouri's K-12 Homeless Population



<https://www.educationleadshome.org>

Missouri--Fast Facts



Total number of Local Educational Agencies (LEAs) in Missouri	566
Number of LEAs receiving McKinney-Vento subgrants	10
Total students enrolled in Missouri LEAs	919,234
Percentage of enrolled students who are homeless	3.5%
Percentage of all people in Missouri who are below the poverty level ¹	9.8%
Percentage of people under 18 years old in the state who are below the poverty level ¹	12.4%

¹ Source: US Census Bureau, Current Population Survey , 2015 Annual Social and Economic Supplement

Subgroups of Homeless Children/Youth



Subgroup Type	SY 2014-15	SY 2015-16	SY 2016-17
Migratory children/youth	49	15	32
Unaccompanied homeless youth	2,750	2,996	3,944
Children with disabilities (IDEA)	5,247	5,764	6,165
Limited English Proficient (LEP) students	1,011	1,052	1,196

Note: These subgroups are not mutually exclusive. It is possible for homeless students to be counted in more than one subgroup.

ESEA Tiered Monitoring



- The tiered monitoring process is implemented to ensure adequate monitoring of all LEAs with additional opportunities to monitor those LEAs with high-risk characteristics.
- The tiered process has three components:
 - desk audit,
 - desk monitoring, and
 - on-site monitoring.
- All components, with the exception of the desk audit, are organized around a three-year timeframe.
- The process requires that all LEAs are placed within one of the three permanent cohorts.

Implementation Timeline



Task	2018-19	2019-20	2020-21	2021-22
Desk Audit	Cohorts 1, 2, 3			
Desk Monitoring	Cohort 2	Cohort 3	Cohort 1	Cohort 2
On-site Monitoring	Cohort 1-20%	Cohort 2-20%	Cohort 3-20%	Cohort 1-20%
Clean-up	Cohort 3	Cohort 1	Cohort 2	Cohort 3

Federal Programs staff reserves the right to conduct desk monitorings and on-site monitorings outside an LEAs cohort year if deemed necessary.

LEA Cohort list:

<https://dese.mo.gov/sites/default/files/qs-fc-cohort-list-may-2019.pdf>

Local Educational Agencies— Homeless Liaison



The local liaison serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. Every LEA, whether or not it receives a McKinney-Vento subgrant, is required to designate a local liaison. Section 722(g)(1)(J)(ii)

The liaison coordinates services to ensure that homeless children and youths enroll in school and have the opportunity to succeed academically.

Homeless Liaison



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Please reference your handout for the specific duties of a LEA Homeless Liaison. Available here: <https://nche.ed.gov/wp-content/uploads/2018/10/new-liaisons.pdf>

Local Educational Agency Liaison



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 through outreach and coordination activities with other entities and agencies;
- (ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
- (iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under Part C of the Individual with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

Local Educational Agency Liaison...continued



- (iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
- (v) 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;
- (vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians of homeless children and youths, and unaccompanied youths;



- (vii) **enrollment disputes are mediated** in accordance with paragraph (3)(E); and
- (viii) 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);

Local Educational Agency Liaison...continued



- (ix) school personnel providing services under this subtitle receive professional development and other support; and

- (x) unaccompanied youths –
 - (I) are enrolled in school;

 - (II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

 - (III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).



- (C) LOCAL AND STATE COORDINATION - Local educational agency **liaisons** for homeless children and youths shall, **as 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. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).



(D) HOMELESS STATUS

A local educational agency liaison designated under paragraph (1)(J)(ii) who receives training described in subsection (f)(6) may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the local educational agency, or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, is eligible for such program or service.

(42 U.S.C. § 11432(g)(6))



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Homeless Student Identification efforts are coordinated



The Richard B. Russell National School Lunch Act—

Legal Authority: 79 P.L. 396, 60 Stat. 230

- Homeless children are **categorically eligible** for free meal benefits under the National School Lunch and School Breakfast Programs.
 - Students and families **do not** have to complete an application for free meals. Rather, USDA policies allow for expedited enrollment of these students to ensure they receive meals quickly.
 - More information, including related USDA memos, is available at <https://www.fns.usda.gov/school-meals/fr-042511>

Coordinated Efforts (continued)



Head Start—

Legal Authority: Head Start Act, 42 U.S.C. 9801 et seq., Related Regulations: 45 C.F.R. 1301 et seq.

- Adopted the McKinney-Vento Act’s definition of homeless;
 - Homeless children are automatically eligible for Head Start services.
 - U.S. Dept. of Health and Human Services issued regulations requiring Head Start agencies to:
 - identify and prioritize homeless children for enrollment;
 - allow homeless families to apply to, enroll in, and attend Head Start programs while required documents are obtained within a reasonable time frame; and
 - established coordination between local Head Start programs and local homeless liaisons.
- Guidance issued by the Head Start Bureau encourages Head Start grantees to target homeless families wherever <https://www.acf.hhs.gov/sites/default/files/ece/ecehomelessnesspolicystatement.pdf>

Coordinated Efforts (continued)



Runaway and Homeless Youth Act Programs—

Legal Authority: Runaway and Homeless Youth Act (RHYA), 42 U.S.C. 5601 et seq.

The RHYA authorizes three programs that address the needs of runaway youth and youth experiencing homelessness.

Basic Center Programs meet the immediate needs of runaway and homeless youth by providing emergency shelter, food, clothing, counseling, and referrals for health care. These shelters can serve youth under 18 years old for up to 21 days. <https://www.acf.hhs.gov/fysb/resource/bcp-fact-sheet>

Transitional Living Programs provide long-term residential services to help homeless youth ages 16 through 21 successfully transition to self-sufficient living. <https://www.acf.hhs.gov/fysb/resource/tlp-fact-sheet>

Street Outreach Programs offer outreach, services, and referrals to youth living on the street in order to move them into stable housing and prepare them for independence. By achieving these goals, the program also prevents sexual abuse and exploitation. <https://www.acf.hhs.gov/fysb/resource/sop-fact-sheet>

Coordinated Efforts (continued)



Local Social Services or Human Services Agencies

- **Temporary Assistance for Needy Families (TANF)** funds can be used to help families avoid homelessness. The funds can be used for short-term assistance, such as rent or utility payments, without triggering the 60 month lifetime limit for assistance. As long as the funds are used to pay crisis related, non-recurring expenses, they can be used by a family more than once during a year. For example, a family could receive assistance for overdue rent, a car repair, and to bring utilities current all within the same year. A memorandum issued by the U.S. Department of Health and Human Services discusses this issue in more detail and may be downloaded at <http://www.acf.hhs.gov/programs/ofa/resource/tanf-acf-im-2013-01>.
- **The Supplemental Nutrition Assistance Program (SNAP)**, formerly known as Food Stamp Program, helps people with low incomes buy food. Although it is a federal government program, SNAP is administered by State or local agencies. The Food Research and Action Center has information targeted specifically for homeless persons, including youth, about services available through SNAP. The information can be accessed online at <http://frac.org/federal-foodnutrition-programs/snapfood-stamps/homeless-persons-rights-under-the-snapsnapfood-stamp-program/>. Please note, this program is not the same as the USDA school meals program; instead it provides meals for both families and children outside of the school setting.
- The **John H. Chafee Foster Care Independence Program** serves current and former foster care youth. The goal is to help them achieve self-sufficiency through education, employment, financial management, housing, emotional support, and connections to caring adults. Among other things, the program can offer vouchers to cover education and housing expenses for youth who qualify. To learn more about the program, visit <http://www.acf.hhs.gov/programs/cb/resource/chafee-foster-care-program>.

Coordinated Efforts (continued)



U. S. Department of Housing and Urban Development (HUD)

HUD currently administers seven programs dedicated to ending or preventing homelessness across the entire U.S. population. They also collaborate with other Federal agencies for similar programs and administer the funding for several mainstream resource programs that provide resources to low income persons in addition to those experiencing homelessness.

<https://www.hudexchange.info/grantees>



Institutions of Higher Education

Legal Authority: College Cost Reduction and Access Act, P.L. 110-84

Financial aid administrators are directed to obtain verification of an unaccompanied homeless youth's status from liaisons, if possible, when determining the financial aid available to an unaccompanied homeless youth.

Homeless Sample Enrollment Form



These questions cover the definition of homelessness that is within the Every Student Succeeds Act (ESSA) and will meet MSIP 5 Resource and Process Standards for G-5.

1. Are you sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason? Explain if it is a similar reason. ___ yes ___ no
Explain: _____
2. Are you currently residing at a **motel**, **hotel**, trailer parks, or **camping grounds** due to the lack of alternative adequate accommodations? ___ yes ___ no
3. Are you currently residing in an emergency or transitional shelter? ___ yes ___ no
4. Has the student been abandoned in a hospital? ___ yes ___ no
5. Is your primary nighttime residence a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings? ___ yes ___ no
6. Are you currently living in a **car**, **park**, public space, abandoned buildings, **substandard housing**, bus or train station or similar setting? ___ yes ___ no

MSIP 5 Resource and Process Standards—April 2013

Governance G-5—the district complies with all provisions, regulations, and administrative rules applicable to each state and/or federal program implemented. https://dese.mo.gov/sites/default/files/MSIP_5_Resource_and_Process_Standards.pdf



Changes...

1. There will be additional questions.
2. Expect more outcome-based questions.



Questions?



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