



**OFFICE OF QUALITY SCHOOLS
FEDERAL COMPLIANCE**

McKinney-Vento Homeless Program

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Missouri Department
of Elementary and Secondary Education

The McKinney-Vento Act:

2

A Comprehensive Review

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McKinney-Vento Homeless Assistance Act

3

- 1987 Stewart B. McKinney Act signed into law. It required states to review and revise residency requirements for enrollment of homeless children and youth.
- 1990 McKinney Act amended.
- 1994 Education portion of McKinney Act included in Improving America's Schools Act (IASA). Added preschool services, greater parental input, and emphasis on interagency collaboration.
- 2001-2002 Reauthorization of the Act. Strengthened requirements to provide access and success; required local liaison in all LEAs.



Federal Law Supersedes State Law

4

Since the McKinney-Vento Act is a **federal law**, it takes precedence over state laws.

Main themes include:

- School access
- School stability
- Support for academic success
- Child-centered, best interest decision making



Homelessness

5

Homelessness is described as...

“Children who lack a fixed, regular, and adequate night time residence.”

- Fixed...permanent and unchanging
- Regular...happening again and again
- Adequate...satisfactory or acceptable



Causes of Homelessness

6

- Lack of affordable housing
- Divorce
- Domestic violence
- Illness/Injury
- Job loss/Insufficient wages
- Lack of child support
- Natural disaster (fires, floods, tornados)



Homeless Data in America

7

- 39% of America's homeless population are children
- 42% of homeless children are under 5 years of age and of the 42%, only 15% are enrolled in pre-school
- 38% of the homeless population have less than a high school degree by age 18
- 50% of the homeless population report dropping out of school during the course of their education



Children, Youth & Poverty

8

- 954,914 homeless children and youth were enrolled in public schools during the SY 09-10. This number has jumped to over 1.2 million for SY 10-11.

The data collected represents only those children identified and enrolled in school. The number does not include all preschool-age children, or any infants and toddlers.

Source: National Association for the Education of Homeless Children and Youth



Missouri Students

9

**In 2009-2010, Missouri school
districts reported
15,564 students as homeless.**

- In 2008-2009, 14,437
- In 2007-2008, 11,977



Barriers Homeless Children Face

10

Enrollment requirements – they may not have:

- School or immunization records
- Proof of residence or guardianship
- Other records needed for enrollment

They have high mobility.

- Creates a lack of school stability and educational continuity

Lack of transportation, school supplies, clothing, etc.

They may experience poor health, fatigue, and hunger.

They often face prejudice and misunderstanding.



Identification – Who is homeless?

11

Students **not** living in a fixed, regular and adequate residence.

- ✓ living in motels, hotels, camping grounds
- ✓ living in an emergency or transitional shelter
- ✓ living in places not designed for humans to live
- ✓ living in cars, parks, abandoned buildings, bus or train stations
- ✓ migratory children also qualify as homeless when living under these same conditions



Who is Homeless?

12

•Children who live with friends or relatives because of loss of housing or other similar situation should be considered homeless.

•Children living in “doubled up” situations may be considered homeless if the family is doubled up or tripled up because of loss of housing or a similar situation.



Identifying and Questioning

13

Homeless eligibility can be handled in such a way that **it does not violate privacy or jeopardize housing arrangements.**

It is up to the local liaison, enrollment staff, and/or other school personnel to be **sensitive and discreet.**

- Where did you stay last night?
- Where do you plan to stay tonight?



Questions you may need to ask...

14

Does the student have any legal rights to be in the home?
In other words, can he/she be asked to leave at any time
with no legal recourse?

Is the living situation intended to be temporary or long-
term?

Did the student move into the home as an urgent measure
to avoid being on the street or in another precarious
situation?



Who is homeless?

15

- Children who are runaways – even if their parents have provided or are willing to provide a home for them.
- Children who are “throwaway children” should be considered homeless until a fixed, regular, and adequate residence is established for them.



Who is Homeless?

16

School aged, unwed mothers or mother-to-be who reside in a home for unwed mothers should be considered homeless if they have no other available living accommodations.

Undocumented children and youth have the same right to attend public school as U.S. citizens and are covered by the McKinney-Vento Act to the same extent as other children and youth. (Plyler v. Doe)



Who is Homeless?

17

Foster Care Students *awaiting* foster care.

Local homeless liaisons should coordinate with local public social service agencies in determining how best to assist homeless children/youth awaiting foster care placement.



Who is Homeless?

18

The McKinney-Vento Act specifically applies to children and youth living in transitional shelters.

This term includes transitional housing programs and transitional living programs.

A Federal Court affirmed that transitional housing programs are covered by the McKinney-Vento Act. *Bullock v. Board of Education of Montgomery County, Civ. A. DKC 2002-0709 (D. Md.)* memorandum decision filed November 4, 2002.



Age Eligibility

19

The Act applies to children and youth age 21* and under, consistent with their eligibility for public education services under state and federal law.

The Individuals with Disabilities Education Act (IDEA), provides rights to access services until age 22, with the exception of students with disabilities who are incarcerated as adults and students with disabilities who have earned a high school diploma.



*Until their 21st birthday

Incarcerated Youth

20

Children and youth who are incarcerated for violation or an alleged violation of the law **should not** be considered homeless.

Incarcerated children and youth are part of the juvenile justice system.



Enrollment

21

Immediately

Enrollment questions must be grounded in sensitivity and respect. Invasive probing may destabilize the family or youth further and may create a barrier to the student's enrollment, thereby violating the McKinney-Vento Act.

Additionally, employing these techniques may violate the Family Educational Rights and Privacy Act (FERPA).



Schools are required to assist homeless students and their families in obtaining necessary records to enroll in school.

Enrollment

22

Immediately enroll homeless students eliminating delays caused by lack of records or other enrollment requirements.

- Talk with parents and students
- Sign the student up for free lunch
- Get contact information for a family member or guardian
- Can not** require proof of residency



If Determination is not Homeless

23

Students should be enrolled while homelessness is being determined. If determined not homeless, then the applicant must be given a letter explaining the reason.

The applicant can request due process.

The LEA should follow the policies they have in place to address other forms of fraud



School Selection

24

School of origin or school of residence

The 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.

The school of residence is the current physical dwelling where the homeless child is sleeping.



School Selection

25

Students can continue attending their school of origin the entire time they are homeless.

If they become permanently housed, they can also continue at their school of origin until the end of the academic school year.

If a student is sent to a school other than the school of origin or the school requested by the parent/guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal.



Transportation

26

Children and youth experiencing homelessness are entitled to receive transportation to and from the school of origin.

The district is responsible for the transportation costs if the school of origin and the temporary residence are in the same district.

Questions to ask...

- What is the school of best interest?
- How old is the student?
- What are the possible transportation choices?
 - Special education bus?
 - City Transit?
 - Cab?
- Gas Reimbursement?



Crossing District and/or State Lines

27

If a student finds temporary housing in another district or across a state line from the school of origin, the McKinney-Vento Act still applies.

Transportation cost should be split between the school of origin and the school of residency.



Dispute Resolution

28

- Every school district in Missouri must establish dispute resolution procedures.
- When a dispute over enrollment arises, the student must be admitted immediately to the school of choice while the dispute is being resolved.
- Liaisons must ensure unaccompanied youth are enrolled immediately while the dispute is being resolved.
- If a dispute arises, refer the child, youth, parent, or guardian to the liaison to carry out the dispute resolution process as expeditiously as possible.
- Documentation should be kept for all local liaison interventions with parents-not just formal disputes (NCLB).



Segregation

29

School Districts cannot segregate homeless students.

School Districts **must** adopt policies and practices to ensure students are not segregated or stigmatized on the basis of their status as homeless.

Districts cannot have separate programs within the school or have separate settings within the school.

If a homeless student resides in a domestic violence shelter, the school:

- Should take all necessary steps to protect children who are victims of domestic violence and keep the students in the regular school program.



Homelessness and Title I

30

A child or youth who is homeless and is attending any school in the district is automatically eligible for Title I. A services.

LEAs must reserve (or set aside) funds.

In Missouri, Title I. funds **may not** be used to transport homeless children and youth.



Homeless and Title I Set Aside

31

Method #1—

Reserve the set aside amount on what you would be eligible for if you were applying for a McKinney-Vento subgrant.

Method #2—

Reserve the set aside amount based on a percentage.

Method #3—

Reserve the set aside amount based on your homeless student count and Title I, Part A per-pupil allocation.

Method #4—

Reserve the set aside amount based on homeless student's needs.



Use of Title I Funds

32

- Outreach services
- Basic needs
- Counseling services
- Supplemental instruction
- Parental involvement programs
- Before/after-school, and/or summer programs
- Research-based programs
- Data collection



District Homeless Census Data

33

- The information collected includes:
 - Name of homeless student
 - Grade level
 - Primary night time residence

- Night time Residence Definition
 - Not Homeless (NH)
 - Shelters (SH) or [**SF***]
 - Unsheltered (US) or [**UF***]
 - Doubled Up (DU) or [**DF***]
 - Hotel/Motel (HM) or [**HF***]

*F codes are only for districts receiving McKinney-Vento funding.



Early Childhood & Homelessness

34

Homeless children are categorically eligible for Head Start [42 U.S.C. 9840(a)(1)(B)].

Head Start reauthorization includes a definition of homelessness that matches the definition of homelessness in the education subtitle of the McKinney-Vento Homeless Assistance Act, which governs public schools.

- Implies that verification of homeless living situation suffices.
- Under McKinney-Vento, determinations of eligibility are case-by-case, individualized.



Local Liaison

35

- Designate an appropriate staff person as a local homeless education liaison.
- The homeless liaison must work to ensure that homeless children and youth have equal access to the same free public education as is provided to other children and youth.



Duties of the Liaison

36

- Must collaborate and coordinate with—
 - State Coordinators for Homeless Education
 - Community personnel
 - Other school personnel
- Inform parents, guardians, or youth of education and parent involvement opportunities.
- Inform parents, guardians, or youth of transportation services, including the school of origin.
- Resolve disputes
- Post public notice of educational rights
- Ensure that children and youth in homeless situations are identified.
- Provide awareness activities for school staff.
- Use enrollment and withdrawal forms to inquire about living situations



Duties of the Liaison

37

- Educate school staff about “warning signs” that may indicate an enrolled child or youth may be experiencing homelessness.
- Ensure that homeless students enroll in and have full and equal opportunity to succeed in school.
- Provide outreach materials and posters where there is a frequent influx of low-income families and youth in high-risk situations.
- Link students with educational services, including preschool and health services.
- Make special efforts to identify preschool children, including asking about the siblings of school-age children.
- Develop relationships with truancy officials and/or other attendance officers



2012-2013 District Goals

38

- Conduct ongoing awareness activities in the school district.
- Provide annual awareness and sensitivity training to all school staff, including administrators, counselors, social workers, teachers, secretaries, registrars, nurses, bus drivers, security staff, attendance officers, and federal programs staff.



Review, Revise & Develop

39

- Homeless Coordinator Job Description
- Needs assessment
- Enrollment Identification
- Records
- Placement
- Services
- Resolution of Grievances



40

Contact Us

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