



# Back to Basics with the McKinney-Vento Act

Region 2/Lorain ESC September 2020



# About NCHE

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**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](mailto:homeless@serve.org)
- Products: <https://nche.ed.gov/resources/>
- Webinars: <https://nche.ed.gov/group-training/>
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# 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)



# Common Questions From the Field

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- Does a family have to show an eviction notice to be deemed homeless?
- What questions can I ask a parent?
- Are students in foster care homeless?

# Mary

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Mary's family was living in Cincinnati, but her family recently moved to your area. Not only did her dad just get a new job in your district, but her grandfather and several extended family members live in the area. Mary's parents sold their home in Cincinnati and they're looking for a place to live. In the meantime, they're staying with her mother's cousin.

- Is Mary's family homeless?

# Alejandro

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Alejandro came to the U.S. to participate in a summer camp at a university in Arizona. Once the camp was over, his plan was to go back to his home in Merida, Mexico. However, while Alejandro was in the U.S., the borders closed. Unsure of what to do next or if he'd be able to get home, Alejandro went to stay with his grandmother in Wisconsin. Now he's enrolling in school and the registrar has referred him to the liaison because she's not sure if he's homeless.

# Jacob

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Jacob has been attending your school since the third grade. He's now in the sixth grade. It's been a particularly cold winter and the pipes in Jacob's home burst, flooding part of his home. As a result, Jacob and his parents go stay in a hotel. Jacob's mom calls you to request transportation for Jacob to get to school because they're homeless.

# 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

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- 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](https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_Youth-Pathways-FINAL.pdf)

# Rosa

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Rosa was adopted when she was six months old. Recently, she reconnected with her biological mother. They've been talking on the phone and texting quite a bit. Last weekend, after a big blow up with her adoptive parents, Rosa went to stay with her biological mother.

- Is Rosa homeless?
- Is she an unaccompanied youth?
- Do you have to notify her adoptive parents of her location?

# Local Liaison Duties

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- 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

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- 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)



Questions?

# Requirement to Remove Barriers

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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>



# Immediate Enrollment

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*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

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## 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

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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

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- 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)



# Jennie

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Last year, Jennie and her family lost their home due to a fire and were staying with relatives in the neighboring district. As a result, you identified her as doubled-up due to loss of housing. However, you, as the liaison, recently received information that indicated that Jennie and her family are no longer homeless. You've tried to reach out to Jennie's parents multiple times by phone and by sending notes home with Jennie, asking her parents to call you. You even stopped by the place she's been staying but no one was home. How should you proceed?

Questions?

# Transportation

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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
  - This change was made in 2015 for transportation

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

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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)



# Proficiency on State Assessments, SY 2017-18

Grade	Homeless		Economically disadvantaged		All Students	
	% proficient RLA	% proficient mathematics	% proficient RLA	% proficient mathematics	% proficient RLA	% proficient mathematics
<b>Total<sup>1</sup></b>	<b>28.7</b>	<b>23.7</b>	<b>37.2</b>	<b>33.2</b>	<b>50.1</b>	<b>45.7</b>
3 <sup>rd</sup>	28.9	30.4	36.7	39.8	49.0	51.8
4 <sup>th</sup>	29.9	27.1	37.6	36.7	50.2	49.0
5 <sup>th</sup>	29.3	24.0	38.0	34.5	50.8	47.0
6 <sup>th</sup>	27.1	21.2	34.8	29.9	48.3	43.3
7 <sup>th</sup>	27.3	19.7	36.1	28.9	49.8	42.6
8 <sup>th</sup>	28.2	21.5	36.3	31.2	49.6	44.3
High School	29.9	19.2	40.7	30.1	52.7	41.7

<sup>1</sup>Excludes Vermont homeless student data for all subject areas.



# Title I, Part A and MV Basics

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- 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

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- 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

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- 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

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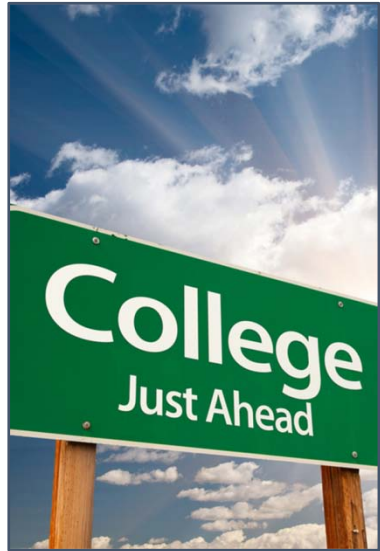
Districts must have clear procedures in place to award full or partial credit for work completed in a previous district

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

# Thomas

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Thomas was identified by you in September of 2018 as homeless. His mom is deceased, and his dad was in jail. As a result, Thomas was on his own for some time. You provided him with a letter verifying his status as an unaccompanied homeless youth when he was senior. He's now finished his first year of college but it's time to complete his FAFSA. He's asked you to provide another verification letter stating that he's an unaccompanied homeless youth. However, you found out that his dad was released from jail recently. When you ask Thomas about it, you discover Thomas is now living with his dad in an apartment they're leasing. Would you still provide Thomas the letter?

Questions?

# Resources

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## Determining Eligibility Flow Chart

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

## Homeless Liaison Toolkit – Appendix 9.A UHY Flow Chart

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

## COVID-19 Resources

- <https://nche.ed.gov/covid-19-coronavirus-information/>

## USDA Waiver Information

- <https://www.fns.usda.gov/programs/fns-disaster-assistance/fns-responds-covid-19/child-nutrition-covid-19-waivers>





# Contact Information

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NCHE Helpline

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