THE McKinney-Vento Homeless Assistance Act:

Knowing and Implementing the Law

Revised 4/13
How many children experience homelessness in Alabama schools?

In October, 2012, there were 1.6 million identified homeless students in schools in the United States – this was BEFORE Super Storm Sandy hit the East Coast in October 2012 and before the horrific tornadoes in Oklahoma in the spring of 2013.

- 11,687 reported enrolled in Alabama (2007-2008 Data)
- 12,859 reported enrolled in Alabama (2008-2009 Data)
- 16,287 reported enrolled in Alabama (2009-2010 Data)
- 18,910 reported enrolled in Alabama (2010-2011 Data)
- 17,670 reported enrolled in Alabama (2011-2012 CSPR Consolidated State Performance Report Data entered 12/12)

Do you have any guesses as to why the pattern for the past three years might exist?
Who is McKinney? and What is a Vento?
WHO ARE McKinney AND Vento?

A little background –

Stewart Brett McKinney was born of wealth in 1931. Although he was a very wealthy congressman during his terms in office, he was regarded by his peers as a fighter for the causes of “the forgotten”. A liberal republican, McKinney worked tirelessly for social welfare programs and was most outspoken of the plight of the homeless – especially those with mental illness, left on the street.

As a result of Stewart McKinney’s hard work President Ronald Reagan signed the *Stewart B. McKinney Homeless Assistance Act* in 1987.
Bruce Frank Vento, born in 1940, was a public school teacher in Minnesota prior to entering politics. He was a democrat in the US House of Representatives promoting the environment, affordable housing, and shelter programs. In June of 2000, Vento received special recognition from President Clinton for his work on behalf of the Homeless population. He worked alongside Stewart McKinney and was coauthor of the *McKinney-Vento Homeless Assistance Act of 1987*.

Oddly enough, the original Federal Act, provided very little for homeless children in the area of public education. It has evolved over the years and has been reauthorized several times, the last time being part of the *No Child Left Behind Act of 2001*. 
WHO ARE McKinney and Vento?

A Brief Timeline of the McKinney-Vento Act

1987  Stewart B. McKinney Act signed into law. Required states to **review and revise residency requirements** for enrollment of homeless children and youth.

1990  McKinney Act amended. **All enrollment barriers to be eliminated.** Access to and academic success in school should be pursued. Allowed direct **education services with McKinney funds.**

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 as the McKinney–Vento Act. Strengthened requirement to provide access and success; required local liaison in all LEAs. Signed by President G.W. Bush on 1/8/02 as part of No Child Left Behind.
Subtitle VII-B of the McKinney-Vento Homeless Assistance Act; reauthorized by Title X, Part C of NCLB Act of 2001

The McKinney-Vento program is designed to address the problems children and youth have faced in enrolling, attending, and succeeding in school. State Education Agencies must ensure that each homeless child and youth has equal access to the same free, appropriate public education as other children and youth. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in schools of homeless children and youth.
TODAY’S GOALS: MCKINNEY-VENTO MAIN THEMES

I. Enrolling – School Access, Determining Eligibility, Confirming Eligibility, Enrollment, Child-Centered best interest decision making, Role of the LEA Homeless Liaison

II. Attending – School Selection, Transportation, Dispute Resolution Process, Child-Centered best interest decision making, Role of the Homeless Liaison

III. Succeeding – Participate fully in education process, Eligible Services, Access to Services, Child-Centered best interest decision making, Role of the Homeless Liaison
I. Enrolling - Who Qualifies For Services?

Children or youth who lack a fixed, regular, and adequate nighttime residence.

**Fixed**: Stationary, permanent, and not subject to change

**Regular**: Used on a predictable, routine, or consistent basis (*e.g.* *nightly*)

**Adequate**: Sufficient for meeting both the physical and psychological needs typically met in home environments
I. ENROLLING - DETERMINING ELIGIBILITY: “FIXED, REGULAR, AND ADEQUATE”

Some examples are:

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason ("doubling up")
- Living in motels, hotels, camp grounds, cars, parks, abandoned buildings, bus/train stations, or any public or private place not designed for humans to live
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Awaiting foster care placement
- Migratory children/Homeless Unaccompanied Youth living in above circumstances
I. **Enrolling - Where do homeless children live in Alabama?**

1. Shelters, transitional housing, awaiting foster care  
   **1,883**

2. Doubled-up (e.g. living with another family)  
   **13,953**

3. Unsheltered (e.g. cars, parks, campgrounds, temporary trailer, or abandoned buildings)  
   **988**

4. Hotels/Motels  
   **846**

**Total 17,670**

*According to 2011-2012 CSPR (Consolidated State Performance Report) data submitted 12/12*
I. ENROLLING - 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?
  - Is the living arrangement fixed, regular, and adequate?
I. ENROLLING - SCENARIO #1

John and his wife and four children have recently moved into the area. They previously lived in a city about 90 miles away, but when the economy took a dive he lost his job due to “downsizing”. They managed to continue paying their mortgage for about four months, but then the savings was all gone. Their house was foreclosed.

John’s parents invited the family to move in with them until they could get back on their feet. So they did. In August, it was time to enroll the children in the neighborhood school where his parents lived. An enrollment questionnaire made the registrar at the middle school know that John’s family might have fallen on hard times and be “doubled-up” with his parents temporarily.

Given this scenario, what steps would you recommend be taken next?
Given this scenario, what steps would you recommend be taken next?

- Attempt to speak privately with John and/or his wife keeping in mind that the issue of homelessness is complex, overwhelming, and delicate.

- Let them know that the enrollment questionnaire indicates that his family might be eligible for services under McKinney-Vento.

- Explain to him that his living arrangements could be classified as doubling-up and his children could be immediately eligible for free lunch, uniforms, medical assistance, and school supplies.
I. ENROLLING - DETERMINING ELIGIBILITY

- Reference NCHE’s *Determining Eligibility* and *Confirming Eligibility* briefs at [www.serve.org/nche/briefs.php](http://www.serve.org/nche/briefs.php)
- Determinations are made on a case-by-case basis by examining the living arrangement of each child or youth
- Some instances will be clear-cut; others will require further inquiry and then a judgment call
- Use fixed, regular, and adequate as your guiding principles; if the living arrangement does not meet all three criteria, it is considered a homeless situation

- **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?
  - Does the living situation fit another type of situation that is not fixed, regular, and adequate?
I. DETERMINING ELIGIBILITY: “THE PROCESS”

○ Step 3: Get Additional Input

○ Contact your State Coordinator:

  Jan Murray
  jmurray@alsde.edu
  334-242-8199

○ Contact the National Center for Homeless Education (NCHE) helpline:

  800-308-2145
  homeless@serve.org
  www.serve.org/nche
I. ENROLLING - NO BARRIERS

- 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.

- 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 immunization or medical records, the local Homeless Liaison must assist immediately in obtaining them, and the student must be enrolled in the interim.
I. Enrolling - No Barriers

- Enrolling schools must request school records from the student’s previous school immediately, and students must be enrolled in school while records are obtained.

- Schools must make their records available promptly when a student transfers to a new school or district.

- The McKinney-Vento Act supersedes state or local law or practice when there is a conflict [U.S. Constitution, Article VI]
Maria Gonzales and her seven-year-old and nine-year-old daughters have just moved into a homeless shelter. Maria visits the neighborhood elementary school to enroll her daughters into the second and fourth grades. The school secretary (or registrar) in the office at the school gives Maria a list of required documents for enrollment. Maria does not have these items. Maria and her daughters leave, believing that school enrollment will not be a possibility for them.

- Should Maria be able to enroll her girls?
- What went wrong?
- What should be done now?
- What could you do to prevent this from happening in your LEA?
I. ENROLLING - NO BARRIERS
SCENARIO #2 - RESPONSE

Should her girls be able to enroll? Maria should definitely be able to enroll her girls. The lack of records cannot delay enrollment for students experiencing homelessness.

What went wrong? Maria did not have information about the educational rights of the homeless. Obviously, the school was unaware of these rights, as well.

What should be done? Basic information about McKinney-Vento should be available to all school personnel and homeless families.

What should you do as a Homeless Liaison to prevent this from happening in your LEA?
Make sure your LEA has a Homeless Liaison
Have a school-level contact to work with the Homeless Liaison
Place posters/brochures in community areas (shelters, agencies, etc.) and at schools
Provide training to school staffs about McKinney-Vento
II. ATTENDING - SCHOOL SELECTION

- Students experiencing homelessness have the right to attend one of two schools:
  - Local Attendance Area School
    - Any public school that students living in the same attendance area are eligible to attend
  - School of Origin
    - The school attended when permanently housed; or
    - The school in which the student was last enrolled
II. Attending - School Selection

- When deciding which school the student will attend, the best interest of the student is the top priority.

- 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.

- Local Liaisons work together with unaccompanied youth to determine which school would be in the youth’s best interest to attend.
II. ATTENDING - SCHOOL SELECTION

- Students can continue attending their school of origin the entire time they are homeless, and until the end of any academic year in which they move into permanent housing.

- If a student becomes homeless in between academic years, he or she can continue attending the school of origin for the following academic year.
II. Attending - School of Origin and Feasibility

Feasibility factors listed in U.S. Department of Education Guidance: (please refer to NCHE’s *Guiding the Discussion on School Selection* brief at [www.serve.org/nche/briefs.php](http://www.serve.org/nche/briefs.php))

- The age of the child or youth
- The distance of a commute and the impact it may have on the student's education (there is no specific time or distance “rule”)
- 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
- Case by Case – Child’s best interest
Given the same scenario as we previously discussed—John, his wife and four children doubled-up with his parents enrolling in attendance zone school of his parent’s address. As you discuss the educational rights of these McKinney-Vento eligible students, you mention that these parents have the right to request that the children attend the school of origin, which would be the school that they attended before they became eligible for McKinney-Vento.

**Would this be an option for this family?**

During this discussion John mentions that he and his wife have good job leads and he is sure that by Christmas, his family will no longer need McK-V services.

**What would be your response to John?**
II. ATTENDING - SCHOOL SELECTION - SCENARIO #3 RESPONSE

Is school of origin an option for this family?

Probably not, based upon the feasibility of transporting them 90 miles away.

Remember that decisions should be made on a case by case basis. Examine each child’s situation and decide in the child’s best interest.

What would be your response to John about no longer needing services after Christmas?

McK-V eligibility remains in place until the end of the academic year. After this, each and every situation gets re-evaluated.
II. ATTENDING SCHOOL - I-NOW
II. ATTENDING - 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; refer to feasibility factors).

- If the student’s temporary residence and the school of origin are in the same district, that district must arrange transportation.

- If the student is living outside the district of origin, the district where the student is living and the district of origin must determine how to divide the responsibility and cost, or they must share the responsibility and cost equally.
II. ATTENDING - TRANSPORTATION

- Districts must provide students in homeless situations with transportation services comparable to those provided to other students.

- School districts must eliminate barriers to the school enrollment and retention of students experiencing homelessness (including transportation barriers).

- Districts can consider other safe transportation options beyond the school bus.
MAY FUNDS UNDER PART A OF TITLE I BE USED TO TRANSPORT HOMELESS STUDENTS TO AND FROM THE SCHOOL OF ORIGIN?

No, LEAs may not use these funds under Title I, Part A to transport homeless students to and from school of origin.

Because transportation services to the school of origin are mandated under the McK-V, the use of Title I, Part A funds for transportation would be considered “supplanting” which is prohibited. Provisions in Title I prohibit those funds from being used to support activities that the LEA would otherwise be required to provide.

However, Title 1, Part A funds may be used for transportation to the school or origin, once a student is permanently housed, for the remainder of the school year. (Example – family doubled up due to fire – immediately eligible for McK-V services, Title-I set-aside cannot be used for transportation. Then family rents an apartment in February, they are no longer Homeless but are still eligible for McK-Vento services until the end of the year and are now permanently housed, therefore, Title I-A Set-Aside can be used for transportation.)
II. ATTENDING - DISPUTE RESOLUTION

An extremely important and essential part of McKinney-Vento to have in place in your LEA is the Dispute Resolution Process. (Section 722 (3) (E) (i)(ii)(iii)(iv))

If a dispute arises over school selection or enrollment in a school:
- The child or youth shall immediately be admitted to the school in which enrollment is sought and provided with services pending resolution of the dispute.
- The school must refer the parent, guardian, or youth to the local liaison to carry out the dispute resolution process as expeditiously as possible.
- The parent, guardian, or youth must be provided with a written explanation of the LEA's decision, including the right to appeal to the State Level.
II. ATTENDING - DISPUTE RESOLUTION

- The LEA Liaison should keep excellent documentation of formal disputes and any interventions/mediations on behalf of our homeless students.

- The State of Alabama has developed and implemented a process to resolve disputes that may arise over school selection or enrollment in school by a homeless student. The process was adopted by the Alabama State Board of Education in May 1999. The state Dispute Resolution Process can be found in the State Plan – Education for Homeless Children and Youth Program in our Document Library.
II. ATTENDING - DISPUTE RESOLUTION SCENARIO #4

Last Tuesday, March 5, 2013, a homeless mother, Ellen, enrolled her high school aged daughter into the attendance zoned school of the Homeless Shelter where she had recently moved. The daughter is 16 and in the 10th grade. When they enrolled at the high school, the mother requested that her daughter cross the county line and attend her school of origin which was about 12 miles away from the shelter. The school secretary told the woman that that was not a possibility and proceeded to get the principal involved in their conversation.

The principal also said that there was “No Way” the young lady could attend school in another county. The mother quietly expressed that she would like the paper work to immediately file a dispute with the school and/or school system requesting the right for her daughter to 1) attend the school of origin and 2) for the LEA to furnish transportation to that school.

What should happen next?
II. ATTENDING - DISPUTE RESOLUTION - SCENARIO #4 RESPONSE

What should happen next?

The Homeless Liaison for this LEA should be called immediately and he/she should give assistance to Ellen and her daughter in filing the dispute.

The child should be enrolled in the school of origin immediately while the dispute process is underway and until a resolution in writing is presented to Ellen. Until that time transportation should be provided for the student.

The Dispute Resolution Process should be followed as the LEA policy sets forth.

When a decision is made at the LEA level, it should be presented to Ellen in writing. If she disagrees with the decision, she has the right to take the dispute to the next level - the State Department of Education. At the SDE, the Dispute Resolution process will be followed as set forth in the State Homeless Plan and adopted by the State Board of Education in 1999 under State Superintendent Dr. Ed Richardson.
III. SUCCEEDING - 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
III. SUCCEEDING - LOCAL LIAISONS

- Informing parents, guardians, or youth of educational rights
- 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
III. Succeeding - Local Liaisons

- Local Liaisons must ensure that families and children have access to Head 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/early.html](http://www.naehcy.org/early.html) 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](http://www.naehcy.org/early.html)).
Table 3. Responsibilities for Local Homeless Education Liaisons

Taken from The National Center for Homeless Education’s Local Homeless Education Liaison Toolkit
III. SUCCEEDING - UNACCOMPANIED YOUTH: THE BASICS

- The McKinney-Vento defines unaccompanied youth as a youth “not in the physical custody of a parent or guardian”

- An unaccompanied youth’s living arrangement must meet the McKinney-Vento Act’s definition of homeless for him/her to qualify for services

- Local Liaisons must support unaccompanied youth in school selection and dispute resolution processes
III. SUCCEEDING - UNACCOMPANIED YOUTH: THE BASICS

- “Age limits”
  - Lower: There is no lower age limit for unaccompanied youth
  - Upper: The upper age limit (as with all McKinney-Vento eligible students) is your state’s upper age limit for public education; this is usually 21, but is sometimes older for special education

- A youth can be eligible regardless of whether he/she was asked to leave the home or “chose” to leave; sometimes there is “more than meets the eye” for youth’s home life situations
III. SUCCEEDING - UNACCOMPANIED YOUTH: STRATEGIES

- Reference NCHE’s *When Legal Guardians Are Not Present* brief at [www.serve.org/nche/briefs.php](http://www.serve.org/nche/briefs.php)

- Develop caretaker forms, self-enrollment forms, and/or other forms to replace typical proof of guardianship; forms should be crafted carefully so they do not create further barriers or delay enrollment; visit [www.serve.org/nche/downloads/toolkit/app](http://www.serve.org/nche/downloads/toolkit/app) for sample forms

- Become familiar with state and local policies related to unaccompanied youth *(medical signature authority, reporting of suspected abuse, reporting of runaways, emancipation)*
III. Succeeding - Unaccompanied Youth: Strategies

- Provide access to diversified learning opportunities (*vocational education, credit-for-work programs, flexible school hours, etc.*) yet don’t assume youth will need or desire this option.
- Provide access to a “safe place” and trained mentor at school.
- Permit exceptions to school policies on class schedules, tardiness, absences and credits to accommodate the needs of unaccompanied youth.
- Assist with credit accrual and recovery.
III. SUCCEEDING - MEETING THE NEEDS OF OUR HOMELESS POPULATIONS

There are two “Pots of Money” available to each LEA in order to accommodate the needs of homeless students:

1) A Homeless Set-Aside is required each year from your Title I allocation and
2) There is a McKinney-Vento Competitive Grant available for you to apply for each year
III. SUCCEEDING - MEETING THE NEEDS OF OUR HOMELESS POPULATIONS

Title I-A Homeless Set-Aside is required of districts. There is no federally mandated amount or method of calculation (please refer to handout entitled 4 Ways to Determine Title I-A Set Aside). A needs assessment and evaluation of homeless needs should be done on a yearly basis.

Homeless students are automatically eligible for Title I services even if they don’t attend a Title I school and are eligible for continued support for the rest of the academic year even if they become permanently housed.
III. Succeeding - Permissible Usages of Title I-A Set Aside

The following is a list of examples of permissible uses of Title I-A Set Asides:

- Tutoring (including in shelters, motels, and other places where homeless students live)
- School uniforms or clothing needed to attend school
- Transportation to participate in afterschool activities
- Health, nutrition, and other social services, including basic medical equipment, eyeglasses and hearing aids
- Fees necessary to participate in the general education program
- Graduation Cap and Gown
III. SUCCEEDING - PERMISSIBLE USAGES OF TITLE I-A SET ASIDE

- Personal School Supplies such as backpacks, notebooks, pencils, crayons
- Cost in acquiring birth certificates, immunizations, etc.
- Counseling services to address anxiety related to homelessness that might impede learning
- Outreach services to students living in shelters, motels or other temporary residences
- Extended learning time such as before/after school, Saturday classes, or summer school
Over one million dollars was allocated to the state of Alabama to be awarded to LEAs in a competitive subgrant opportunity. Last year the awards varied in amount beginning at $10,000.

The RFP (Request For Proposal) will be available on July 31, 2013 with a deadline for submission on August 30, 2013.

Be advised, there will be some changes in some of the questions this year.

Subgrants are awarded on the basis of need and quality of the application submitted. A rubric will be used in scoring. Readers will score grant applications and awards will be made during the month of September.

Homeless Grant money will be available for use on October 1.
The 16 allowable uses of McKinney-Vento Grant money are listed on the Request For Proposal (RFP) in the ALSDE Document Library. Be advised that some McKinney-Vento Grant money can be used for administrative purposes and to fund the job of Homeless Liaison in your LEA.
Students experiencing homelessness must have access to services for which they are eligible, including special education, programs for English learners, gifted and talented programs, and vocational and technical education.

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.
III. Succeeding - Access to Services

- IDEA includes provisions that ensure the timely assessment, inclusion, and continuity of services for 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 same right to attend public school as U.S. citizens (Plyler v. Doe); visit [www.serve.org/nche/downloads/used_fact_sheet_undoc.pdf](http://www.serve.org/nche/downloads/used_fact_sheet_undoc.pdf); or search Immigrants and Refugees...
OTHER IDENTIFICATION STRATEGIES

Provide outreach materials and posters at all schools and community agencies:

- Materials should include information on educational rights, who is considered homeless, and a local phone number to call for school enrollment and assistance.

- Visit www.serve.org/nche for free posters/brochures and information to distribute within your school system and community.
INFORMATION

NCHE website: www.serve.org/nche

NCHE helpline: 800-308-2145 or homeless@serve.org

NCHE National Partners:
National Association for the Education of Homeless Children and Youth (NAEHCY): www.naehcy.org
National Law Center on Homelessness and Poverty (NLCHP): www.nlchp.org
Jan Murray

jmurray@alsde.edu

334-242-8199

or

334-353-5620