

# **The McKinney-Vento Act as amended by the Every Student Succeeds Act of 2015**



NATIONAL ASSOCIATION FOR THE EDUCATION  
OF HOMELESS CHILDREN AND YOUTH

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# NAEHCY

- National membership association dedicated to educational excellence for children and youth experiencing homelessness, from early childhood through higher education.
  - Local Youth Task Forces, State Higher Ed Networks, Early Childhood Committee
- Technical assistance on policy implementation.
- Bringing your voices to Congress and state legislatures.
- Youth leadership and support.

# Our Agenda

- Context and data
- Eligibility and identification
- School of origin
- Immediate enrollment
- Disputes
- Title I
- Higher education

# Causes of Homelessness

- Lack of affordable housing.
- Poverty.
  - Increase in low v. middle wage employment.
- Health problems.
  - Lack of health insurance.
  - Addiction disorders, Mental health.
- Domestic violence.
- Natural and other disasters.
- Abuse/neglect/family dysfunction (unaccompanied youth).

# How many students experience homelessness?

- Public schools identified 1.3 million McKinney-Vento students in the 2013–14 school year.
  - An 8% increase nationally over previous year.
  - A 100% increase since 2007.
  - 13% of all poor, school-age children and youth.
  - 30% of all extremely poor, school-age children and youth.

# Young Children and Homelessness

- 51% of all children in HUD homeless shelters are under the age of 6.
- The age at which a person is most likely to stay in a homeless shelter in the United States is infancy (under age 1).
- Nearly 50,000 homeless children ages 3-5 were enrolled in public preK programs in 2013-2014; only 3.6% of all students identified as homeless by public schools.

# Impacts of Homelessness on Children and Youth

- Higher incidences of acute and chronic illnesses, depression and anxiety.
- Homelessness in early childhood is associated with poor classroom engagement and poor social skills in early elementary school.
- The achievement gaps between homeless and low-income elementary students tend to persist, and may even worsen, over time.
- A youth who experiences homelessness is 87% more likely to drop out of school.

# Barriers to Education for Homeless Children and Youth

- Poor health, fatigue, hunger.
- Emotional trauma, depression, anxiety.
- Stereotypes and lack of awareness.
- Under-identification.
- High mobility resulting in lack of school stability and educational continuity.
- Enrollment requirements (school records, health records, proof of residence, guardianship).
- Lack of transportation.
- Lack of school supplies, clothing, etc.



# McKinney-Vento Homeless Assistance Act

- Originally passed in 1987.
- Reauthorized in 2015 by the Every Student Succeeds Act (ESSA).
- Works hand-in-hand with Title IA and other federal education programs.
- \$85 million authorized funding to SEAs.
  - Largest percentage increase of all federal education programs.
  - SEAs award competitive subgrants to LEAs.

# McKinney-Vento Homeless Assistance Act

- Main themes:
  - Identification.
  - School stability.
  - School enrollment.
  - Support for academic success.
  - Child-centered, best interest decision making.

# Local McKinney-Vento Liaisons

- Every LEA must designate a McKinney-Vento liaison **able to carry out his/her legal duties.** 11432(g)(6)
- Liaisons must ensure that—
  - McKinney-Vento students enroll in and have full and equal opportunity to succeed in school.
  - Children and youth in homeless situations are identified by school personnel through **outreach and** coordination with other entities and agencies.
  - **Public notice of MV rights is disseminated in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to them.**

# McKinney-Vento Liaisons (cont.)

- Liaisons must ensure that (cont.)—
  - School personnel providing McKinney-Vento services receive professional development and other support.
  - Children, youth and families have access to and receive educational services for which they are eligible, including Head Start, early intervention (IDEA Part C) and other preschool programs.
  - Children, youth and families receive referrals to health care, dental, mental health, substance abuse, housing and other services.

# McKinney-Vento Liaisons (cont.)

- Liaisons must ensure that (cont.)—
  - Disputes are resolved and assistance to access transportation is provided.
  - Unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with State, local, and school policies.
- Liaisons must participate in professional development and technical assistance as determined appropriate by the State Coordinator.

11432(g)(1)(F)(ii)

# Eligibility—Who is Covered?

- Children who **lack a fixed, regular, and adequate nighttime residence**— 11434a(2)
  - Sharing the housing of others due to loss of housing, economic hardship, or similar reason.  
[75% of identified MV students in 2013–14]
  - Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations.  
[Motels: 6% of identified MV students in 2013–14]

## Eligibility (cont.)

- Children who **lack a fixed, regular, and adequate nighttime residence**—
  - Living in emergency or transitional shelters.  
[15% of identified MV students in 2013–14]
  - 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 similar settings.
  - Migratory children living in above circumstances.
  - Awaiting foster care placement (until 12/10/16).

# Eligibility: Context for the Definition

- Shelters do not exist in many suburban and rural areas, and often are full where they do exist.
- Eligibility conditions of shelters sometimes exclude families with boys over the age of 12, or unaccompanied minors.
- Youth on their own fear adult shelters and have no safe living options in many communities.
- Shelters often have 30, 60, or 90 day time limits.
- Motels may not be available, or may be too expensive or unsafe.
- Families/youth may be unaware of alternatives, fleeing in crisis.



# Determining Eligibility

- Case-by-case determination.
- Get as much information as possible (with sensitivity and discretion).
- Look at the MV definition (specific examples in the definition first, then overall definition).
- Shared housing considerations:
  - Where would you go if you couldn't stay here?
  - What led you to move in to this situation?
- *NCHE's Determining Eligibility brief is available at [http://www.serve.org/nche/downloads/briefs/det\\_elig.pdf](http://www.serve.org/nche/downloads/briefs/det_elig.pdf)*

# Identification Strategies

- Avoid using the word "homeless" with school personnel, families, or youth.
- Provide awareness activities for school staff (registrars, secretaries, counselors, nurses, teachers, tutors, bus drivers, security officers, drop out prevention specialists, attendance officers, administrators, etc.).
  - <http://www.naehcy.org/educational-resources/videos>
  - [http://center.serve.org/nche/web/online\\_tr.php](http://center.serve.org/nche/web/online_tr.php)
- Post outreach materials and posters in all schools and where there is a frequent influx of low-income families and youth in high-risk situations, including motels, campgrounds, libraries, health center, youth services.
  - <http://www.k12.wa.us/HomelessEd/Posters.aspx>

# Identification Strategies (cont.)

- Coordinate with community service agencies, such as shelters, soup kitchens, law enforcement, legal aid, public assistance and housing agencies, mental health agencies and public health departments.
- Coordinate with youth-serving agencies, such as drop-in centers, street outreach, child welfare, juvenile courts, teen parent programs, LGBTQ youth organizations.
- Make special efforts to identify preschool children, including asking about siblings of school-aged children.
- Use enrollment and withdrawal forms to inquire about living situations.
  - [www.utdanacenter.org/theo/downloads/factsheets/RP14SRQ.doc](http://www.utdanacenter.org/theo/downloads/factsheets/RP14SRQ.doc)

# Now that We Know *Who*

- *What* does the McKinney-Vento Act provide?
  - School Stability.
  - Enrollment.
  - Support for Academic Success.

# Research on School Stability

- Demonstration project in WA showed that school stability for homeless students increases assessment scores and grades.
- Mobility also hurts non-mobile students; study found average test scores for non-mobile students were significantly lower in high schools with high student mobility rates.
- Students who changed high schools even once during high school were less than half as likely as stable students to graduate, even controlling for other factors.

# School Stability

Each LEA shall, according to each child's or youth's best interest:

- Continue the student's education in the school of origin for the duration of homelessness, and until the end of the academic year in which the student becomes permanently housed; OR
- Enroll in any public school that housed students living where the student is living are eligible to attend.

11432(g)(3)(A)

## School Stability (cont.)

- Applies when students lose housing during the year or during the summer. 11432(g)(3)(A)(i)(I)
- School of origin:
  - School attended when permanently housed or school in which last enrolled, **including a preschool.**
  - **The designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the school of origin.** 11432(g)(3)(I)

# School Stability (cont.)

In determining best interest, the LEA shall:

- **Presume** that keeping the student in the school of origin is in the student's best interest.
  - Unless contrary to the request of the parent, guardian, **or unaccompanied youth**.
- Consider student-centered factors, including the impact of mobility on achievement, education, health, and safety.
- Give priority to the parent's/guardian's request.
- Give priority to the youth's request (in the case of an unaccompanied youth).

11432(g)(3)(B)(i)-(ii)



## School Stability (cont.)

If the LEA determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent, guardian or youth, the LEA must provide a written explanation **of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth**, including information regarding the right to appeal.

11432(g)(3)(B)(iii)

# Transportation

1. LEAs must provide transportation to and from the school of origin, **including until the end of the year when the student obtains permanent housing**, at a parent's or guardian's request (or at the liaison's request for unaccompanied youth).
  - If staying in the same LEA, that LEA must provide or arrange transportation to the school of origin.
  - If crossing LEA lines, both LEAs must determine how to divide the responsibility and share the cost, or they must share the cost equally.

# Transportation—Key Provisions

2. LEAs also must provide students in homeless situations with transportation services comparable to those provided to other students.

11432(g)(4)(A)

3. LEAs must eliminate barriers to the **identification**, enrollment and retention of students experiencing homelessness (including transportation barriers).

11432(g)(1)(I)

# Transportation Strategies

- Develop close ties among local liaisons, school staff, pupil transportation staff, and shelter workers.
- Use school buses (including special education, magnet school and other buses).
- Develop formal or informal agreements with school districts where homeless children cross district lines.
- Use public transit where feasible.
- Use approved carpools, van or taxi services.
- Reimburse parents and youth for gas.
- Pursue inter-agency solutions.

# School Enrollment

When remaining in the school of origin is not in the student's best interest or what the parent, guardian or youth requests:

11432(g)(3)(C)(i)

- McKinney-Vento students are entitled to immediate enrollment in any public school that students living in the same attendance area are eligible to attend; even if:
  - Students do not have required documents, such as school records, **records of immunization and other required health records**, proof of residency, guardianship, or other documents; or
  - **Students have missed application or enrollment deadlines during any period of homelessness.**

# Enrollment (cont.)

- The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.  
11434a(1)
- SEAs and LEAs must develop, review, and revise policies to remove barriers to the **identification**, enrollment and retention of children and youth in homeless situations, **including barriers due to outstanding fees or fines, or absences.**

11432(g)(1)(I)

# Enrollment (cont.)

- If a student does not have immunizations, or immunization or other health records or screenings, the liaison must immediately assist in obtaining them; the student must be enrolled in the interim.

11432(g)(3)(C)(iii)

- Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.

11432(g)(3)(C)(ii)

- Schools must maintain McKinney-Vento students' records so they are available quickly.

11432(g)(3)(D)

# Immediate Enrollment— Strategies

- Request all records from the previous school immediately, including immunization records.
  - Parental signature is not required for transfer students.
  - The vast majority of students have been enrolled in school before and have received immunizations.
- Speak with parents and youth about the classes the student was in, previous coursework and special needs.
- Call the counselor, teachers or principal at the previous school for information.
- Ensure enrollment staff on every campus are aware of the law and procedures.



# Unaccompanied Homeless Youth

- Definition: child or youth who meets the McKinney-Vento definition and is not in the physical custody of a parent or guardian. 11434a(6)
  - Many youth become separated from parents due to lack of space in living situations or shelter policies.
  - Many flee abuse: 20-50% sexual; 40-60% physical.
  - Many flee family dysfunction: Over 2/3 Hotline callers report at least one parent abuses drugs or alcohol.
  - Roughly 1/3 homeless youth identify as LGBTQ (compared to 3–5% of the overall population).
  - 10% of currently homeless female teens are pregnant.

# Enrollment of Unaccompanied Youth

- Immediate enrollment applies, even without parent or guardian.  
11432(g)(1)(H)(iv)
  - Youth self-enrollment; Caregiver forms
- Liaisons must help unaccompanied youth choose and enroll in a school, **give priority to the youth's wishes**, and inform the youth of his or her appeal rights.  
11432(G)(3)(B)(iv)
- School personnel (administrators, teachers, attendance officers, enrollment personnel) must be made aware of the specific needs of runaway and homeless youth.  
11432(g)(1)(D)

# Liability and Reporting

- Following federal law and providing appropriate services are evidence of reasonable care and can help shield the school from liability.
  - Violating federal law and denying services are evidence of negligence.
- MV requires eliminating barriers to enrollment and retention in school.
  - Schools must enroll youth immediately. School is the safest and best place for youth.
- Educators are mandated to report suspected abuse and/or neglect on a case-by-case basis.
  - Homelessness alone is not abuse/neglect.
- Talk with the young person.

# Unaccompanied Youth—Strategies

- Develop clear policies for enrolling unaccompanied youth immediately, whether youth enroll themselves, liaisons do enrollment, caretakers enroll youth in their care, or another procedure is in place. Offer youth an adult and peer mentor.
- Establish systems to monitor youth's attendance and performance, and let youth know you'll be checking up on them.
- Help youth participate fully in school (clubs, sports, homework help, etc.)
- Build trust! Be patient, and ensure discretion and confidentiality when working with youth.

# Enrollment in Preschool

- State McKinney-Vento plans must describe procedures that ensure that homeless children have access to public preschool programs administered by the SEA or LEAs.

11432(g)(1)(F)(i)

- Preschools are included in the school of origin definition.

11432(g)(3)(I)

- Liaisons must ensure access to Head Start, early intervention (IDEA Part C), and other preschool programs administered by the LEA.

11432(g)(6)(A)(iii)

# Preschool Enrollment— Strategies

- Facilitate enrollment: include homelessness in needs assessments and priorities; put McKinney-Vento families at the top of waiting lists; provide enrollment forms on-site at shelters and motels.
- Expedite records by working together: joint release forms; share records within a family.
- Develop joint/streamlined procedures and forms: joint intake forms; provide uninterrupted services as children move.
- Work with families and providers to meet school of origin and comparable transportation requirements appropriately for young children.
- Cross-train preschool, school, and service providers.

# Dispute Resolution

If a dispute arises over **eligibility**, school selection or enrollment in a school:

11432(g)(3)(E)

- The student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute **(including all available appeals)**.
- The parent, guardian or unaccompanied youth must be provided a written explanation of decisions **made by the school, LEA or SEA**, and how to appeal them.
- The parent, guardian or youth must be referred to the liaison, who must carry out the dispute resolution process as expeditiously as possible.
- The liaison shall ensure unaccompanied youth are immediately enrolled pending resolution of the dispute.

# Avoiding Disputes

- Designate and train appropriate liaisons and school-based contacts. 11432(g)(1)(J)(ii), (iv); 11432(g)(6)(A)(ix)
- Rectify concerns raised during monitoring.
  - States are now required to monitor LEAs. 11432(f)(5)
- Develop and implement good local policies on identification, enrollment, retention; barriers due to fees, fines, and absences; credit accrual; full participation in academic and extra-curricular activities; enrollment of unaccompanied youth; school stability; transportation; privacy; inter-district collaboration.



# Pop Quiz

- Complete Pop Quiz 1 together as a table.

# Support for Success: Title IA

- McKinney-Vento students attending any school in the LEA are automatically eligible for Title IA services. 20 USC 6315(c)(2)(E)
- State report cards must disaggregate achievement and high school graduation data for McKinney-Vento students. 20 USC 6311(h)(1)(C)
- Local plans must: 20 USC 6312(a)(1); (b)(6)
  - Include timely and meaningful consultation with McKinney-Vento liaisons.
  - Be coordinated with McKinney-Vento programs.
  - Describe the services provided to McKinney-Vento students, including with reserved funds, to support their enrollment, attendance and success.

# Title IA: Reservation of Funds

- All LEAs that receive Title IA funds must reserve (set aside) the funds necessary to provide homeless children services comparable to services provided in Title IA schools. 20 USC 6313(c)(3)
  - Amount must be based on the total LEA allocation prior to expenditures or transfers.
  - Amount may be determined based on a needs assessment *and should involve the liaison*.
  - Amount must be sufficient to provide comparable services to homeless students, regardless of other services provided with reserved funds.

# Title IA Reservation (cont.)

- Funds may be used: 20 USC 6313(c)(3)
  - For homeless children and youth attending any school in the LEA.
  - For services not ordinarily provided to other students.
  - To fund the McKinney-Vento liaison.
  - To provide transportation to the school of origin.
  - For educationally related support services, including preK.

# Title IA Reservation (cont.)

- USED Examples of Uses of Title IA funds:
  - Clothing, particularly if necessary for dress code or physical education classes.
  - Fees to participate in the general ed program.
  - School supplies
  - Birth certificates necessary to enroll in school
  - Food (in connection with educational programming)
  - Medical and dental services, immunizations, glasses, hearing aids
  - Counseling services
  - Outreach services
  - Extended learning time; Tutoring services
  - Fees for AP, IB, GED testing

# Title IA Reservation (cont.)

- USED's guiding principles for using Title IA funds
  - Services must be reasonable and necessary to enable homeless students to take advantage of educational opportunities.
  - Funds must be used as a last resort when services are not reasonably available from another public or private source.

# Support for Academic Success: Participation and Credit Accrual

- States must have procedures to eliminate barriers to academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs. 11432(g)(1)(F)(iii)
- States must have procedures to identify and remove barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies.

11432(g)(1)(F)(ii)

- Liaisons must implement those procedures.

11432(g)(6)(A)(x)

# Support for Academic Success: Coordination with Other Laws/Programs

- LEAs must coordinate McKinney-Vento and special education services within the LEA, and with other involved LEAs.  
11432(g)(5)(D)
- Information about a McKinney-Vento student's living situation is a student education record subject to FERPA.  
11432(g)(3)(G)
- Local liaisons are authorized to affirm that students meet the Department of Housing and Urban Development (HUD) definition of homelessness, to qualify them for HUD homeless assistance programs.  
11432(g)(6)(D)



# Support for Academic Success: School Meals

- McKinney-Vento students are automatically eligible for free school meals.
- USDA policy permits liaisons and shelter directors to obtain free school meals for students immediately by providing a list of names of students experiencing homelessness with effective dates.
- <http://www.naehcy.org/educational-resources/food>
- <http://center.serve.org/nche/downloads/briefs/nutrition.pdf>

# Support for Academic Success: Access to Higher Education

- All McKinney-Vento youth must be able to receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college. 11432(g)(1)(K)
- Liaisons must ensure unaccompanied youth are informed of their status as independent students and may obtain assistance from the liaison to receive verification of that status. 11432(g)(6)(A)(x)(III)

# Higher Education (cont.): The FAFSA

- Youth who meet the definition of “independent student” can complete the FAFSA without parental income information or signature.
- Unaccompanied youth are automatically considered independent students.
  - Must be determined to be unaccompanied and homeless after July 1 of the prior year.
- Youth who are unaccompanied, at risk of homelessness, and self-supporting are also automatically considered independent students.
  - Must be determined as such during the school year in which the application is submitted.

# The FAFSA (cont.)

- Determination must be made by:
  - a McKinney-Vento Act school district liaison,
  - a HUD homeless assistance program director or their designee,
  - a Runaway and Homeless Youth Act program director or their designee, or
  - a financial aid administrator.
- Youth who have been in foster care at any time after age 13 are also automatically independent.
- More info and sample letters are available at:  
<http://www.naehcy.org/educational-resources/higher-ed>

# Pop Quiz

- Complete Pop Quiz 2 together as a table.

# General Resources

National Association for the Education of Homeless Children and Youth

<http://naehcy.org>

Facebook and Twitter

National Center on Homeless Education

<http://center.serve.org/nche/>

National Network for Youth

<http://www.nn4youth.org>

DVDs for awareness-raising

- “Real Students, Real Schools”: [naehcy.org/videos](http://naehcy.org/videos)
- “The McKinney-Vento Act in Our Schools”: [pjulianelle@naehcy.org](mailto:pjulianelle@naehcy.org)
- <http://www.hearus.us>

# School Stability Resources

- School of origin vs. Local school:

[http://center.serve.org/nche/downloads/briefs/sch\\_sel\\_checklist.pdf](http://center.serve.org/nche/downloads/briefs/sch_sel_checklist.pdf)

- Transportation:

[http://center.serve.org/nche/pr/incr\\_sch\\_stab.php](http://center.serve.org/nche/pr/incr_sch_stab.php)

[www.utdanacenter.org/theo/downloads/factsheets/RP33b Transportation Rural.pdf](http://www.utdanacenter.org/theo/downloads/factsheets/RP33b_Transportation_Rural.pdf)

# School Enrollment Resources

- Immediate enrollment without documents:
  - <http://center.serve.org/nche/downloads/briefs/assessment.pdf>
- Immediate enrollment without parent/guardian:
  - <http://center.serve.org/nche/downloads/briefs/guardianship.pdf>
- Immediate enrollment without immunizations:
  - <http://www.naehcy.org/sites/default/files/dl/elders-memo.pdf>



# School Enrollment Resources (cont.)

- Full participation in school activities:
  - [http://center.serve.org/nche/downloads/briefs/extra\\_curr.pdf](http://center.serve.org/nche/downloads/briefs/extra_curr.pdf)
- Ensuring credit accrual and recovery:
  - <http://center.serve.org/nche/downloads/briefs/credit.pdf>

# Early Childhood Resources

- <http://www.acf.hhs.gov/programs/ecd/expanding-early-care-and-education-for-homeless-children>

(Guidance, tip sheets, and more from US HHS)

- <http://naehcy.org/educational-resources/early-childhood>

(Fact sheets, policy briefs, and more from NAEHCY)

- [http://center.serve.org/nche/ibt/sc\\_preschool.php](http://center.serve.org/nche/ibt/sc_preschool.php)

(Resources from NCHE)

# Title I Part A Resources

- <http://center.serve.org/nche/downloads/briefs/titlei.pdf>
- <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>

(Examples of permissible uses of funds)

- <http://www2.ed.gov/programs/homeless/homelesscoord0815.pdf>

(August 2015 guidance on transportation/liaisons)

# Unaccompanied Homeless Youth Resources

- <http://www.naehcy.org/educational-resources/youth>
- <http://www.naehcy.org/educational-resources/higher-ed>
- <http://www.naehcy.org/letendre-scholarship-fund/about-the-fund>
- [http://center.serve.org/nche/ibt/sc\\_youth.php](http://center.serve.org/nche/ibt/sc_youth.php)
- <http://www.1800runaway.org/>
- <http://www.youtube.com/user/itgetsbetterproject>
- <http://www.thetrevorproject.org/>

# Impacts of Homelessness Statistics

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- America's Promise Alliance, Center for Promise at Tufts University (2015). *Don't Call Them Dropouts*.
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