

# McKinney-Vento Education of Homeless Children and Youth Program

Diahann De Ruggiero, M.Ed., MSW  
McKinney-Vento Program Director  
Northern Region - Bergen, Hunterdon, Passaic, Somerset,  
Sussex & Warren County  
(201) 343-6000 x6588  
[diader@bergen.org](mailto:diader@bergen.org)

# “My biggest fear.” VIDEO by Diane Nilan

- <https://vimeo.com/261206319>

# The McKinney-Vento Act

Subtitle VII-B of The McKinney-Vento Homeless Assistance Act authorizes the federal Education for Homeless Children and Youth (EHCY) Program <https://nj.gov/education/homeless/> and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness. It was reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act. <https://www.ed.gov/ESSA>

# 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.

□ Go here for the statewide list of McKinney-Vento liaisons:

<https://nj.gov/education/homeless/liaison.htm>

# Responsibilities of the Local Liaison

Local liaison responsibilities include:

- Identifying homeless children and youth
- Ensuring that homeless students can enroll immediately and participate fully in school
- 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
- Collaborating with other district programs, community agencies and liaisons

# McKinney-Vento Definition of “Homeless”

“The term “homeless children and youths” –

- (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1); 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; are abandoned in hospitals; or are awaiting foster care placement;
  - (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 (within the meaning of section 103(a)(2)(C);
  - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; an (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

<http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

# McKinney-Vento Definition of Unaccompanied Homeless Youth

The McKinney-Vento Act defines *unaccompanied youth* as “a homeless child or youth not in the physical custody of a parent or guardian” [42 USC § 11434a(6)]. Taking a closer look at the definition, **two conditions** must be present for a child or youth to be considered an unaccompanied youth under the McKinney-Vento Act:

- 1. The child’s or youth’s living arrangement meets the Act’s definition of *homeless*, and
- 2. The child or youth is not in the physical custody of a parent or guardian.

<https://nche.ed.gov/unaccompanied-youth/>

# When does MKV go into effect?

- The clock starts from the date of homelessness – even if the child is not attending public schools – as long as someone can isolate the start of the period.
- **6A:17-2.2 Determination of homeless status**
  - A district board of education shall determine that a child is homeless for purposes of this subchapter when he or she resides in any of the following:
  - 3. The residence of relatives or friends where the homeless child resides out of necessity because his or her family lacks a regular or permanent residence of its own;

## I-2. On what basis does an LEA make school placement determinations for homeless children and youths?

Homeless children and youths frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations on the basis of the “best interest” of the homeless child or youth based on student centered factors. (Section 722(g)(3)(B)). Using this standard, an LEA must –

- (a) **Continue** the child’s or youth’s education **in the school of origin for the duration of homelessness** when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.  
(Section 722(g)(3)(A)).

## 1.5 What if the LEA determines that it is not in the child's or youth's best interest to attend the school of origin or school requested by the parent, guardian, or unaccompanied youth?

If, after conducting the best interest determination and considering student-centered factors, the LEA determines that it is not in the child's or youth's best interest to attend the school of origin or school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the LEA must provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. (Section 722(g)(3)(B)(iii)). This written explanation must also include information regarding the right to appeal (Section 722(g)(3)(B)(iii); *see also* 722(g)(3)(E)(ii)) and should be provided in a timely manner.

# NJ SMART Coding for Unaccompanied Youth

- Please make sure your power points address the coding in NJ Smart-
- Y1 = Yes, student was homeless at any time during the school year and has been in the physical custody of a parent or legal guardian.
- Y2 = Yes, student was homeless at any time during the school year and was NOT in the physical custody of a parent or legal guardian (unaccompanied).
- N = No, student was not homeless.
- See page 24 in the attached -  
<https://www.njsmart.org/njr/ks/State%20Submission/NJ%20SMART%20State%20Submission%20Handbook%20v6.6.pdf>

# School Codes

- <https://homeroom5.doe.state.nj.us/directory/district.php?alldistricts=1>
- This link will take you to the **New Jersey School Directory** listed by the New Jersey Department of Education.

# MKV eligible preschool-age & School of Origin

- Certain children are also “**automatically eligible**” to participate in a *Title I* preschool program (e.g., an LEA or school need not identify the child as most at risk of failing to meet the State’s academic achievement standards), including:
- children who participated in Head Start, received services supported by the Comprehensive Literacy State Development Grants program within Literacy Education for All, Results for the Nation (LEARN) (formerly known as Striving Readers Comprehensive Literacy Program), or attended a *Title I* preschool program at any time in the prior two years;
- children who received services under *Title I*, Part C (migrant education) in the prior two years;
- **preschool-age children experiencing homelessness**; and
- children who are in a local institution or attending a community day program for neglected or delinquent children and youth (*ESEA* section 1115(c)(2)). (page 9).

## Pre-K and never enrolled in school? Who is fiscally responsible?

- If homelessness occurred **prior** to enrolling in preschool and the child was **not** in school prior to homelessness; or was **not** anchored to a district of origin because of older siblings, there is no claim to the parents' home district as a district of origin.
- The district of temporary domicile will be the district of fiscal responsibility.

# Who is responsible?

- All students in shelters (family, youth and domestic violence) are covered by the NJDOE after 365 days. There is no end date as long as they remain displaced. (This only applies to tuition costs.)

-YES

- If a student establishes a permanent residence following a shelter stay the district will immediately take on fiscal responsibility and discontinue billing the NJDOE.

-YES

# Who is responsible? Continued...

- If a family/student arrives from out of state or out of country the NJDOE will cover tuition for up to 180 school calendar days. After that time the district of temporary domicile becomes fiscally responsible unless they move into a shelter or another school district within the 180 day time frame.

-YES

- If a student becomes homeless in town A and is moved to a shelter in the same town they will remain the responsibility of the district; until they move out of district. The state will not be billed even if they are in a shelter because they are technically remaining in the district where they were initially displaced.

-YES, the child must live in a shelter in a district other than the district of residence to have the NJDOE cover tuition costs (18A:7B-12.1)

- If a family/student is in a shelter like Family Promise that transfers a student to another facility (transitional housing) the NJDOE will continue to reimburse the district for tuition.

-YES

# ASSA and Feeder schools: Regional & Contracted

- Students attending a district grade 7-12 or 9-12 (Regional High School) **based on pure regionalization** (natural transition from the K-6/K-8) are reported by the Regional High School they are attending. In this scenario funding goes directly to the regional school district. \*(The regional district becomes the school of origin, would take on fiscal responsibility and claim the student on the ASSA).
- Students attending a district grade 7-12 or 9-12 who are **contracted** to be sent by a K-6 or K-8 district are reported by the 7-12 or 9-12 district they are attending. In this scenario funding goes directly to the K-6/K-8 to pay tuition to the receiving school. (The K-6/K-8 school district remains as the district of origin). Fiscal responsibility would remain with the K-6/K-8 regardless of where the student attends and the K6-K8 district would claim the student on the ASSA. After 365 days the student becomes fiscally responsible of the **[DISTRICT WHERE THEY ARE RESIDING]** and the district of residence (DOR) no longer “contracts” with you to educate them.

# Disabled students who are homeless: general requirements

## N.J.A.C. 6A:14-4.1 General Requirements

-(g) When a student with a disability transfers from one New Jersey school district to another or from an out-of-State school district to a New Jersey school district, **the child study team of the district into which the student has transferred shall conduct an immediate review of the evaluation information and the IEP** and, without delay, in consultation with the student's parents, provide a program comparable to that set forth in the student's current IEP until a new IEP is implemented, as follows:

- 1. For a student who **transfers from one New Jersey school district to another** New Jersey school district, if the parents and the district agree, the IEP shall be implemented as written. If the appropriate school district staff do not agree to implement the current IEP, the **district of attendance** shall conduct all necessary assessments and, within 30 days of the date the student enrolls in the district, develop and implement a new IEP for the student.
- 2. If the student transfers from an out-of-State district, the appropriate school district staff shall conduct any assessments determined necessary and, within 30 days of the date the student enrolls in the district, develop and implement a new IEP for the student.
- 3. The appropriate school district staff shall take reasonable steps to promptly obtain the student's records, including the current IEP and supporting documentation, from the previous school district in accordance with N.J.A.C. 6A:32. The district in which the student was previously enrolled shall take reasonable steps to promptly respond to all requests for records of students transferring from one district board of education to another district board of education.

## 6A:27-6.2 Homeless students and transportation

- (a) When a homeless child attends a school in a school district other than his or her district of residence, the school district in which the child is enrolled shall provide transportation services and the district of residence shall pay for any transportation costs incurred by the transporting school district.
- (b) When a homeless child attends school in his or her district of residence, the district of residence shall provide transportation services.
- (c) When a homeless child attends school in his or her district of residence while temporarily residing in another school district, the district of residence shall provide for transportation to and from school.
- (d) When a district of residence cannot be determined and the State has assumed fiscal responsibility for the payment of tuition, the school district where the homeless child is enrolled shall provide transportation.
- (e) In implementing the transportation services required for a homeless child, district boards of education shall explore alternatives and provide the most economical and safest mode of transportation.

# Transportation Rules and MKV

- All students (McKinney-Vento included) follow the attending district's transportation policy.
  - If a student has an Individualized Education Plan, then it would depend on the relevance of the IEP, with consideration being given to the attending district.
  - If the student has a medical rationale, then the process would be to follow the procedure for a medical transportation request with consideration being given to the attending district.
- Only in rare cases is transportation offered in a walking district.

# Transportation and Permanent Housing

- When a student obtains permanent housing, transportation back to the school of origin **or** last attended must be provided until the end of the academic year if it is in the student's best interest to remain in that school.
- Fiscal responsibility and arranging transportation immediately shifts to **the LEA** where the student has **found permanent housing**.

(Question I-2. on page 23 of the link below:

- <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>
- Effective July 1, 2016 as part of regulatory changes to the ESSA
- Every Student Succeeds Act of 2015

# Use of Title I and Transportation Costs – Example

- We have been informed by the transportation COOP that transportation won't begin until Tuesday (this is a common issue). Mom is low on gas with no money to buy more. Can I use some money I've set aside in Title 1 for McKinney-Vento eligible students on a gift card for a taxi or parent/guardian to buy gas? And can I ask for receipts to ensure the money was spent on that?
- Using a portion of the Title I, Part A homeless reserve monies, to provide a gift card for gas, is an allowable Title I, Part A use of funds. In order to document this use of funds, you will need receipts for the gas paid with the gift card. Please instruct the driver or parent/guardian to give you these receipts as soon as possible after purchasing the gas.

# 365 Day Rule

- The **district of origin** pays tuition and transportation costs. After 365 days (12 months) of continuous domicile in the district of **temporary** domicile the financial responsibility **shifts** to the district of temporary domicile.
- *The district of origin remains the district where the student can continue to attend unless it is in the best interest of the student to enroll in the district of temporary domicile.*
- **N.J.S.A. 18A:38-1 (d)** any person who has had or shall have his all-year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section.
- **\*district/school of origin is the town where the student last resided prior to becoming homeless**

## ASSA and 365 day Rule

- A student becomes displaced from town A on 11/1/2019;
- The student becomes the fiscal responsibility of town B on 11/1/2020;
- Town A has claimed the student on the October 15 ASSA report for 2020-2021;
- Town B is now fiscally responsible from 11/1/2020 (365 + 1 days) and will now claim the student on the 6/15/2021 report.

# Removal of Barriers

- **Removing enrollment barriers, including barriers related to records required for enrollment, including immunization or other required health records, proof of residency, or other documentation; or academic records, including documentation for credit transfer; 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)).**
- It is important for SEAs and LEAs to consistently review their policies and practices with regular input from homeless parents, youths, and advocates so that new barriers, or barriers that the SEA or LEA staff may be unaware of, do not prevent children and youths from receiving the free, appropriate public education to which they are entitled.
- LEAs must have procedures to ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels. (Section 722(g)(1)(F)(iii)).
- LEAs should anticipate and accommodate the needs of McKinney-Vento-eligible students to enter charter schools, magnet schools, and other schools, programs, and activities despite missing application and enrollment deadlines due to a period of homelessness.
- In addition, LEAs should consider giving homeless children and youths priority if there is a waitlist for these schools, programs, and activities.
- Local liaisons must assist homeless children and youths with activities such as enrolling in school and accessing school services, including free meals through the U.S. Department of Agriculture's (USDA's) National School Lunch Program and School Breakfast Program.

# Immunizations and McKinney-Vento

- *Children and youth who are considered homeless under the McKinney-Vento Act are entitled to **immediate enrollment** even if they don't have their immunization records or any other documentation normally needed for enrollment. It is the responsibility of the enrolling district to promptly request the records, including immunization records, from the district where the student was last enrolled. The district where the student was last enrolled has five days to forward the records. If the student is missing any immunizations, the student should be referred to the district's McKinney-Vento liaison whose responsibility it is to help the student obtain the necessary immunizations. 42 U.S.C. § 11432(g)(3)(C)*
- This also applies to students arriving from out of state or out of country. PHL § 2164(7)(a).

<http://www.wrightslaw.com/law/vento.homeless.act.pdf>

# 30-day grace period

**Q: Can you please explain the 30-day grace period?**

- A: If schools are notified **within** 30 days that documentation of immunizations cannot be provided; **the child may continue attending school** since the 30 days have not elapsed. However, it is the responsibility of the school nurse or person in charge of the school to inform the parents that their child must receive one dose of all age-appropriate required vaccines before the provisional status begins.
- **Q: To whom does the 30-day grace period apply?**  
A: According to the NJ immunization regulations, the 30-day grace period only applies to transfer students, coming from out of state/out of country. This rule does not apply to *in-state* transfer students with the exception of McKinney-Vento Students.
- See page 26 (Section Q) and page 30 section 8:47-4.5 of the hyperlink for a full description:  
[http://www.nj.gov/health/cd/documents/vaccine\\_qa.pdf](http://www.nj.gov/health/cd/documents/vaccine_qa.pdf)

# Non Title I schools

- The district general funds can be apportioned amongst the homeless pupils **or spent on one** homeless pupil.
- In addition, a homeless child who becomes **permanently housed** remains eligible to receive general funding for the remainder of the school year.

-For full guidance *(see question G-11- page 36)* by following this link:

<https://www2.ed.gov/policy/gen/leq/recovery/guidance/titlei-reform.pdf>

# Title I School Funding

- Schools that receive a Title I, Part A allocation must provide services to homeless students from their allocation.

-See page 38 of the link, item M-4 for a full list of covered items:

<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

# Permissible Usages of Title I funds: ARRA Guidance

Used only when not available from other sources

Partial list:

- Clothing/shoes (school uniform/dress code/gym uniform)
- Fees to participate in the general education program
- School supplies
- Birth certificates necessary to enroll in school
- Medical/dental services (glasses, hearing aids, immunizations)
- Counseling for issues affecting learning
- Outreach services to students living in shelters, motels, and other temporary residences
- Extended learning time or tutoring support
- Supporting parent involvement



# Prohibited Usages of Title I Funds

- ❑ Transportation to/from the school of origin for the regular school day
- ❑ Rent
- ❑ Utilities
- ❑ Clothing for parents



# Supplanting vs. Supplementing

- If a district/school runs any activity that is supported by tax payer/local or district funds, any student could attend. If a district decides that they now want to use entitlement dollars to run the same program, normally paid for by taxpayer dollars, they cannot. This is because they would be **supplanting** the existing program (replacing or taking the place of) rather than **supplementing** or building upon the existing program.
- Another scenario: a district could build upon an existing program if they budgeted for this in their Title 1 submission. The funds might be available for hiring both staff and supplies, if needed.

# Tuition Reimbursement for Out of State-Out of Country and Domestic Violence Shelters

-The tuition-reimbursement program provides support to districts for students who meet criteria as specified in *N.J.S.A. 18A:7B-12(d)*.

**-The state assumes fiscal responsibility for the tuition of a student when:**

- The district of residence cannot otherwise be determined pursuant to the criteria enumerated in *N.J.S.A. 18A:7B-12*; or
- The criteria in *N.J.S.A. 18A:7B-12* identified a district of residence outside of the state; or
- The child has resided in a family shelter, domestic violence shelter or transitional living facility outside of the district of residence for more than one year.
- Award notifications will be sent after the application closes, and the payment will be made during Fiscal Year 2018-2019. Reimbursements will be calculated following the close of the school year. The amount of the award is a weighted base per-pupil amount calculated pursuant to *N.J.S.A. 18A:7F-49* and the appropriate special education and security categorical aids per pupil are pursuant to *N.J.S.A. 18A:7F-55* and 56.

## NJDOE Responsible after one year.

- When the NJDOE becomes fiscally responsible after 365 days as noted on the previous slide, the town where the student has remained for one year takes on fiscal responsibility and directly bills the state for reimbursement.
- Example: If a student is in town A in a domestic violence shelter and moves to a transitional shelter in town B, then town B will bill the NJDOE after a period of 365 days for tuition.

# Refugee Status

Q. We have a student in district from another country who is a Refugee. The student is living with his brother as a sponsor in a regular and fixed environment. Is the student homeless?

A. No, the student is not McKinney-Vento eligible but is eligible for many of the same services under Title III.

[https://nche.ed.gov/wp-content/uploads/2018/10/imm\\_lia.pdf](https://nche.ed.gov/wp-content/uploads/2018/10/imm_lia.pdf)

## Family Crisis Law *N.J.A.C. 6A:22 Student Residency* *Subchapter 3. Eligibility To Attend School*

- (h) In accordance with *N.J.S.A. 18A:38-1.1*, a student who is **not considered homeless** under *N.J.S.A. 18A:7B-12* and who moves to a new school district during the academic year as a result of a **family crisis** shall be permitted to remain enrolled in the original school district of residence for the **remainder of the school year** without the payment of tuition (**the parent/guardian does not have to pay**).
- Upon notification of the move by the parent or guardian, the district of origin shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with *N.J.S.A. 18A:39-1*.
- At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the district of origin may apply for a reimbursement of eligible costs for transportation services to the NJDOE Office of School Facilities and Finance for review.

# Child Protection and Permanency (CP&P)

- Foster youth are to be enrolled in the district that is decided upon by the CP&P case manager. They have the opportunity to remain in their school of origin, unless the case manager makes the determination that it is not in their best interest.
- The agency case manager will provide the caregiver with the Resource Family Identification Letter (CP&P 5-49).
- The (CP&P 5-72) Educational Stability Letter shows which LEA is fiscally responsible and is sent from Trenton if there is a request made as to what district is fiscally responsible for tuition/transportation.
- The district of origin shall be responsible for the cost of transportation **yet** the **resource parents school district** arranges for it. Transportation has to be set up **within five days** of the district being notified by the division where the child will attend school.
- N.J.S.A. 6A:27-6.4 - the school district where the child resides shall arrange for transportation services in consultation with the district of residence.

New Jersey Educational Stability law passed in September 2010 N.J.S.A. 30:4C-26

A child placed in resource family home (or moved from one resource home to another) after September 9, 2010 the school district (of residence) of the parent or guardian with **whom the child lived prior** to the child's placement is responsible for all costs associated with schooling.

In addition, if the child moves from one resource home to another-funding for schooling is paid by the district where the parent/guardian resides regardless of whether the child attended the school district.

# About NCHE



## National Center for Homeless Education

*Supporting the Education of Children and Youth Experiencing Homelessness*

- <https://nche.ed.gov/>
- Funded by the [U.S. Department of Education](#), the National Center for Homeless Education (NCHE) operates the Department's technical assistance center for the federal [Education for Homeless Children and Youth \(EHCY\) Program](#). In this role, NCHE works with schools, service providers, parents, and other interested stakeholders to ensure that children and youth experiencing homelessness can enroll and succeed in school. NCHE is based at the University of North Carolina at Greensboro.

# Products

The National Center for Homeless Education at SERVE creates and distributes a number of valuable and informative resources dealing with the issue of education of homeless children and youth.

To order online visit [NCHEhelpline.org](http://NCHEhelpline.org)

To order via Purchase Order [download NCHE's sales order form](#)

Download/Print: [Click here for a list of our products and publications that are available to Download and Print.](#)

# ABA Homeless Youth Legal Network

The ABA (American Bar Association) has committed funds to support the development and implementation of a national Homeless Youth Legal Network (HYLN) – a new initiative to increase legal services for youth and young adults experiencing homelessness.

□ Visit the site:

[www.ambar.org/HYLN](http://www.ambar.org/HYLN)

# GradNation #Unseenstudents

What we do:

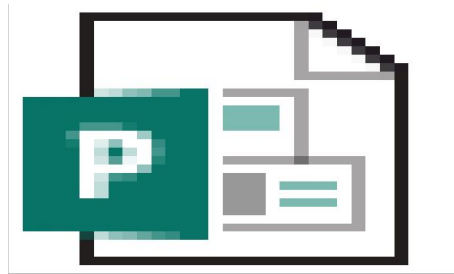
- The GradNation campaign brings focus and energy, research and best practices, national attention and a broad coalition to the graduation challenge. For those working to increase high school graduation rates, GradNation provides data, insight and analysis; information about effective and promising practices; plus opportunities to connect and learn from one another

Who we are:

- Four organizations - America's Promise Alliance, the Alliance for Excellent Education, Civic Enterprises and the Everyone Graduates Center at the School of Education at Johns Hopkins University - lead the campaign, and hundreds more play critical roles nationally, in states and in communities

<http://gradnation.americaspromise.org/>

Resource Net Brochure \*Left click to open



**3259E88D.pub**

# NJDOE State Contact for McKinney-Vento

- ANTHONY HEARN, CPA MS  
Office of Fiscal and Data Services

[migrated@doe.nj.gov](mailto:migrated@doe.nj.gov)

# Regional McKinney-Vento Program Coordinator

Diahann De Ruggiero, MSW, M.Ed.  
McKinney-Vento Program Coordinator  
Region I

(Bergen, Hunterdon, Passaic, Somerset, Sussex and Warren County)

(201) 343-6000 x6588

[diader@bergen.org](mailto:diader@bergen.org)

Thank you for your time and attention.  
Now...

