

# McKinney-Vento Homeless Assistance Act: Knowing and Implementing the Law

UNC Lab Schools

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NC Homeless Education Program located at the SERVE Center at UNCG  
Federal Program Monitoring and Support Services Division  
North Carolina Department of Public Instruction

# Meet Your Webinar Hosts

- **Patricia Lentz - Presenter**
  - Program Specialist, NC Homeless Education Program
- **Paullett Wall - Presenter**
  - Program Specialist, NC Homeless Education Program
- **Lisa Phillips – Presenter and Q&A panel**
  - State Coordinator, NC Homeless Education Program
- **George Hancock – Q&A panel**
  - Director, National Center for Homeless Education
- **Beth Thrift - Technology**
  - Program Specialist, NC Homeless Education Program



# Presentation Handouts

- McKinney-Vento Homeless Assistance Act: Knowing and Implementing the Law presentation
- *Education for Homeless Children and Youths Program, Non-Regulatory Guidance*
- Potential Warning Signs of Homelessness
- Unaccompanied Youth Eligibility Flowchart



# NC Homeless Education Program (NCHEP)

- NCHEP ensures that all children and youth experiencing homelessness have access to the public education to which they are entitled to under the Federal McKinney-Vento Act.
- NCHEP ensures that North Carolina's state policies are in compliance with federal law.
- NCHEP oversees all programmatic aspects of the state homeless education program while DPI oversees the fiscal components of the program.
- NCHEP reports to NCDPI.
- NCHEP is part of the Federal Program and Monitoring Support Division.



# NCHEP Main Responsibilities

- Provide technical assistance to LEAs and charter schools on homeless education
- Monitor all LEA and charter schools homeless education programs for compliance with the McKinney-Vento Act
- Host compliance meetings and trainings for homeless liaisons and other school personnel
- Handle disputes on enrollment and services provided to homeless students
- Collaborate activities for compliance with the Regional Title I Administrators



# Federal Law

The McKinney-Vento Act is a federal law designed to increase the school enrollment, attendance, and success of children and youth who lack a fixed, regular and adequate nighttime residence.



# Federal Law

- States, districts, and our new lab schools 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.
- McKinney-Vento Act supersedes state or local law or practice when there is a conflict (U.S. Constitution, Article VI).
- McKinney-Vento Act was reauthorized through ESSA (Every Student Succeeds Act) on December 10, 2015.

## ESSA Resource:

“President Obama signs the Every Student Succeeds Act of 2015,” NCHEP home page ([www.serve.org/hepnc](http://www.serve.org/hepnc)).

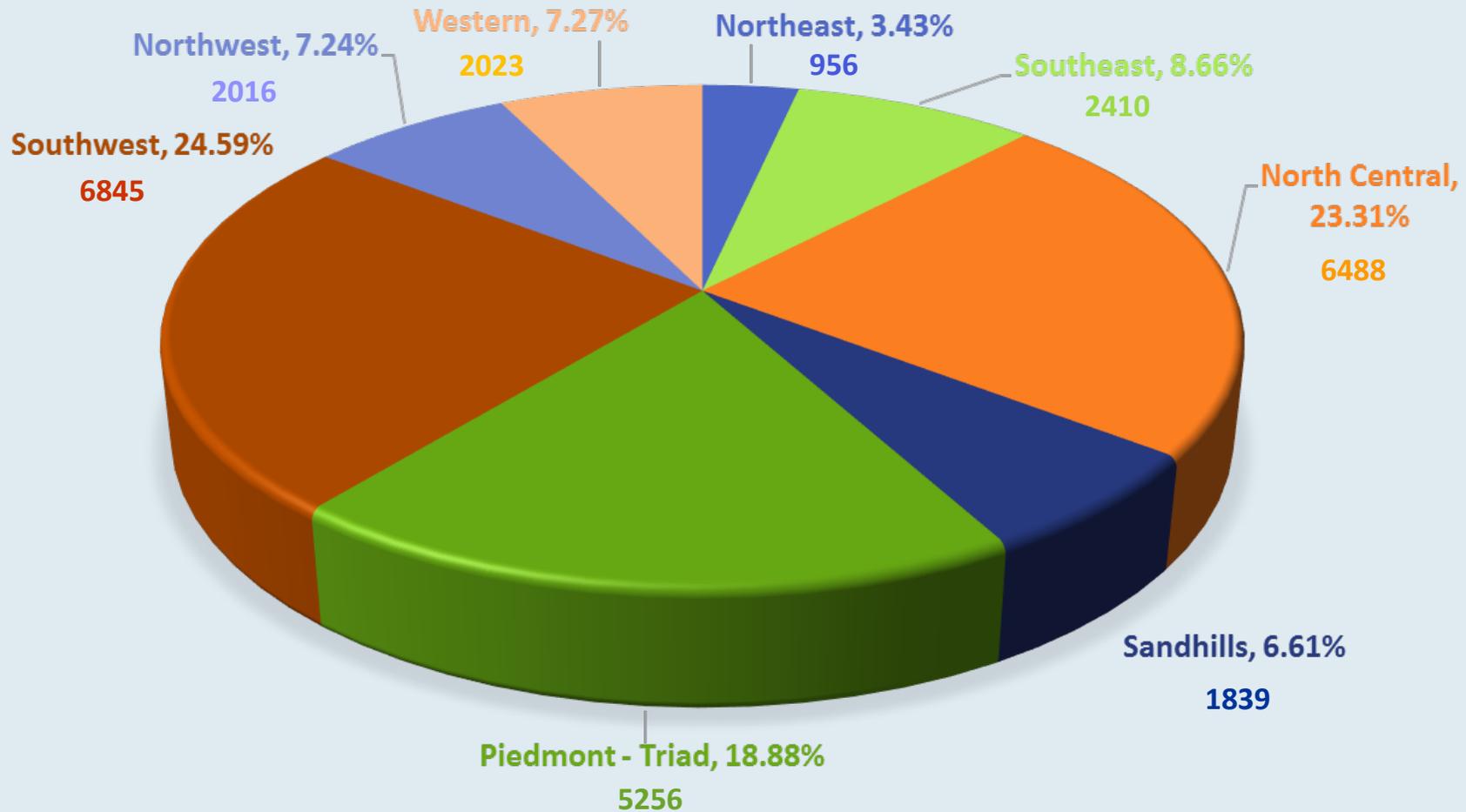


# McKinney-Vento Identifications 2014 – 15 SY



**United States: 1.2 million**  
**North Carolina: 26,636**

# Prosperity Zones 2014 – 2015 SY



# McKinney-Vento Act: Main Themes

- School access
- School stability
- Support for academic success, including academic accrual
- Child-centered, best interest decision making
- Role of the local homeless liaison
- Subgrant requirements
- Transportation
- Preschool
- Higher Education

## Resource:

US Dept of Education's "Every Student Succeeds Act (ESSA)" web page is located at

[http://www2.ed.gov/policy/elsec/leg/essa/index.html?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](http://www2.ed.gov/policy/elsec/leg/essa/index.html?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=) .



# Appointing a Homeless Liaison

- One appointed in every LEA, charter school, and lab school.
- Responsible for identifying all children and youth in an LEA.
- Must assist homeless children and youth to enroll in school.
- Determines what is in the best interest of a homeless student.
  - Presume that keeping the homeless student in their school of origin is in their best interest, unless contrary to the wishes of parent, guardian or unaccompanied homeless youth.
  - Consider student-centered factors which may affect the student's academic achievement.



# Homeless Liaison Responsibilities

- Assist school personnel in obtaining school/medical records and other needed resources and/or services for homeless children to be successful in school.
- Inform parents and unaccompanied homeless youth about their rights under the McKinney-Vento Act.
- Handle disagreements on eligibility in a school and submit disputes to the State Coordinator.

**Resource:** NCHE brief titled, *“Local Homeless Education Liaisons: Important Information for New Liaisons,”* Feb. 2015, located at <https://nche.ed.gov/downloads/briefs/new-liaisons.pdf>.



# Definition of Homelessness

**Individuals who lack a fixed, regular and adequate nighttime residence.**

- **Fixed residence:** is one that is stationary, permanent and not subject to change.
- **Regular residence:** is one that is used on a regular basis (i.e. nightly)
- **Adequate residence:** is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

***If a living situation does not meet all 3 (fixed, regular and adequate) then the situation is considered homeless.***

Decisions should be made on a case-by-case determination.

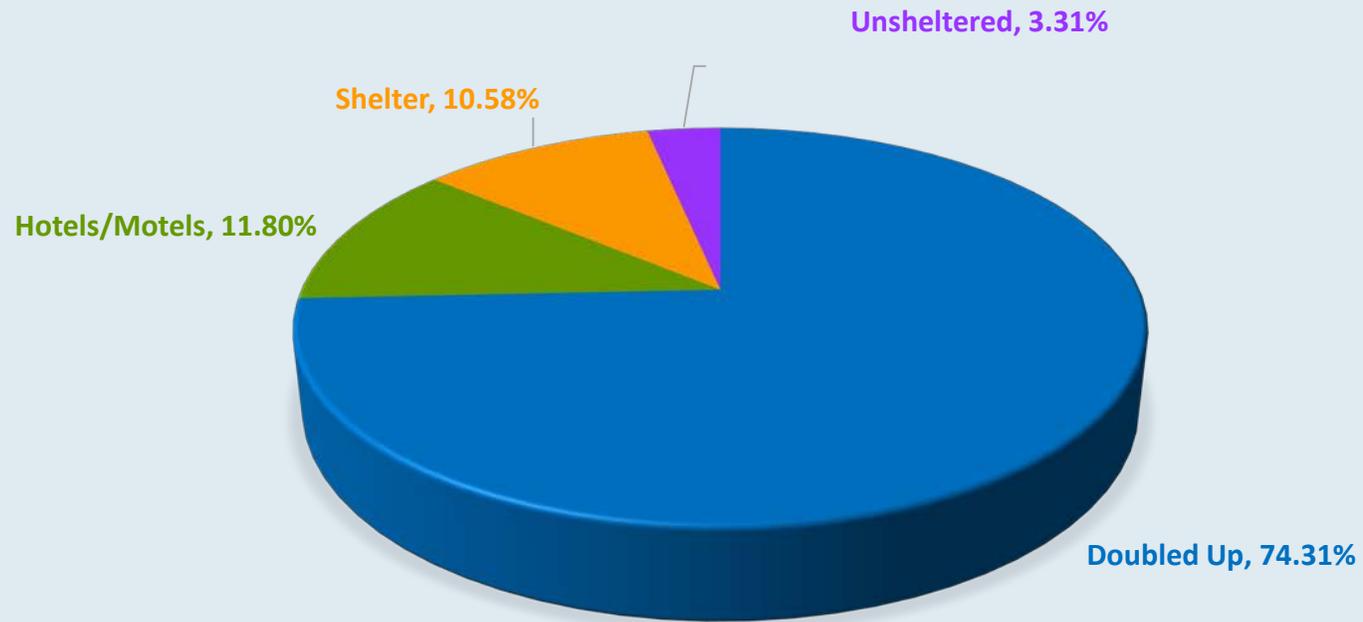


# Definition continued...

- Sharing a home due to loss of housing
- Sharing a home due to economic hardship
- Living in motels / hotels
- Living in trailer parks
- Living in a shelter
- Abandoned in hospitals
- Living in cars
- Living in parks
- Living in camp grounds
- Living in abandoned buildings
- Living under bridges
- Living at bus / train stations
- Migratory children
- Unaccompanied homeless youth
- Human trafficking
- Other



# Primary Nighttime Residence of NC Homeless Students 2014 – 2015 SY



# Homeless Liaison Considerations for Determining Eligibility

Can the student go to the **SAME PLACE** (*fixed*) **EVERY NIGHT** (*regular*) to sleep in a **SAFE AND SUFFICIENT SPACE** (*adequate*)?

*To answer.....*

**Step 1: Get the facts.**

**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?

**Step 3: Contact your NCHEP Program Specialist or the State Coordinator's Office.**



# 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?
- Where would the family live if they weren't doubled-up?
- How permanent is the living arrangement intended to be?
- Is the living arrangement fixed, regular, and adequate?
- Other questions...



# Determining Eligibility: Unaccompanied Homeless Youth

*Any student not living in the physical custody of a parent or legal guardian is considered an unaccompanied youth.*

- Eligibility for McKinney-Vento is based on whether the living situation is **fixed, regular and adequate**.
  - Unaccompanied + Homeless = Unaccompanied Homeless Youth
- No lower age limit, upper age limit is school age defined by the state. For NC the upper age is 21.
- No citizenship requirement (Plyler v. Doe).



# Unaccompanied Homeless Youth.... "On Their Own"

- Family conflict or crisis
- Parental incarceration, substance abuse, illness, death, etc.
- Foster care issues: aging out of the foster care system; running away from a foster care placement
- Family homelessness
- Being asked to leave the home
- Choosing to leave home on their own
- Abandoned by family
- Other



# Unaccompanied Homeless Youth...

## Special Provisions ...

- Unaccompanied homeless youth do not need a parent/guardian to enroll or have access to services.
- Local homeless liaisons must support the student in making decisions and understanding his/her rights.

## Homeless liaison will ...

- Assist in enrolling in school.
- Assist in obtaining school/medical records.
- Inform unaccompanied homeless youth of services they are eligible for under the McKinney-Vento Act.



# Unaccompanied Homeless Youth... Enrollment Strategies

Three common methods for enrolling unaccompanied homeless youth:

- Self enrollment
- Caregiver enrolls
- Homeless liaison enrolls

School districts cannot:

- Require a caregiver to obtain legal guardianship.
- Discontinue enrollment due to lack of responsible adult or inability to produce guardianship or other paperwork.

**These methods also apply for unaccompanied homeless youth who wish to participate in extra-curricular activities.**



# Participation in Extra-Curricular Activities

- **Enrollment:** “attending classes and participating fully in school activities.”
  - Includes extra-curricular activities offered through the school.
- Program fees and deadlines can be waived
  - Districts should look at other funding or community support to pay for these items.
- McKinney-Vento subgrant and/or Title I, Part A set-aside funds can be used to assist with program fees; however, these funds cannot be used for uniforms or other supplies needed for participation.
- To the extent that lack of transportation is a barrier, it would be required to provide the student access to or from extra-curricular activities.



# Enrollment Rights of Homeless Children and Youth

- Immediate enrollment, even when lacking records.
  - Homeless liaisons will assist in obtaining lacking records after enrollment has taken place.
- Equal access to program and services.
- Categorical eligibility for free meals at time of enrollment/identification.
- Attend either school of origin, if in the student's best interest, or the local attendance area school.
  - The School of Origin is the school attended when permanently housed or the school in which the student was last enrolled.
  - Public preschools are included in "school of origin."
  - Homeless liaison will work with parent/guardian/unaccompanied homeless youth on best interest of each student identified.



# Enrollment Rights of Homeless Children and Youth

- 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.
- Receive transportation to and from the school of origin.
  - This must be at the request of a parent/legal guardian or unaccompanied homeless youth to the homeless liaison during the time of their homelessness.
- In years of transition, "...'school of origin' shall include the designated receiving school at the next grade level for all feeder schools." Pub. L. No. 114-95, § 9102(5), 129 Stat.2131



# Transportation To and From School

- Districts must transport students to and from school of origin, at a parent's or guardian's request (or at the liaison's request for unaccompanied homeless youth).
- If the student is living outside the district of origin, both districts must determine how to divide the responsibility and cost, or they must share the responsibility and cost equally.
- School district determines the mode of transportation.
- Districts must provide students in homeless situations with transportation services comparable to those provided to other students.



# Transportation To and From School ...continued

- Districts can consider other safe transportation options beyond the school bus – be creative!
- The excess cost of transportation can be paid for with McKinney-Vento subgrant funds and Title I set aside funds for homeless students.
  - Excess cost means the additional cost of transporting a homeless student to his/her school of origin over what is spent on a nonhomeless student.



# Principles Governing The Use of Title I, Set Aside Part A Funds

- Reasonable and necessary educational services.
  - *1113(c)(3)(A); OMB Circular A-87, Attachment A, C.1.a*
- Exhaust other funding resources first.
  - *ESEA section 1115(e)(2)*
- Support additional tutoring services for homeless students in Title I and non-Title I schools, as well as in shelters, hotels or motels.
- Remove barriers which would prohibit homeless students from participating in educational activities.
  - Educational field trips
  - Counseling
  - School uniforms



**Resource:** NCHOP brief titled, “*Serving Students Experiencing Homelessness under Title I, Part A,*” Winter 2014, located at <https://nche.ed.gov/downloads/briefs/titlei.pdf>.

# Title I Set Aside Funds for Homeless Students: Allowable Activities

- Items of clothing to meet a dress or uniform code
- Clothing and shoes necessary to participate in physical education classes
- Student fees that are necessary to participate in the general education program (and if they cannot be waived)
- School supplies
- Birth Certificates
- Immunizations
- Eyeglasses / hearing aids
- Medical / dental services
- SAT Testing
- GED Testing
- Extended learning time (before/after school, Saturday classes, summer school)
- Parental involvement, specifically oriented to reach out to parents of homeless students
- Tutoring services – at a shelter or other location where homeless children stay at night
- Counseling services
- Outreach services
- Position of a homeless liaison
- Excess cost of transporting student to/from school



# Title I Set Aside Funds for Homeless Students: Prohibited Activities

- Transportation to/from school of origin
  - Exceptions are the excess cost of transportation while homeless and the cost of transportation after obtaining permanent housing
- Rent
- Utilities
- Clothing for parents
- Class rings, yearbooks, or other school year memorabilia



# Disciplinary Issues

- Disciplinary action should not be taken against a student for issues related to homelessness, rather strategies to support the student should be implemented.
- For disciplinary issues not related to homelessness, typical disciplinary policies of the LEA, charter school or lab school would apply.



# The School's Charge

- Schools first and foremost are educational agencies.
- The school's primary responsibility and goal is to enroll and educate, in accordance with the McKinney-Vento Act (federal); federal law supersedes state and local law.
- Schools do not need to agree with all aspects of a student's home life to educate him/her.



# Liability / Negligence

- Liability is based on the concept of negligence, or a failure to exercise reasonable care.
- Following federal law and providing appropriate services are evidence of reasonable care.
- Violating federal law and denying services are evidence of negligence.



# What if we disagree?

- If there is a disagreement about whether the student meets the McKinney-Vento definition of homeless (*between the parent/guardian/youth and the school*), the state's dispute resolution process should be followed. If there is an expeditious local appeal process, that may be initially implemented if the parent/guardian/youth is in agreement with its implementation.
- North Carolina's Dispute Resolution Policy is available from the NC Policies and Contact web page of the NCHPEP website located at [www.serve.org/hepnc/nc\\_pol.php](http://www.serve.org/hepnc/nc_pol.php).



# NC Dispute Resolution Policy

- The parent/guardian/unaccompanied homeless youth should be referred to the local liaison for assistance with the appeal process.
  - If there is an expeditious local process, that may be initially implemented, but the student should be served as eligible during that time.
- The student must be enrolled immediately in either the school of origin or the local attendance area school.
- The student must be provided with all services to which McKinney-Vento eligible students are entitled (*e.g. transportation, Title I services, free meals*).
- Enrollment and attendance must continue until the dispute is resolved.



# NCHEP Contact Information

**Lisa Phillips**

State Coordinator  
North Carolina Homeless  
Education Program  
336-315-7491  
[lphillip@serve.org](mailto:lphillip@serve.org)

**Patricia Lentz**

Program Specialist  
North Carolina Homeless  
Education Program  
336-315-7402  
[plentz@serve.org](mailto:plentz@serve.org)

Regions:

Piedmont-Triad, Southwest  
Northwest, Western

**Pullett Wall**

Program Specialist  
North Carolina Homeless  
Education Program  
336-315-7407  
[pwall@serve.org](mailto:pwall@serve.org)

Regions:

Northeast, Southeast  
North Central, Sandhills



# Resources

## North Carolina Homeless Education Program

[www.serve.org/hepnc](http://www.serve.org/hepnc)

## National Center for Homeless Education

*U.S. Department of Education's Technical Assistance Center for the  
Education of Homeless Children and Youth*

[www.nche.ed.gov](http://www.nche.ed.gov)

## Public Schools of North Carolina Federal Program Monitoring and Support

<http://www.ncpublicschools.org/program-monitoring/homeless/>

