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:
McKinney-Vento Identifications
2014 – 15 SY

United States: 1.2 million
North Carolina: 26,636
Prosperity Zones
2014 – 2015 SY

Northwest, 7.24% - 2023
Western, 7.27% - 956
Northeast, 3.43% - 2410
Southeast, 8.66% - 6488
North Central, 23.31% - 1839
Sandhills, 6.61% - 5256
Piedmont - Triad, 18.88% - 6845
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:
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.

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

- Doubled Up, 74.31%
- Hotels/Motels, 11.80%
- Shelter, 10.58%
- Unsheltered, 3.31%
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.”

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

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 NCHEP website located at 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.
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Resources

North Carolina Homeless Education Program
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

Public Schools of North Carolina
Federal Program Monitoring and Support
http://www.ncpublicschools.org/program-monitoring/homeless/