

# Quick Guide to McKinney-Vento

ECYEH is an initiative of the Pennsylvania Department of Education and is based on the federal McKinney-Vento Homeless Assistance Act. This federal legislation ensures that homeless children and youth have access to a free, appropriate, public education.

Region 7 is committed to ensuring that all students experiencing homelessness have the opportunity to succeed in school. We strive to eliminate barriers to education, educate the community about the nature of homelessness, and provide support to schools, families, and communities.

The Region 7 ECYEH program will:

- HELP with school enrollment and placement
- PROVIDE community referrals
- COORDINATE and support services
- ASSIST with obtaining supplies necessary for school
- SUPPLY training, guidance and outreach to school districts, families, and communities

## THE MCKINNEY-VENTO ACT

The McKinney-Vento Act provides rights and services to children and youth experiencing homelessness, which includes those who are: sharing the housing of others due to loss of housing, economic hardship, or a similar reason; staying in motels, trailer parks, or campgrounds due to the lack of an adequate alternative; staying in shelters or transitional housing; or sleeping in cars, parks, abandoned buildings, substandard housing, or similar settings.

### **At the State Agency Level**

Every state educational agency (SEA) must designate an Office of State Coordinator that can sufficiently carry out duties in the Act.

Key duties include:

- Responding to inquiries from homeless parents and unaccompanied youth.
- Providing professional development programs for liaisons and others.
- Conducting monitoring of local educational agencies to enforce compliance.
- Coordinating Regional offices to oversee LEAs.

### **At the Regional Level**

- Provide training and assistance to LEAs.
- Respond and assist students and families who are in transition.
- Regional has coordinators will assist with any questions about specific situations or general ways to help homeless students.

- Collaborate with local agencies to provide services to families.

## **At the Local School District Level**

Every local education agency (LEA) must designate a liaison for students experiencing homelessness who is able to carry out the duties described in the law.

Key duties include:

- Ensuring that homeless children and youth are **identified and enrolled** in school, and have a **full and equal opportunity** to succeed in school.
- Participating in professional development and other technical assistance offered by the state and regional office.
- Ensuring school personnel receive professional development and other support.
- Ensuring that unaccompanied homeless youth are informed, and receive verification, of their status as independent students for college financial aid.
- Ensuring that homeless children, youth, and families receive referrals to health, dental, mental health, housing, substance abuse, and other appropriate services.
- Disseminating public notice of McKinney-Vento rights in locations frequented by parents and youth, in a manner and form understandable to them.

## **School Stability**

- Children and youth experiencing homelessness can remain in their school of origin for the duration of homelessness and until the end of an academic year in which they obtain permanent housing, if it is in their best interest.
- LEAs must make best interest determinations that presume that staying in the school of origin is in the best interest of the child or youth; consider specific student-centered factors; prioritize the wishes of the parent, guardian, or unaccompanied youth; and include a written explanation and right to appeal if the LEA determines that school stability is not in the best interest of the child or youth.
- The definition of school of origin now includes both the designated receiving school at the next grade level (if there is a feeder school pattern), and Preschools.
- Transportation to the school of origin is required, including until the end of the academic year when a student obtains permanent housing.

## **School Enrollment and Participation**

- Homeless children and youth must be enrolled in school **immediately**, even if they lack documents or have missed application or enrollment deadlines during any period of homelessness.
- SEAs, Regional Coordinators and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.

- If a dispute arises over eligibility, school selection or enrollment, the child or youth must be immediately enrolled in the school in which the parent, guardian or unaccompanied youth seeks enrollment, pending resolution of the dispute, including all available appeals.
- States and LEAs must have procedures to ensure that homeless children and youth do not face barriers to accessing academic and extracurricular activities.

## **Preschool Children**

- The definition of school of origin now includes preschools.
- Liaisons must ensure homeless families and children can access Head Start, Early
- Head Start, LEA-administered pre-school programs and early intervention services under IDEA Part C, if eligible.

## **Credit Accrual and College Readiness**

- States must have procedures to identify and remove barriers that prevent students from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school. Liaisons must implement those policies.
- State plans must describe how homeless youth will receive assistance from school counselors to advise, prepare, and improve their readiness for college.

## **Title I, Part A**

- All LEAs that receive Title I Part A funds must reserve funds to support homeless students.
- Reserved funds may be used for services not ordinarily provided by Title I, including local liaisons and transportation to the school of origin.
- State report cards must include disaggregated information on the graduation rates and academic achievement of homeless children and youth.

## **Determining a Family's Homeless Situation**

While the final determination of McKinney-Vento lies in the hands of the LEA Liaison and Administration, an understanding of how this decision is reached is critical for all staff to aid in identification and to have a realization of the situation you must deal with. As you learn about a family's living situation, analyze the information shared to see if the family's situation meets the McKinney-Vento Act's definition of "homeless."

## THE MCKINNEY-VENTO DEFINITION

The term "homeless children and youths"—

(A) Means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) Includes--

1. 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; or are abandoned in hospitals;
2. 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;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (1) through (3).

### Consider the Answers to the Following Questions to Make Your Determination

**Is this family sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason?**

**Sharing the housing of other persons** implies that the child is staying in another person's home. Determine the following:

Does the family have any legal right to be in the home?

Can the family be asked to leave at any time with no legal recourse?

Is the living situation intended to be temporary or long-term?

Did the family move into the home as an urgent measure to avoid being on the street or in another dangerous situation?

**Due to loss of housing** implies that the child has no personal housing available. Determine whether the family lost their previous housing due to:

An eviction or an inability to pay the rent or other bills

Destruction of or damage to the previous home

Abuse or neglect

Unhealthy conditions such as an inadequate physical environment, infestations, drug or alcohol abuse in the home, or domestic violence

The absence of a parent or guardian due to abandonment, the parent or guardian's incarceration, or another reason

**Economic hardship** includes cases where limited financial resources have forced families to leave personal residences and share housing due to an inability to pay rent and other bills. It is important to consider why the family is sharing housing and what the arrangement will be going forward.

Determine the following:

Did an economic hardship such as an accident or illness, loss of employment, loss of public benefits, or condition of poverty force the family to share housing temporarily? If yes, the children meet the definition of homeless.

Is the family in a long-term, cooperative living arrangement with relatives or friends that is fixed, regular, and adequate? If yes, this is not considered a homeless situation, even if the parties are living together to save money.

**Is this family living in a motel, hotel, trailer park or camping grounds due to the lack of alternative, adequate accommodations?**

**Due to the lack of alternative, adequate** accommodations implies that the family is living in a motel, hotel, trailer park, or camping ground because they do not have another suitable place to stay and these settings are not fixed, regular, and adequate. While a trailer park may be fixed and regular, think about the condition of the trailer. Consider if there are issues with utilities or other conditions that need to be addressed for the trailer to be adequate.

• **Is this family living in an emergency or transitional shelter?**

Emergency or transitional shelters include domestic violence shelters, emergency family housing shelters and transitional living programs, supportive housing and residential recovery programs for women who are pregnant or have children. Keep in mind that the setting is temporary and the family will need to find a place to go when they leave.

• **Does this family 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?**

Examples of this type of arrangement include settings like a health clinic, office, public restroom, or 24-hour business.

• **Does the family live in a car, park, public space, abandoned building, substandard housing, bus or train station, or a similar setting?**

Most of these living arrangements are self-explanatory. Substandard means falling short of a standard or norm or of a quality lower than that prescribed by law. Housing standards, including city, county, or state housing codes may vary by locality, but consider factors like the condition of the home and the number of occupants for the space. Also, think about the condition of the plumbing, heat, and electricity.

- **Is the family's living situation fixed, regular, and adequate?**

**Fixed** implies that the family's living situation is stationary, permanent, and not subject to change. Is it a place where a family has a permanent home and from which the family has no present intention of moving? Consider asking the family these questions:

Where are you staying now? What has led you to stay there?

How long have you been staying where you are now? How long do you plan to stay there?

Where were you staying before you moved to where you are now? Did you want to leave there or was there a reason you had to leave?

Are you looking for another place to live?

Are you staying with other people? If so, did you and the people you are staying with decide to move in together, and share a home and expenses for the long term? Is this a temporary situation for you?

Are you all sharing the home equally, or are you guests in their home?

What would happen if the people you are staying with asked you to leave?

If you could not stay where you are now, where would you go?

**Regular** implies that the family's living situation is used on a predictable, routine, or consistent basis. Is it a place familiar to the family? Consider asking the family these questions:

- Do you have a key to where you are staying?

- Can you come and go as you please?

- Do you stay in the same place every night or do you move around a lot?

**Adequate** implies that the family's living situation is considered sufficient for meeting both the physical and psychological needs of children and parents that are typically met in a home environment. Is it a place that is reasonably sufficient for the family's needs?

Consider asking the family these questions:

- How many people are staying in the home?

- How many bedrooms and bathrooms does it have?

- Are people sharing rooms?

- If so, how many people are staying in one room?

- Are you and your children sleeping in a bedroom or are you staying in a common area like a dining room or living room?

- A garage or unfinished basement?

What is the condition of the home?

- Does it have working utilities, such as heat, electricity, and running water?

- Is it warm and dry? Does it keep out rain and wind?

- Is it free from infestations, such as mice, bugs, and mold?

- Does it have a working kitchen and toilet?

-Is it safe for you and your family?

## SITUATIONS

### Temporarily Staying With Other People

If you have lost your home or had to leave your home and are now staying with someone temporarily because you do not have anywhere else to go, you meet the McKinney-Vento definition of homelessness. This can include a variety of specific situations, but it comes down to this: If you are staying with someone temporarily and the host can ask you to leave at any time, your living situation likely meets the definition of homelessness.

Examples:

- Robin is a senior in high school and had to flee her home after experiencing physical abuse by her parents. When Robin left, she had nowhere to go, but thankfully, a friend said she could sleep on their couch for a few days. She continues to bounce from friends' homes. She is hoping to stay in school, graduate and enroll in Community College. Robin knows that her parents' home is not a safe place and therefore, continues to stay temporarily with friends.

Robin would be considered an Unaccompanied Homeless Youth, because she meets the definition of homelessness under the McKinney-Vento Act and she is not in the custody of a Parent or Guardian.

- Damien is a high school student whose mother moved in with her boyfriend after being evicted from their home. Unfortunately, there was not room for Damien and he was left with nowhere to go. Damien called his pastor to ask for help. The pastor offered a spare bedroom in his home in a neighboring school district so that Damien could finish school. Even though unlikely, the pastor could ask him to leave at any time.

**Assessment:** Damien would be considered an Unaccompanied Homeless Youth because he meets the definition of homelessness under the McKinney-Vento Act and is not in the physical custody of a parent. His school of origin should provide services, including setting up transportation from the new school district of residence.

- Bryan and Beth are elementary students who had to flee their home with their mother after experiencing domestic violence. Mom tried to call the local domestic violence shelter but there were no beds available. Thankfully, a relative from a neighboring county offered some space in their home with a couch and air mattresses until they could figure out a permanent option.

**Assessment:** Since the children and mother are in a temporary situation and do not have control over their living situation, they meet the definition of homelessness under McKinney-Vento.

\*This situation would call for collaboration between the school of origin and the new school of residence to

determine the best interest of the children with regard to their education.

### **Staying in Emergency or Transitional Shelters**

If you are living in a shelter or another form of emergency housing, you are, by definition, homeless. This can include domestic violence shelters, youth shelters, FEMA provided housing, subsidized hotel stays and other housing paid for by programs or agencies.

- Ebony and her family were victims of a devastating flood in which their home was destroyed. After the flood, her family was provided a trailer for temporary housing while they were rebuilding their home.

**Assessment:** This is considered emergency housing and she meets the definition of homelessness under McKinney-Vento. Note: if the trailer was placed in a neighboring school district, Ebony would have the right to remain in her school of origin.

- Carlos is a fifth grade student who along with mom escaped domestic violence. With nowhere to go, they were able to get beds in the county domestic violence shelter. They will stay there until they find permanent housing.

**Assessment:** Carlos meets the definition of homelessness under the McKinney-Vento Act. Carlos and his mom have the right to choose to remain in the school of origin or enroll in the school district where the shelter is located. When permanent housing is obtained, Carlos will continue to receive McKinney services until the end of the school year.

- Matt was kicked out of his home at the age of 16 after coming out as being gay. Matt had nowhere to go and used the Finding the program provided him a shelter bed until long-term housing could be found.

**Assessment:** Matt would be considered an Unaccompanied Homeless Youth because he meets the definition for homelessness under McKinney-Vento and is not in physical custody of a parent. Even when permanent housing is found, it is likely he will remain as a McKinney-Vento eligible student.

### **Staying in Motels, Campgrounds, Cars, Parks, Abandoned Buildings, Bus or Train Stations or any Public or Private place Not Designed for humans to live in.**

If you are living in any of the above situations, you meet the definition for homelessness under The McKinney-Vento Act.

### **EXAMPLES**

- Riley is a fifth grader whose mother was evicted from their home because she could not pay the rent. Riley's mother has been pulling together money weekly to pay for motel rooms to keep a roof over their heads.

**Assessment:** By definition, Riley meets the McKinney-Vento requirements.

- Omar is a high school student who has been kicked out of his home. Omar typically wanders the streets and sleeps wherever he can find shelter. Omar does occasionally attend school. Omar would be considered an unaccompanied homeless youth and should receive services under McKinney-Vento. **Assessment:** The school should report this situation to CCYA as Omar is in a dangerous situation.
- Due to financial constraints, Krystal and her family are now living in a local campground in a camper.  
Even if the family has chosen to make this, a permanent situation, by the nature of these conditions, **Assessment:** Krystal is considered a McKinney-Vento student.

### **Staying in Substandard Housing**

Substandard housing is housing that poses a serious risk to the health, safety, or physical wellbeing of occupants. Examples of substandard housing can include inadequate sanitation, lack of water, lack of heat, unhealthy infestation of vermin or pests, inadequate protection from elements. It is likely that any housing that poses any risks will make student residents McKinney-Vento eligible.

Examples:

- Eric is 12 years old and is living with his immediate family and several extended family members in a crowded one-bedroom apartment. Eric has told his teacher that the situation makes it difficult to do homework. Mom has said even though she recognizes the problems, they have nowhere else to go.  
**Assessment:** These conditions would be considered substandard and Eric and his family would meet the definition of homelessness under McKinney-Vento.
- The school nurse reports to administration that a family with four children have repeatedly been found to have bites from fleas and bedbugs.  
**Assessment:** This family should be considered McKinney-Vento due to the infestation in the home. Also, be aware of the possibility of homelessness that could be the result of this situation.
- Amanda's family has found affordable housing after losing their previous home. Unfortunately, the new place has multiple issues. It is reported that the heat is not working, and other problems with utilities.  
**Assessment:** The family has tried to have the property owner make repairs with no success. The family cannot afford more sufficient housing at this time. Amanda would be McKinney-Vento eligible.

