

# McKinney-Vento Homeless Act

Nebraska Department of Education





# McKinney-Vento Act

- July 22, 1987-Original McKinney Act signed into law by President Reagan.
- Act amended in '88, '90, '92 and '94.
- Oct. 30, 2000-Renamed McKinney-Vento Homeless Assistance Act by President Clinton.
- 2001-Reauthorized by Title 10-Part C of ESEA, as amended...*Subtitle VII-B focuses on the education of children and youth experiencing homelessness.*
- *2015-Reauthorized by Title IX, Part A of ESSA*



# National Data

1.3 million





# Nebraska Data

2015-16 Data

61 districts – 3,530 homeless children and youth

38 districts - 453 unaccompanied homeless youth





# Causes of Family Homelessness

- A lack of affordable housing
- Unemployment or underemployment
- Physical or mental health challenges
- The challenges of single parenting
- Domestic violence





# Causes of Youth Homelessness

- Unaccompanied homeless youth:

Experience homelessness while not in the physical custody of a parent or guardian.



- Sexual, physical, or emotional abuse
- Parental mental illness, incarceration, or drug use
- Conflict related to blended family issues, the student's sexual orientation, pregnancy, or drug use
- Financial strain



# Enrollment Form Idea

## **Student Residency**

*Identifying students who may qualify to receive additional services.*

- Where does the student stay at night?
  - In a home you own or rent
  - Temporarily with another family in a house, mobile home or apartment
  - In a hotel or motel
  - Other (*please specify*): \_\_\_\_\_  
\_\_\_\_\_



# Important Eligibility Considerations

- Make determinations on a case-by-case basis based on the circumstances of each child
- Understand that some cases will be clear-cut; others will require further inquiry and a more nuanced analysis
- Use fixed, regular, and adequate as guiding principles





## Verifying McKinney-Vento Eligibility

Student Name: \_\_\_\_\_ School: \_\_\_\_\_ Date: \_\_\_\_\_

### 1. Presently, where do you and/or your family sleep at night?

- in a shelter or transitional housing
- in a car, park, campground, public place, abandoned building, or other similar location
- in a motel/hotel due to loss of housing, economic hardship or similar reason
- in housing or any vehicle (including camper) without running water, electricity, or heat
- with another family in their home, apartment, etc., due to loss of housing, economic hardship or similar reason; doubled-up
- other arrangement that is not fixed, regular, and/or adequate and is not described by the Choices listed above (use questions below to determine if situation qualifies as homeless)

#### Fixed – stationary, permanent, and not subject to change:

- Is this a permanent arrangement or just temporary?
- Are you looking for another place to live?
- Do you plan to move out soon?
- Why are you staying in your current place?
- Where were you living right before this place? Why did you leave?
- Where would you go if you couldn't stay where you are?
- Are you staying with friends/relatives just for a little while?
- Did you and your friends/relatives decide to move in together and share a home and expenses for the long term? Or is this a temporary situation for you?
- Could your friends/relatives ask you to leave if they wanted to?
- Are you all sharing the home equally, or are you more like guests in the home?

#### Regular – used on a regular/nightly basis:

- Do you stay in the same place every night?
- Do you have a key to the place where you are living?
- Do you move around a lot?
- How long have you been at that place? How long do you plan to stay?
- How long did you live in your last place?

#### Adequate – sufficient for meeting both the physical and psychological needs typically met in the home environment:

- How many people are living in the home? How many bedrooms/bathrooms does it have?
- Are you and your children sharing a room? How many people are staying in one room?
- Are you and your children sleeping in a bedroom, or a public area, like a dining room?
- Does the home/building have heat/electricity/running water?
- What condition is the place in? Does it keep out rain and wind? Is it safe? Is it warm and dry? Do the windows have glass panes?
- Can you come and go as you please?

2. Student lives with at least one (1) parent or legal guardian?  YES  NO

If NO, student is an unaccompanied youth and student lives:  alone or with friends and no adults; or  with an adult friend or relative that is not the parent or legal guardian

- YES – student/family is homeless (complete *Identifying Services* form)
- NO – student/family does NOT meet the definition of homeless





# Working Definitions



- Fixed
- Regular
- Adequate

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



# Identifying Homeless Students

Individuals who lack a fixed, regular, and adequate nighttime residence and includes children & youth who:

- Are sharing the housing of other persons due to **loss of housing, economic hardship or a similar reason** commonly referred to as “doubled-up”
- Are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
- 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



# Shared Housing



Legislative wording: “sharing the housing of other persons **due to loss of housing, economic hardship, or a similar reason**”





# Educational Barriers Faced by Homeless Students

- Lack of paperwork for school enrollment
- High residential and school mobility
- Poverty-related challenges
  - School supplies
  - Inconsistent bathing or laundry facilities
  - Inadequate nutrition
  - Limited health-care opportunities
- Inadequate study space
- Lack of a caring and involved parent or guardian (unaccompanied homeless youth)
  - May be working to support themselves





# Rights for All Homeless Students

- Enroll in school immediately and attend classes while the school gathers needed documents; (*enrollment includes attending classes and participating fully in school activities*)  
(42 U.S.C. 11434a)
- Enroll in the local school or continue attending the school of origin
- Transportation to/from the school of origin, if requested
- Receive comparable services, including transportation



# Rights for All Homeless Students

- Access to educational programs for which they are eligible (Title I-A, IDEA, ELL, migrant education, vocational/technical education, gifted and talented, etc.)
- Free school meals (USDA Child Nutrition Act)
- Categorically eligible for Head Start services, and should be prioritized for enrollment (Head Start Act)
- UHY are considered independent students for purposes of receiving federal financial aid for college (College Cost Reduction and Access Act)







## **Local Liaison Responsibilities**

- Identifying homeless children and youth
- Ensuring that disputes are resolved promptly
- Supporting unaccompanied homeless youth in school selection and dispute resolution



**District makes a decision on homeless status and school placement.**



**Whoops! We don't agree. May choose to move on to the district dispute resolution process.**



**Still no agreement? There is the right to appeal to the NDE Commissioner.**



# Dispute Resolution Process

- NDE staff will be reviewing each school district's Dispute Resolution process to ensure it meets the standards set out in NDE Rule 19, Sections 005.01 – 005.03C.





# Dispute Resolution

- ✓ Child or youth will be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.
- ✓ Local educational agency liaison will assist unaccompanied youth, parent or guardian in carrying out the dispute resolution process.
- ✓ District process provides for a written response, including explanation, within 30 calendar days of the time the complaint or dispute is brought.
- ✓ District process contains notice of the Right to Appeal to NDE Commissioner in writing within 30 calendar days as provided in NDE Rule 19.
- ✓ District has a **form** containing the district's written response and explanation of their decision regarding the dispute which also includes the Right to Appeal as provided in NDE Rule 19.



## SAMPLE - DISPUTE RESOLUTION PROCESS

### Dispute Resolution Process

The process to resolve disputes concerning the enrollment or placement of a child or youth experiencing homelessness is as follows:

- a. The District will provide a written response and explanation of a decision regarding any complaint or dispute of a parent, guardian or other person having legal or actual charge or control of a homeless child or youth within thirty (30) calendar days of the time such complaint or dispute is brought. In the case of an unaccompanied youth, the District liaison will ensure that the homeless youth is enrolled immediately in the school in which enrollment is sought pending resolution of the dispute and provides notice to such youth of the right to appeal.
- b. The District will ensure the immediate enrollment of the homeless child or youth in the school in which enrollment is sought pending resolution of the dispute.
- c. The District's written response will include a notice of the right to appeal. Refer to NDE, Rule 19, Section 005.03.  
[http://www.education.ne.gov/legal/webrulespdf/Clean19\\_2030.pdf](http://www.education.ne.gov/legal/webrulespdf/Clean19_2030.pdf)

### Right to Appeal

- a. Any parent, guardian or other person having legal or actual charge or control of a homeless child or youth or an unaccompanied youth that is dissatisfied with the decision of the District after the dispute resolution process may file a written appeal with the Nebraska Commissioner of Education within thirty (30) calendar days of receipt of the decision. Refer to NDE, Rule 19, Section 005.03 for further details.  
[http://www.education.ne.gov/legal/webrulespdf/Clean19\\_2030.pdf](http://www.education.ne.gov/legal/webrulespdf/Clean19_2030.pdf)
- b. A party may appeal the decision of the Commissioner or designee by filing a Petition with the State Board of Education within thirty (30) calendar days of the receipt of the decision. Refer to NDE, Rule 19, Section 005.03C for further details.  
[http://www.education.ne.gov/legal/webrulespdf/Clean19\\_2030.pdf](http://www.education.ne.gov/legal/webrulespdf/Clean19_2030.pdf)



# School Policies and Homeless Students

- School districts must review, revise, and if necessary, develop policies to remove barriers to the immediate enrollment and regular attendance in school, of children and youth in homeless situations.



- School districts must have a Dispute Resolution Process that has the steps set out in NDE Rule 19.
- NDE staff will check on this during the monitoring process.



# NDE Homeless Liaison

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