



Determining Eligibility for McKinney-Vento Rights and Services





Offered in Partnership By



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Today's Roadmap

- The McKinney-Vento Act
 - Definition of homeless
 - Breaking down key definitional phrases
 - Clarifying questions to ask when making eligibility determinations
- Resources for more information



McKinney-Vento Basics

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act
 - Was reauthorized by Title IX, Part A of the Every Student Succeeds Act
 - Establishes the definition of homeless used by U.S. public schools
 - Addresses the unique educational barriers and challenges faced by students experiencing homelessness
 - Requires state education departments to designate a State Coordinator for Homeless Education and school districts to designate a local homeless education liaison; access contact information at <https://www.education.ne.gov/federalprograms/title-vii-b/>





McKinney-Vento Basics: Breaking it Down

- State education departments and school districts
- must review and revise laws, regulations, practices, or policies
- that may act as a barrier to
- the identification of,
- or the enrollment, attendance, or success in school of
- children and youth experiencing homelessness



McKinney-Vento Definition of Homeless

Children and youth who **lack a fixed, regular, and adequate nighttime residence**,
including

- Sharing the housing of other persons, *due to loss of housing, economic hardship, or a similar reason*
- Living in motels, hotels, trailer parks, camping grounds *due to the lack of alternative adequate accommodations*
- Living in emergency or transitional shelters, or abandoned in hospitals
- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances

Unaccompanied Youth

- The term “unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian

42 U.S.C. §11434a(6)

- For a student to be an unaccompanied youth, they must be
 - Experiencing homelessness (in a living arrangement that meets the definition of homeless)

AND

- Unaccompanied (not in the physical custody of a parent or guardian)



The Dynamics of Doubling Up



- Staying in a shelter may not be an option
 - Not every community has a shelter
 - When shelters are present, they may be full or have stay limits
 - Parents and youth may have concerns about the shelter environment
 - Some shelters have policies that may create barriers
- Families and youth often avoid unsheltered locations and may not have the money to stay in a hotel/motel

Doubled-up arrangements often serve as temporary shelter,
but may be short-lived or unsafe



Breaking Down the Definition:

“The Guiding Phrase”



- **Fixed**
 - Stationary, permanent, not subject to change
- **Regular**
 - Used on a predictable, routine, consistent basis
- **Adequate**
 - Lawfully and reasonably sufficient for meeting the physical and psychological needs typically met in a home environment

Breaking Down the Definition: Doubled-up



- “Sharing the housing of other persons...”
 - Does the family or youth have a legal right to be in the home?
 - Can the family or youth be asked to leave at any time with no legal recourse?
- “...due to loss of housing,...”

Did the family or youth lose housing due to

- An eviction or foreclosure?
- Destruction of or damage to the previous home?
- Unhealthy or unsafe conditions?
- Domestic violence?
- Abuse or neglect?
- The absence of a parent or guardian due to abandonment, incarceration, or a similar reason?

Breaking Down the Definition: Doubled-up

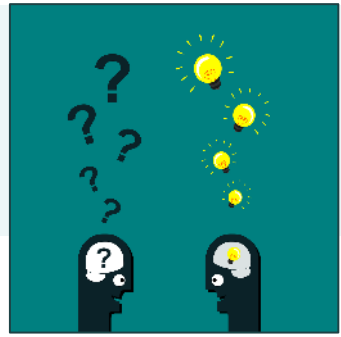


- “...economic hardship”

Implies that limited financial resources have forced the family or youth to leave the personal residence and share housing due to an inability to pay the rent/mortgage and other bills

- Did economic hardship due to an accident or illness, loss of employment, loss of public benefits, or a similar reason force the family or youth to share the housing of others temporarily?

Additional Clarifying Questions: Doubled-up



- What circumstances led to the shared housing?
- What is the intention of the people sharing housing?
- What are the family's or youth's housing options if not sharing housing?
- Is the shared housing arrangement fixed, regular, and adequate?

Breaking Down the Definition:

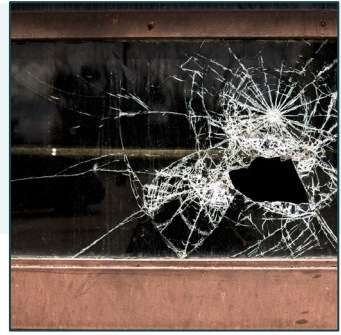
Hotels, Motels, Trailer Parks, Camping Grounds

- “Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations”
- What are the family’s or youth’s housing options if not staying in the motel, hotel, or camping ground?
- What is the condition of the trailer?
- How many people are living in the trailer?



Breaking Down the Definition:

Substandard Housing



- “Living in substandard housing”
 - Standards for adequate housing may vary by locality
 - Consider city, county, and state housing codes
 - Does the housing lack a fundamental utility?
 - Is the housing infested with vermin or mold?
 - Does the housing lack a basic functional part?
 - Does the housing present unreasonable danger to people staying there?

Establish guiding criteria for your area and apply them consistently



Eligibility Helpful Hints

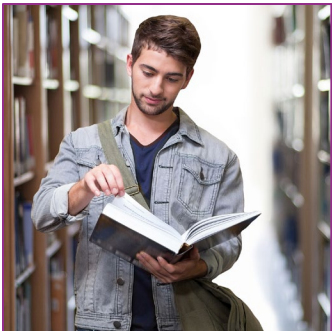


- The **local liaison** has the authority and responsibility to make determinations of eligibility



- Pay close attention to the **legislative wording**, as it may provide needed clarity

- Eligibility determinations should be made on a **case-by-case basis**, considering the circumstances of each student



- Some determinations will be **clear and self-evident**, while others may require a more **nuanced application** of the definition of homeless

For More Information



- Nebraska Department of Education
 - [Nebraska Homeless Education Program](#) (including State Coordinator and local liaison contact information)
- National Center for Homeless Education
 - Download NCHE's [Determining Eligibility for McKinney-Vento Rights and Services](#) issue brief
 - Contact the NCHE homeless education helpline at 800-308-2145 or homeless@serve.org

Thanks for Joining!



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