

MCKINNEY-VENTO 101:

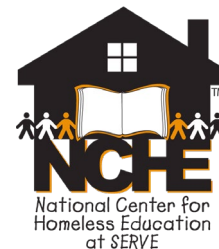
UNDERSTANDING THE RIGHTS OF STUDENTS EXPERIENCING HOMELESSNESS



National Center for Homeless Education (NCHE)

<http://nche.ed.gov>

homeless@serve.org



ABOUT NCHE

- **NCHE** is the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program.
 - Website: <http://nche.ed.gov>
 - Helpline: 800-308-2145 or homeless@serve.org
 - Products: <http://nche.ed.gov/products.php>
 - Webinars: <http://nche.ed.gov/web/group.php>
 - Listserv: <http://nche.ed.gov/listserv.php>
 - Social media: <https://nche.ed.gov/social-media.php>



SESSION OUTLINE

- Homeless with homework: A scenario
- The context: Education and homelessness
- Homeless education under ESSA
- Homeless with homework: A scenario revisited
- Q&A and discussion

HOMELESS WITH HOMEWORK: A SCENARIO



Sharene and her children

SHARENE AND HER CHILDREN

It's January. **Sharene** left her apartment where she lived with her three kids – **Jacob, Miles, and Kennedy** – due to domestic abuse. They are now staying in a shelter a few miles away. Jacob and Miles (4-yo twins) were going to a Head Start program operated by the school district near their old apartment, while Kennedy (15-yo) was attending high school nearby.

- Sharene wants to keep her sons in the same Head Start program because they were happy there, but she's worried about her abusive ex showing up. She's also not sure she could get them back and forth to the program.
- Sharene is worried about Kennedy, too. Would she be safe if she stays in her same school? What about if she transfers to a new school? Will her credits transfer?
- Sharene has a lot of questions and isn't sure where to go for answers.



THE CONTEXT: EDUCATION AND HOMELESSNESS

HOMELESSNESS CREATES BARRIERS



- Students experiencing homelessness may
 - Be unable to meet school enrollment requirements.
 - Move around and change schools a lot.
 - Be hungry, tired, and stressed.
 - Not have school supplies or a quiet place to study.
 - Not have access to reliable transportation
 - Not have a parent or guardian to help them (unaccompanied youth).

HOMELESSNESS AFFECTS EDUCATION



- Students experiencing homelessness are more likely to
 - Be chronically absent from school
 - Get lower grades
 - Have special education needs
 - Score poorly on assessment tests
 - Drop out of school

THE PREVENTIVE VALUE OF EDUCATION

- Children in quality preschool programs are more likely to graduate from high school and own homes
- High school graduation is associated with an array of positive live outcomes (↓ unemployment, ↓ criminal justice involvement, ↑ income, ↑ health outcomes, ↑ life span)
- 95%+ of the jobs created since the Great Recession have gone to workers with at least some post-secondary education

THE PREVENTIVE VALUE OF EDUCATION

Particular subpopulations are at higher risk for homelessness



346%

Youth with less than a high school diploma or GED had a 346% higher risk

120%

LGBT youth had a 120% higher risk

162%

Youth reporting annual household income of less than \$24,000 had a 162% higher risk

33%

Hispanic, non-White youth had a 33% higher risk

83%

Black or African American youth had an 83% higher risk

200%

Unmarried parenting youth had a 200% higher risk

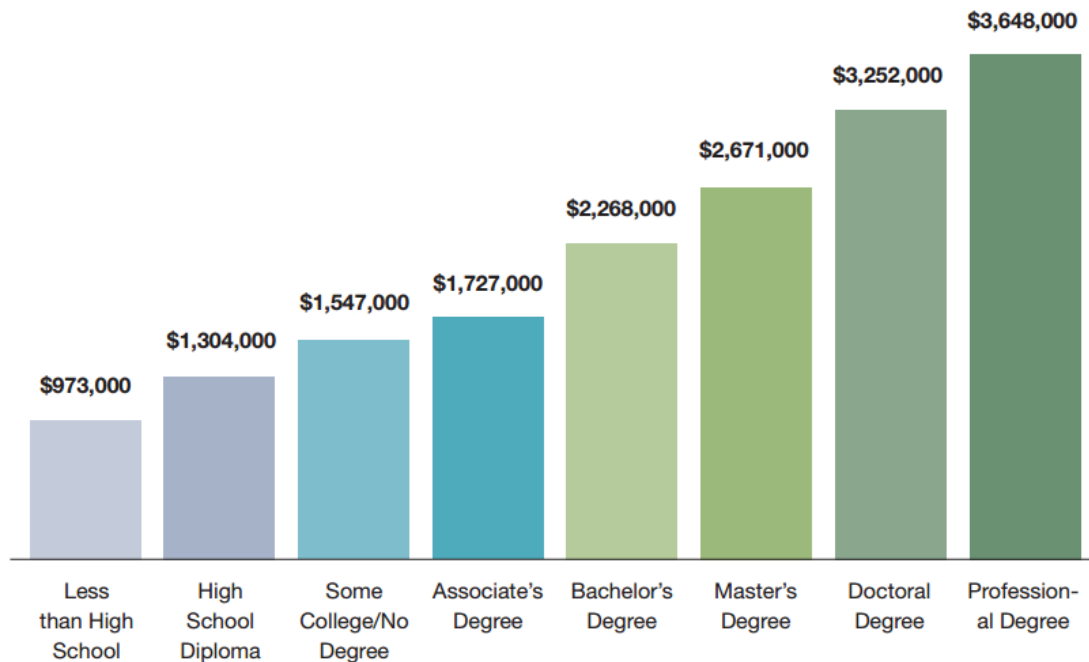


Findings from Voices of Youth Count, an initiative of Chapin Hall at the University of Chicago | voicesofyouthcount.org

VOICES  OF
YOUTH COUNT

THE PREVENTIVE VALUE OF EDUCATION

FIGURE 1: MEDIAN LIFETIME EARNINGS BY HIGHEST EDUCATIONAL ATTAINMENT, 2009 DOLLARS





HOMELESS EDUCATION UNDER THE EVERY STUDENT SUCCEEDS ACT

ESSA BASICS



- The Every Student Succeeds Act (ESSA) was signed into law in December 2015.
- ESSA reauthorized the Elementary and Secondary Education Act (ESEA) and the education subtitle of the McKinney-Vento Act.
- ESSA amendments provide new opportunities for schools to help students experiencing homelessness succeed in school.
- For more information, visit <http://nche.ed.gov/legis/essa.php>

MCKINNEY-VENTO DEFINITION OF HOMELESS

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including children and youth:
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
 - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
 - Living in emergency or transitional shelters, or are abandoned in hospitals

MCKINNEY-VENTO DEFINITION OF HOMELESS

- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances

[42 U.S.C. § 11434a(2)]

- 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)].

DETERMINATIONS OF ELIGIBILITY

- The **local liaison** has the authority and responsibility to ensure that eligible students are identified; this should be a collaborative effort with school personnel, and through outreach and coordination activities with other entities and agencies [42 U.S.C. § 11432(g)(6)(A)(i)].
- Eligibility determinations should be made on a **case-by-case basis**, considering the circumstances of each student.
- Pay close attention to the **legislative wording**, as it may provide needed clarity.
- Download *Determining Eligibility for McKinney-Vento Rights and Services* at <https://nche.ed.gov/pr/briefs.php> for more information.

ESSA'S REQUIREMENT TO REMOVE BARRIERS

- States and school districts must **develop, review, and revise policies** to remove barriers to the school identification, enrollment and retention of McKinney-Vento students, including barriers due to outstanding fees or fines, or absences [42 U.S.C. § 11432(g)(1)(I)].
- According to EHCY Guidance (question A-4), the requirement to remove barriers is a broad, ongoing requirement that should include regular input from homeless parents, youth, and advocates so that new barriers do not prevent students from full participation in school.

IMMEDIATE ENROLLMENT



- Children and youth experiencing homelessness have the right to **immediate school enrollment**
 - even if lacking paperwork normally required for enrollment; or
 - even if having missed application or enrollment deadlines during any period of homelessness [42 U.S.C. § 11432(g)(3)(C)(i)].
- ***Enrollment*** is defined as “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)].

SCHOOL STABILITY

- Children and youth experiencing homelessness have the right to attend
 - **The school of origin** [42 U.S.C. § 11432(g)(3)(I)(i)]
 - The school that a child or youth attended when permanently housed, or
 - The school in which the child or youth was last enrolled
 - Includes public preschools
 - Includes receiving schools
 - **The local attendance area school** [42 U.S.C. § 11432(g)(3)(A)(ii)]
 - Any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend

PRESCHOOL



- The term ***school of origin*** means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool [42 U.S.C. §11432(g)(3)(I)(i)].
- Visit and https://nche.ed.gov/ibt/sc_preschool.php for more information on early care and education for young children experiencing homelessness.

PRESCHOOL

Do McKinney-Vento Act requirements apply to homeless children attending preschool?

To the extent that an LEA offers a public education to preschool children, including LEA-administered Head Start programs, an LEA must meet the McKinney-Vento Act requirements for homeless children in preschool, including ensuring that a homeless child remains in his or her public preschool of origin, unless a determination is made that it is not in the child's best interest.

RECEIVING SCHOOLS

When the child or youth completes the final grade level served by the school of origin, the term ***school of origin*** shall include the designated receiving school at the next grade level for all feeder schools [42 U.S.C. §11432(g)(3)(I)(ii)].



elementary school



middle school



high school

BEST INTEREST



- In determining best interest, the school district shall
 - **Presume** that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth
 - **Consider student-centered factors** related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the parent, guardian, or unaccompanied youth

DURATION OF SCHOOL OF ORIGIN RIGHTS

- Homeless children and youth have the right to attend the school of origin for the duration of homelessness
 - In any case in which a family becomes homeless between academic years or during an academic year
 - For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year

[42 U.S.C. § 11432(g)(3)(A)(i)(II)]

SCHOOL OF ORIGIN TRANSPORTATION



- Transportation must be provided to and from the school of origin at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the local liaison [42 U.S.C. §11432(g)(1)(J)(iii)].
- Based on the amended definition of *school of origin* under ESSA, school of origin transportation rights extend to public preschools and receiving schools

SCHOOL OF ORIGIN TRANSPORTATION

Must LEAs continue to provide transportation to and from the school of origin for formerly homeless students who have become permanently housed?

Yes. LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

EHCY Guidance, Question J-5



SCHOOL OF ORIGIN TRANSPORTATION

Does the McKinney-Vento Act require an LEA to provide transportation services to homeless children attending preschool?

Yes. The McKinney-Vento Act requires LEAs to provide transportation services to the school of origin, which includes public preschools. Accordingly, transportation to the school of origin must be provided even if a homeless preschooler who is enrolled in a public preschool in one LEA moves to another LEA that does not provide widely available or universal preschool.

DISPUTE RESOLUTION

- If, after conducting the best interest determination, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, **the district must provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to the parent, guardian, or unaccompanied youth, including information regarding the right to appeal [42 U.S.C. §11432(g)(3)(B)].**

DISPUTE RESOLUTION

- The child or youth shall be **immediately enrolled** in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals [42 U.S.C. § 11432(g)(3)(E)(i)].
- Students must **receive all services** for which they are eligible until final resolution of all disputes and appeals (EHCY Guidance, Question K-7).

CREDIT ACCRUAL

- States and school districts must implement procedures to identify and remove barriers to McKinney-Vento students receiving appropriate **credit for full or partial coursework** satisfactorily completed at a prior school (42 U.S.C. § 11432(g)(1)(F)(ii); EHCY Guidance, Question O-2)

HIGHER EDUCATION



- School counselors must assist students experiencing homelessness with **college preparation and readiness** [42 U.S.C. § 11432(g)(1)(K)].
- Local liaisons must inform unaccompanied youth about their **independent student status** on the FAFSA and assist with verification of this status [42 U.S.C. § 11432(g)(6)(A)(x)(III)].
- **Fee waivers** are available for AP tests, the ACT, the SAT, and college applications.
- Visit and https://nche.ed.gov/ibt/higher_ed.php for more information.

OTHER SUPPORTS

- Students experiencing homelessness
 - Must receive **comparable services**, including transportation [42 U.S.C. § 11432(g)(4)].
 - Are categorically eligible for **free school meals**.
 - Are categorically eligible for support under **Title I, Part A**, including supports provided through the Title I, Part A homeless set-aside.
 - Must be included in **special education** child find efforts and provided with special education services, when needed.

HOMELESS WITH HOMEWORK: A SCENARIO REVISITED



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- Sharene wants to keep her sons in the same Head Start program because they were happy there, but she's worried about her abusive ex showing up. She's also not sure she could get them back and forth to the program.
- Sharene is worried about Kennedy, too. Would she be safe if she stays in her same school? What about if she transfers to a new school? Will her credits transfer?
- **What decisions need to be made? How can ESSA help with Sharene's concerns?**