

THE MCKINNEY- VENTO ACT:

Knowing and Implementing the Law



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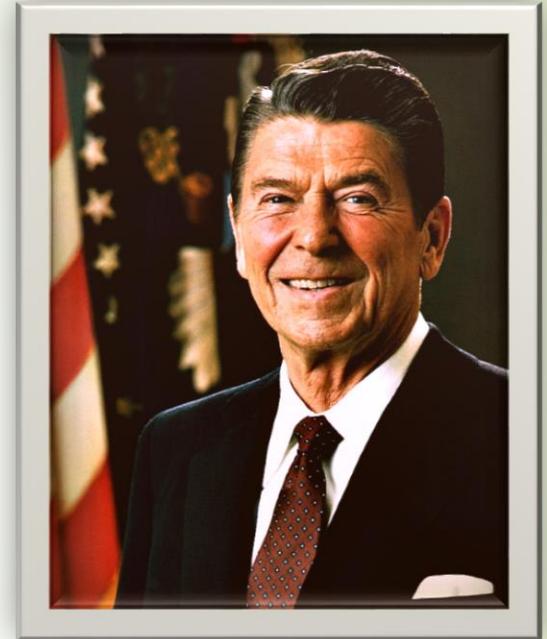
TODAY'S GOAL

- Become familiar with important concepts in the McKinney-Vento Act
- Definition of Homelessness HUD vs Department of Education
- Making the Case for Moving from Here to There
- Eligibility
- Immediate Enrollment
- School Selection
- Transportation
- Coordination with Title IA
- Review district fiscal responsibility
- District of Origin
- Transportation
- State Responsible Students
- Impending Domicile “Courtesy Notification”
- Review District Forms



MCKINNEY-VENTO HISTORY

- Nine titles within the act
- Title VII addresses education
- Signed into law in 1987
- Largest amendment took place in 2002 as it became part of NCLB
- Named after Stewart McKinney & Bruce Vento



TRANSPORTATION OF STUDENTS IN FOSTER CARE



- On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), the conference bill reauthorizing the Elementary and Secondary Education Act (ESEA). This bill broadly maintains annual testing while scaling back the federal role in education, providing states greater control over accountability and school improvement. The law also aims to create transparency regarding achievement gaps among disadvantaged subgroups of students, including foster youth.



The McKinney-Vento Act

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act; reauthorized by Title X, Part C of ESSA
- Main themes of the McKinney-Vento Act
 - School access
 - School stability
 - Support for academic success
 - Child-centered, best interest decision making
 - Critical role of the local homeless education liaison

Homelessness Defined HUD VS Youth and Schools

Dept. of Education (DOE) Homeless Definition	Dept. of Housing and Urban Development (HUD) Homeless Definition
Doubled up with family or friends	Literally Homeless
Residing in hotels or motels	Imminent Risk of Homelessness
Residing in an emergency shelter or transitional housing	Homeless under other Federal Statutes*
Unsheltered	Fleeing and/or attempting to flee domestic violence

* Not funded under most HUD programs and need HUD permission.

COMMON MISCONCEPTIONS ABOUT HOMELESSNESS



- Most homeless people live on the streets.
- Most homeless individuals are single men.
- Homelessness is on the decline.

MINORITIES AND HOMELESSNESS

- Minority individuals are 1.5 times more likely to be homeless
- African Americans are three times more likely to be homeless.
- In 2013, approximately 48 percent of sheltered homeless families with children were African American, even though African American families made up only 14 percent of U.S. families with children, and just 29 percent of families in poverty.



MINORITIES CONT.

- In contrast, White families comprised 54 percent of U.S. families with children, but only 23 percent of sheltered homeless families.
- A 2013 survey by the Homeless Youth Project found that African American youth were less likely to identify themselves as homeless.
- White youth surveyed were more likely to self-identify, and to access services for the homeless, such as shelters and food banks.

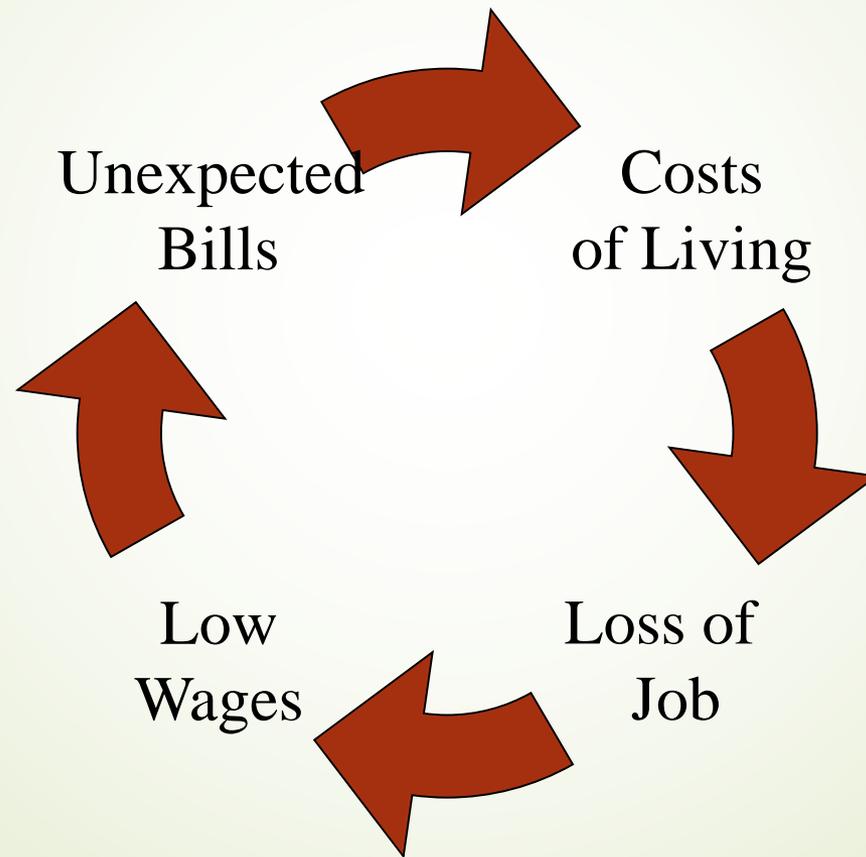


THE TRUTH ABOUT HOMELESSNESS

- There are more homeless people today than during the Great Depression
 - The difference is that instead of single men, many American homeless are children.
 - 90% of the homeless population are the “working poor.” Shipler comments.
 - Low and minimum wage makes it virtually impossible to afford housing especially in large major cities.
- 

THE CYCLE OF HOMELESSNESS:

PlaySpent.ORG





WHO QUALIFIES?

- ▶ Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including:
 - ▶ Sharing the housing of others due to loss of housing, economic hardship, or similar reason (“doubling up”)
 - ▶ Living in motels, hotels, trailer parks, camping grounds due to the lack of adequate alternative accommodations
 - ▶ Living in emergency or transitional shelters
 - ▶ Abandoned in hospitals

WHO QUALIFIES?

- Awaiting foster care placement
- Living in a public or private place not designed for humans to live
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or a similar setting
- Migratory children living in the above circumstances
- Unaccompanied youth living in the above circumstances



ADDITIONAL SCHOOL STAFF UNDERSTANDINGS

- Systemically, we know that homelessness is not the only issue that these students are trying to manage.
 - Unsafe living situations
 - Peer pressures
 - Poverty
 - Mental health problems
 - Chronic health concerns
 - Lack of community support



What is the Impact of Poverty and Homelessness on Children?

- On their Physical Health
 - Malnutrition
 - Chronic and Acute Illnesses
- On their Education
 - Transfers
 - Absences
 - Lower Academic Achievement
- On their Mental Health
 - Depression
 - Anxiety
 - Adjustment Disorders



WOULD YOU?



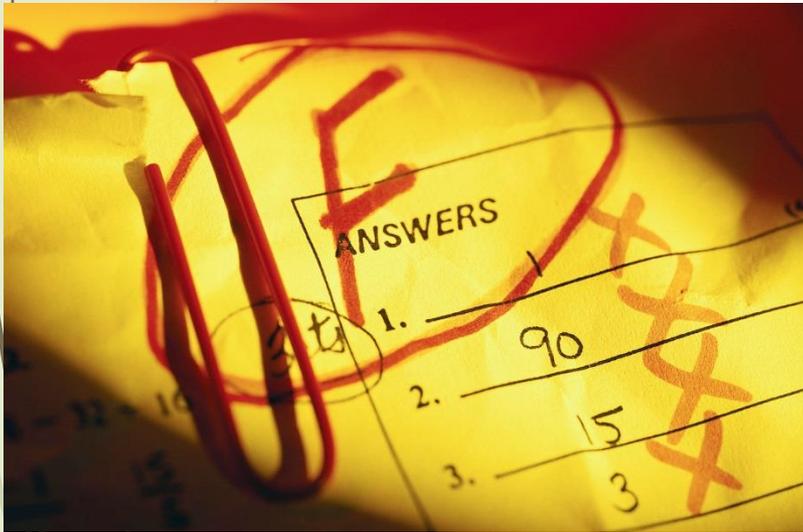
If your family life was problematic, would you disclose this information in detail to a person you are just meeting?

Unaccompanied homeless students and/or parents may or may not wish to discuss or feel comfortable sharing issues occurring in their home life.

FAB FIVE CONTROVERSIAL ISSUES

- Some school districts believe it was a waste of time to enroll homeless students who will almost certainly move again within a short period of time.
- Some argue that it is unsafe for homeless students to be enrolled until they are properly immunized. Change in the law for pertussis.
- The unaccompanied minor presents special challenges in balancing student rights with CPS duty.
- Some staff impose their values on the situation, automatically creating a barrier for enrollment.
- Some believe it is their job to protect the tax paying community and the school district from lying parents.

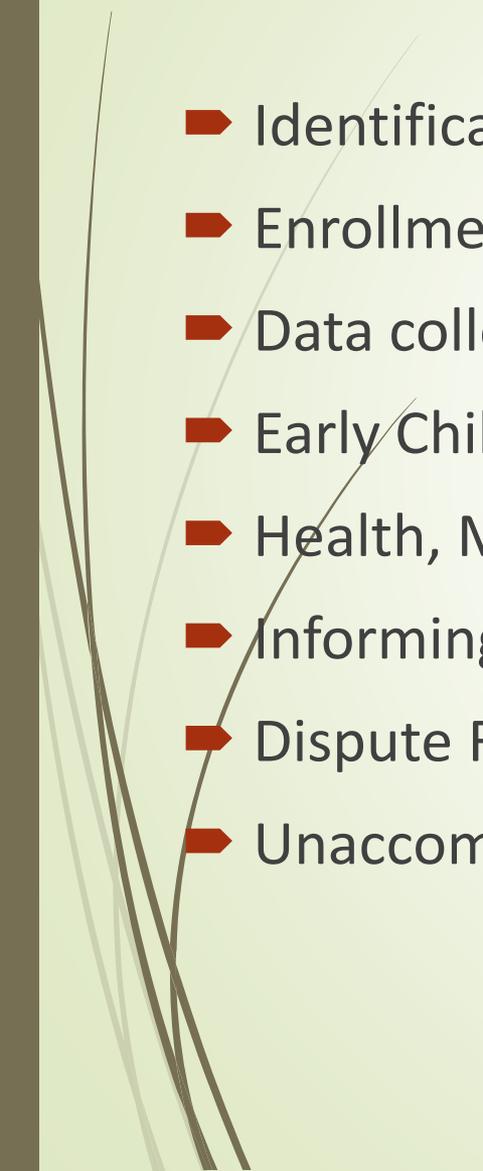
RATIONALE BEHIND THE PROGRAM



- Each time students change schools, they become further and further behind from their peers.
- Many homeless youth drop out of school because they feel they can never catch up.



MCKINNEY VENTO DISTRICT TEAM

- Identification
 - Enrollment & Success
 - Data collection and analysis
 - Early Childhood
 - Health, Mental Health & Dental Care
 - Informing Parents and Posting Rights
 - Dispute Resolution
 - Unaccompanied Youth
- 

DEFINITION

Lack a....

- FIXED
- REGULAR
- ADEQUATE

Nighttime residence





CODES

- 1= Sheltered
 - 2= Doubled-Up
 - 3= Unsheltered
 - 4= Hotel/Motel
 - 5=Accompanied
 - 6=Unaccompanied
- 



SHELTERED

- ▶ “are living in emergency or transitional shelters”

- ▶ Homeless Shelters

- ▶ Battered Women’s Shelters

- ▶ Transitional Living Facilities





Stopover, Inc.

A Crisis Service for Youth and Their Families



Crisis Intervention & Transitional Living for Ages 11-22
Runaway, Homeless and At-Risk Youth and Their Families

- Counseling
- Case Management
- Emergency Shelter for ages 13-17
- Transitional Living housing for ages 17-20
- Summer Enrichment
- Positive Youth Development
- Voluntary & Free

Phone: (317) 635-9301/Fax: (317) 635-9302

Visit our website at www.Stopoverinc.org/Follow us on Facebook: Stopover Indianapolis



DETERMINING ELIGIBILITY: FIXED, REGULAR, AND ADEQUATE

- **Fixed:** Stationary, permanent, and not subject to change
- **Regular:** Used on a predictable, routine, or consistent basis (*e.g., nightly*); consider the relative permanence
- **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

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



DETERMINING ELIGIBILITY: THE PROCESS

- ▶ **Step 1: Get the facts**
 - ▶ Utilize your residency questionnaires
- ▶ **Step 2: Analyze the facts**
 - ▶ Does the living situation fit into one of the specific examples of homelessness listed in the law?
 - ▶ Is the living arrangement another type of situation that is not fixed, regular, and adequate?

What do the facts tell me?

DETERMINING ELIGIBILITY: THE PROCESS

➤ Step 3: If you still have questions, get additional input

- Contact James Taylor, Director for Student/Social Service at 317 532-6190 or 6159
jtaylor2@warren.k12.in.us
- Contact the NCHE helpline at 800-308-2145 or
homeless@serve.org





SCHOOL SELECTION

Students experiencing homelessness have the right to attend one of two schools:

- ▶ Local Attendance Area School
- ▶ Any public school that students living in the same attendance area are eligible to attend
- ▶ School of Origin
- ▶ The school attended when permanently housed; or
- ▶ The school in which the student was last enrolled

SCHOOL SELECTION

- For school selection, a “**best interest**” determination must occur; ideally, the parents/guardians and school dialogue and come to an agreement; if there is a disagreement, the dispute resolution process is used
- Best interest: keep homeless students in their schools of origin, to the extent **feasible**, unless this is against the parent’s or guardian’s wishes
- Students can continue attending their school of origin the entire time they are homeless, and until the end of any school year in which they move into permanent housing
- If a student becomes homeless in between school years, he or she can continue attending the school of origin for the following school year



SCHOOL OF ORIGIN AND FEASIBILITY

- Feasibility factors listed in U.S. Department of Education Guidance:
 - The age of the child or youth
 - The distance of a commute and the impact it may have on the student's education
 - Personal safety issues
 - A student's need for special instruction (*e.g., special education and related services*)
 - The length of anticipated stay in a temporary shelter or other temporary location
 - The time remaining in the school year

DOUBLED-UP

“STUMPERS”: DOUBLED-UP



- Legislative wording: “Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason”
- Questions:
 - Why did the parties move in together? Crisis or by mutual choice as a plan for mutual benefit?
 - How permanent is the living arrangement intended to be?
 - Where would the family/youth live if not doubling up?
 - Is the living arrangement fixed, regular, and adequate?



UNSHELTERED

Cars, Parks, Public Spaces,
Abandoned Buildings, Substandard
Housing





HOTEL/MOTEL

- Due to the lack of adequate, alternative accommodations.

EDUCATING UNACCOMPANIED AND HOMELESS YOUTH



Students not with legal guardians

Educating Unaccompanied and Homeless Youth

- *Unaccompanied Youth.* The term *unaccompanied youth* includes a youth not in the physical custody of a parent or guardian.
- This would include youth living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing and children and youth denied housing by their families (sometimes referred to as “throwaway” children and youth) (Federal Guidance)

EDUCATING UNACCOMPANIED AND HOMELESS YOUTH



In 1938, Huey, Dewey and Louie are sent to live with Uncle Donald because their father was in the hospital and their mother, Della Duck (Donald's twin sister), could not care for them.

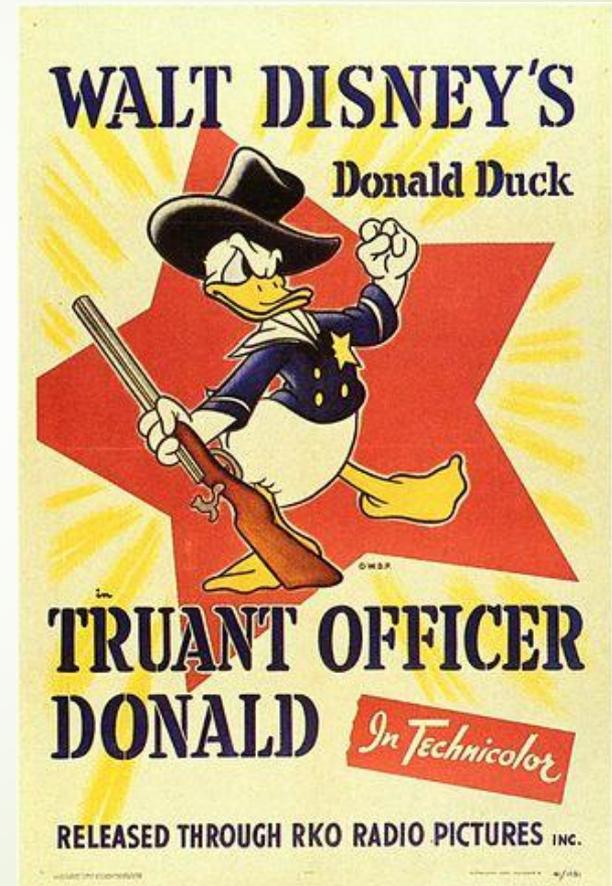
Homeless & Unaccompanied

EDUCATING UNACCOMPANIED AND HOMELESS YOUTH

By 1941, the boys had permanently moved in with Donald.

However, guardianship transfer was never sought.

Students not with legal guardians





EDUCATING UNACCOMPANIED AND HOMELESS YOUTH

- 1 in 10 report being raped
- 1 in 100 die each year, the vast majority from suicide
- 75% report at least one parent who abused drugs or alcohol
- 20-40% were sexually abused in their homes
- 40-60% were physically abused
- Many youth have been thrown out because of their sexual orientation (20-40% identify as LGBT)
- 10% of currently homeless female teenagers are pregnant



DISPUTE RESOLUTION

- Written Explanation of the Decision
 - Immediate Enrollment While Dispute is Resolved
 - All Services While Dispute is Resolved
 - Arrangements at the Same School
 - Sample Letter Available on Warren's webpage
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DISPUTE RESOLUTION

Written notice should include:

- Contact information for the local homeless education liaison
- A simple, detachable form that parents, guardians, or unaccompanied youth can complete and turn in to the school to initiate the dispute resolution process; the school should copy the form and return the copy to the parent, guardian, or youth for their records when it is submitted.
- A step-by-step description of how to dispute the school's decision
- Notice of the right to enroll immediately in the requested school pending resolution of dispute
- Notice that "immediate enrollment" includes full participation in all school activities
- Sample Letter

IMPORTANT DOCUMENTS

- McKinney-Vento Federal Guidance
- Annual Transportation Letter
- Nutrition Letter Forms:
- Homeless Questionnaire
- McKinney Vento Enrollment Form
- Third Party Custodial Guardianship
- Foster Care Form
- Temporary Residency
- McKinney Vento Dispute Resolution Forms
– On line or contact your building level administrator or the Warren Educational Service Center
- Home Under Construction Form
- Custody Receipt Form



POINT-IN-TIME COUNT/MID YEAR EVALUATIONS DOE AND END OF THE YEAR REPORT

A Homeless Point-In-Time Count is conducted midway through the school year. A report for the Indiana Department of Education is generated at the end of the year by the Homeless Liaison office with the cooperation of all of the school's in the district including the transportation department. Please keep accurate records throughout the school year.



NUTRITION

- Automatic Eligibility
- Step one at the end of application check box
- Administrator sign and date
- Immediate notification of Free/Reduced Lunch personnel
- Remove barriers and embarrassment
- Some schools give student a card for the day to give to the cafeteria worker

DISTRICT RESPONSIBILITIES

- District Liaisons are responsible for educating stakeholders and expediting school enrollment for McKinney-Vento qualifying youth.
 - Even if the student is missing a birth certificate or other identification.
 - Even if the student is missing medical records or has not been immunized.
- The student has the right to stay at his/her school of origin, even if they are no longer living within the school's boundaries.





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 understand and/or agree with all aspects of a student's home life to educate him/her

Enrollment

- Immediate Enrollment
- Even if Lacking Proper Paperwork
 - Proof of Residency
 - Guardianship
 - Immunizations
 - Birth Certificate
 - School Records
- McKinney-Vento Act:
- Dispute Resolution

MSD Warren Homeless Education Webpage

- http://www.warren.k12.in.us/academic_growth and recovery
- Liaisons
- Enrollment Provisions
- Dispute Resolution
- Immunizations
- Academic Growth and Recovery
-and more

Identification-Evaluation & Tracking

- ▶ All names of families should be put in TEMS immediately at the school of enrollment
- ▶ Evaluate the Housing Status of All Students at a Regular Interval
- ▶ Student Residency Questionnaires
- ▶ Incomplete or Confusing Forms will be returned



TRANSPORTATION

- School of Origin

- The term 'school of origin' means the school that the child or youth attended when permanently housed **OR** the school in which the youth was last enrolled.

TRANSPORTATION



- *Final approval must come from the school administrator on all identified McKinney Vento enrollments or changes.*
- If student's parent/guardian determine that it is in the student's best interest to continue his or her education in the school of origin, then the school district must provide or arrange transportation to and from the school of origin, at the request of the parent or guardian (*or in the case of an unaccompanied homeless youth, at the request of the Homeless Liaison*).
- If the student's temporary residence and his/her school of origin are in the same school district, that school district must provide or arrange the student's transportation to and from the school of origin.

TRANSPORTATION CONT.



- ▶ If the student is living outside of the school of origin's school district, the school district where the student is staying and the school of origin's school district must determine how to divide the responsibility and/or equally (*determine by the Homeless Liaison and Transportation Department*).

DETERMINING FEASIBILITY

- Related to Enrollment and Transportation
- More Factors Than Distance
- Case by Case Basis
- Written Notice for Denial
- Dispute Resolution
- Keep Records



KEY PROVISIONS IMPACTING FOSTER YOUTH

- School of origin: State plans must include assurances that foster youth be enrolled or remain in their school of origin, unless there is a determination that it is not in their best interest to do so. Factors in determining best interest include proximity and appropriateness of the educational setting.
- Immediate enrollment: When a foster youth does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether the youth can produce the records typically required for enrollment.



FOSTER YOUTH CONT.

- Records transfer: When a foster youth changes schools, the enrolling school must immediately contact the previous school to obtain academic and other records.
- State-level point of contact: State education agencies must designate a point of contact for child welfare agencies; this may not be the same person as the state's McKinney-Vento coordinator.



COMMON CONCERNS

- After School- Comparable
- SPED- Comparable
- Pre-School- Comparable
- Discipline- Comparable & Written Policy
- No Transportation-Still Must Provide
- Field Trips/ Testing- Use other funds, Title-I

PROVISION OF APPROPRIATE SERVICES CONT.

- Homeless students may be eligible for the following services as determined by the Dean or Assistant Principal:
- A child with an IEP (Individualized Education Plan) needs to be enrolled immediately in like special educational services. Contact Special Education Program Coordinator secretary with the student contact information.
- Migrant Education: Liaison to connect with Migrant Education Coordinator.
- English Language Learners (ELL) Program: Eligibility to be determined by Administrator.

OTHER SERVICES VIA TITLE I, PART A-SET ASIDE

- School Supplies
- Health Related Needs
- Field Trip Costs
- School Uniforms/Clothing
- Tutoring/Educational Aides
- AGR
- Transportation



WHAT CAN WE DO?

- We can provide McKinney-Vento students and their families with:
 - Mental Health Services
 - Family Therapy Referrals
 - Links to Community Resources



**Thank you for all you've done with
our students**

Most importantly, treat all families
with respect, dignity, & the Golden
Rule

Warren Township Schools

SCALE

In addition to the score of 3.0, participants will be able to fully implement the McKinney-Vento Act identification procedures and provide guidance to other staff on homeless education issues.

Participants will demonstrate understanding of the key provisions (Identification, immediate enrollment, school selection, transportation, and dispute resolution) as it pertains to homeless students and apply the information to real life scenarios.

Participants will identify key provisions of the McKinney-Vento Act and implement basic processes but, lack ability to fully implement the law.

Participants will demonstrate partial understanding of the McKinney- Vento Act's main themes.

There is no understanding of the McKinney-Vento Act or provisions.



FOR MORE INFORMATION

NCHE website: www.serve.org/nche

NCHE helpline: 800-308-2145 or homeless@serve.org

NCHE National Partner:

National Association for the Education of Homeless Children and Youth (NAEH CY):

www.naehcy.org

The National Law Center on Homelessness & Poverty

Phone: 202 638-2535 or <http://www.nlchp.org>