

McKinney Vento and Homelessness Eligibility: Looking at the Grey Area



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History McKinney-Vento Homeless Assistance Act

- Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)
 - Signed into Law 1987
 - Reauthorized in 2002

Key Provisions

- States are prohibited from segregating homeless students in separate schools, separate programs within schools, or separate settings within schools. [722(e)(3)(A)]
- Local educational agencies (LEA) will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties... [722(g)(1)(J)(ii)]

Key Provisions cont.

Local Education Agency Liaison must ensure that....

- (i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies... [722(g)(6)(A)(i)]
- Homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services; [722(g)(6)(A)(iii)]

Purpose of McKinney-Vento

- The McKinney-Vento Law was designed to address the problems that students and families experiencing homelessness faced when enrolling, attending, and succeeding in school

Who Is Homeless

- An individual who lacks a *fixed, regular, and adequate* nighttime residence, including children and youth :
 - *Sharing housing* due to loss of housing or economic hardship
 - Emergency or transitional shelters

Who Is Homeless cont.

Motels, hotels, trailer parks, or campgrounds.
Cars, parks, public places, bus or train stations,
abandoned buildings.

Any public or private place not designed for,
or ordinarily used as, regular sleeping
accommodations.



How to Make a Homeless Determinations

Student's Experiencing Homelessness Have the Right To Attend School

- McKinney-Vento Liaisons look at fixed, regular and adequate nighttime residency to make the determination.
 - **Questions to Ask:**
 - Was there a loss of permanent housing?
 - Was the family forced out due to economic hardship?
 - **Key Indicators:**
 - How the family lost their housing?
 - What is their current housing situation?
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Defining Adequate Night Residency

- An adequate residence is one that is sufficient for meeting both the physical and psychological needs of a family
- Sufficient for a specific requirement for family living:
 - adequate privacy,
 - adequate space,
 - adequate security,
 - adequate lighting and ventilation,
 - adequate basic infrastructure and
 - adequate location and basic facilities

What About Poverty?

- Is extreme poverty, homelessness?

Informal Kinship

- Does informal Kinship meet the definition of homelessness????

Why are so Many Children in Out of Home Placements

Due To

- Family Economic Hardship
- Parent's Illnesses
- Parental Substance Abuse
- Lack of Adequate Space for All Family Members

Due To

- Incarceration of Parent/ Caregiver
- Deportation
- Child abuse or Neglect

Who Taking Care of These Children

Caregivers

- May or may not have legal guardianship
- May be only providing the student a place to sleep
- Varying degrees of caretaking for students
- Medical records, including immunization records or tuberculosis tests not available to caregiver
- May or may not provide financial support to student

Definition of McKinney Vento

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (per Title IX, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act) defines homeless as follows:

The term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1));
and

(B) includes--

(i) 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;*

Definition of McKinney Vento cont.

- (ii) 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 (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) 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 (i) through (iii).

Definition of Kinship Care

- An adult relative providing temporary kinship care when then parents are unable to care for the child
- May include “fictive Kin”
- School divisions have options on what documentation can be asked for
- Lots of “Mays” not “Musts ”for schools, including DSS involvement, written consent from parents, Power of attorney
- Not solely for school purpose is key element

Where does McKinney-Vento Fits In

- Assessment for homeless status should be done when children are not with parents or legal guardian
- Assess for Fixed, regular, and adequate
- CASE by CASE determinations are necessary

Assessment Process for Kinship Care

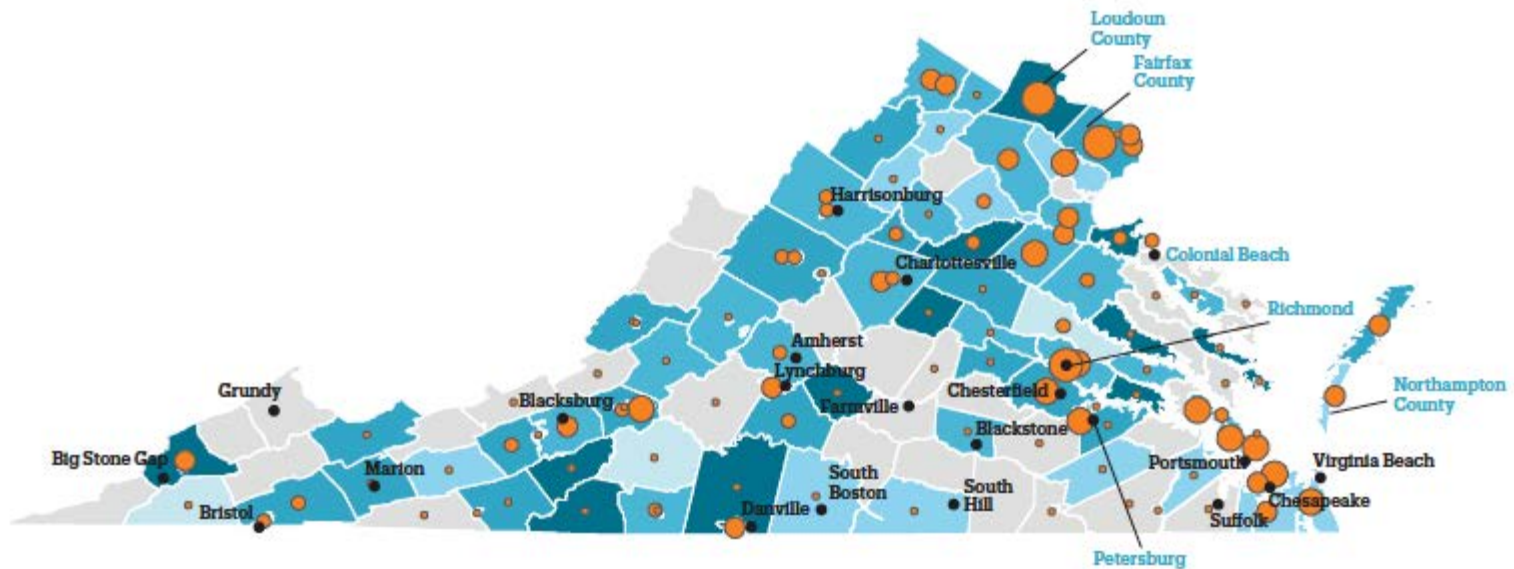
- Look at the nature of the relationship to the caregiver
- Look at the prospective length of time
- Identify the “loss” of housing
- Is this arrangement due to hardship?
- Is the living situation adequate for the child?

Examples

- Interstate compact : some are kin, but does not automatically qualify as kinship care, some are pre adoptive
- Always in foster care with interstate compact
- Other state pays tuition, unless placed pursuant to adoption
- Six month wait for custody

Case Determination

Virginia Has Almost 18,000 Students Experiencing Homelessness Statewide



Questions & Answers



helping
children
to succeed