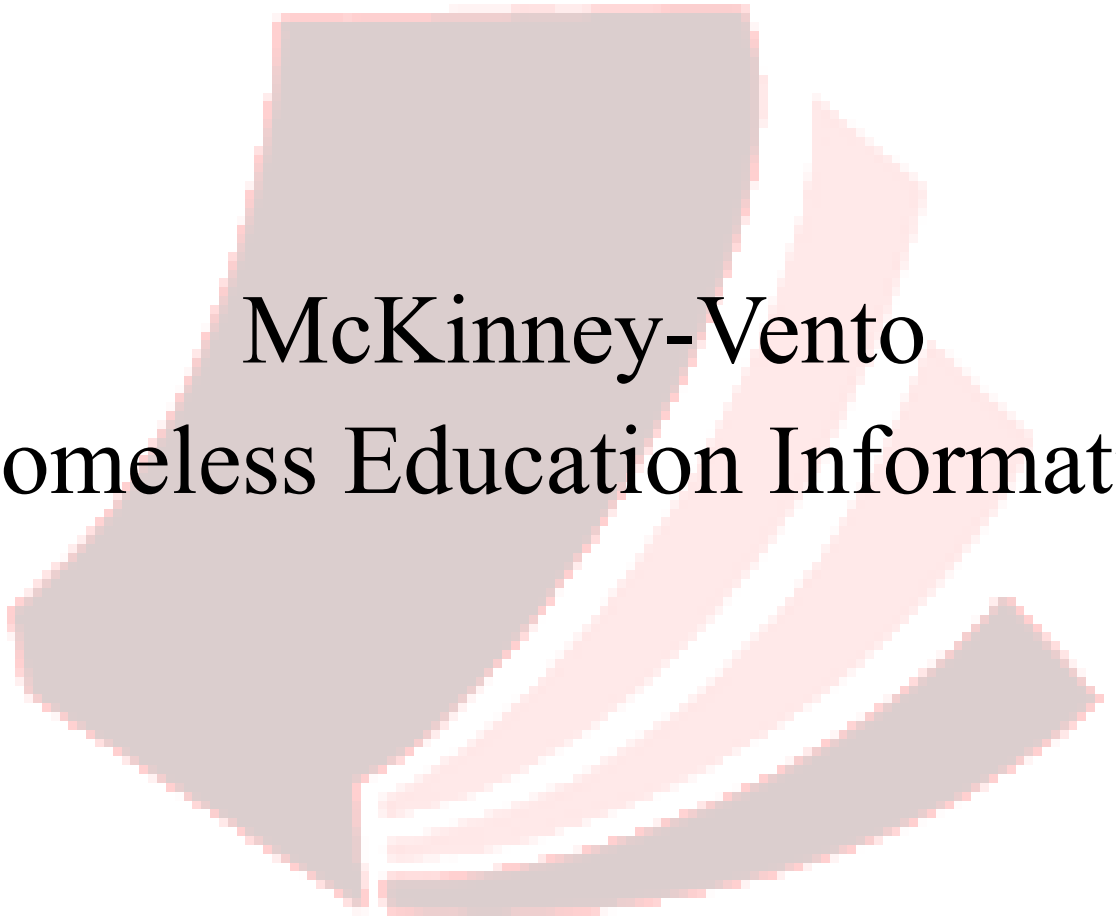
Regional Office of Education #11



McKinney-Vento
Homeless Education Information

Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, & Shelby Counties

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McKinney-Vento Homeless Education Information

Most Frequently Asked Questions

- **Do school districts have the responsibility to identify children and youth experiencing homelessness?**
  A: Yes. Every school district must designate a homeless liaison.
- **Is there any guidance on what "fixed, regular, and adequate" residence means?**
  A: See last page for homeless definition.
- **Is there a limit on how long a child or youth can be considered homeless?**
  A: No. There is no timeline to be considered homeless. After 18 months the school can reassess the determination.
- **What criteria should be used to determine if housing is "substandard"?**
  A: Does it lack fundamental utilities such as water, electricity, or heat; bug or rodent infested; functional kitchen or toilet; or present any unreasonable dangers?
- **Are children and youth who live in trailer homes or trailer parks covered by the MKV Act?**
  A: Case-by-case basis. Refer to "fixed, regular, adequate".
- **Are children and youth who move in with relatives, friends, or other people covered by the MKV Act?**
  A: Yes, if they are doubled up for economic reasons.
- **Can children or youth be considered homeless if their parents sent them to live with other people because the parents are too poor to provide them an adequate home? Is the answer the same if the parents do not live in the U.S.?**
  A: Yes, and yes.
- **In the event that a parent is urgently hospitalized, and the child moves temporarily to another town with a relative, should we consider the child to be homeless?**
  A: Possibly. It would depend on the anticipated length of stay in the hospital.
- **If parents send their children to live with friends or relatives because they want their children to go to another school, do we treat the children as homeless?**
  A: No.
- **Are transitional housing programs considered a homeless situation?**
  A: Yes.
- **Are children in foster care covered by the McKinney-Vento Act?**
  A: No. ESSA 2015 removed "awaiting foster care" from the definition of the McKinney-Vento Act.
- **Do child welfare agencies have responsibilities for the school enrollment, attendance, and stability of all children and youth in foster care?**
  A: Yes.
- **Can incarcerated youth qualify for McKinney-Vento protection and services?**
  A: Possibly. If they were eligible prior to incarceration, then they remain eligible for the entire school year.

- **Does incarceration qualify youth for McKinney-Vento services?**
  A: No.
- **Does the family's/youth's income affect whether they are covered by the act?**
  A: No.
- **Are students displaced by a disaster covered by the McKinney-Vento Act?**
  A: Yes, if they meet eligibility requirements under the law.
- **What are some identification strategies to locate children and youth displaced by disaster?**
  A: Collaboration with local relief agencies and disaster relief teams.
- **Are migrant students covered by the McKinney-Vento Act?**
  A: Yes, if they are living in a homeless situation.
- **Are immigrant students covered by the McKinney-Vento Act?**
  A: Yes, if they are living in a homeless situation.
- **What age does the McKinney-Vento Act cover?**
  A: 21 and under.
- **If a student experiencing homelessness was not identified by the school district as McKinney-Vento eligible until the student found permanent housing, is the student entitled to McKinney-Vento supports and services for the rest of the school year?**
  A: Yes.
- **What are the LEAs' responsibility for advising families and youth about their rights if they don't identify or consider themselves as homeless?**
  A: School districts must explain the rights and if the family chooses to not take advantage of the services that is their choice.
- **Is there any procedure in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?**
  A: Yes. Enroll, then investigate. The liaison's duty is to properly identify. LEAs cannot require proof of residency to be provided.
- **If a student or family is considered homeless for education purposes according to the McKinney-Vento Act, then do they qualify for services like housing, food, etc. from other agencies?**
  A: Can vary locally.
- **Does every LEA have to have a liaison?**
  A: Yes. All school district liaisons are listed on the ISBE website.
- **What are the liaison duties?**
  A: To identify homeless children and youth, ensure these students have full and equal opportunity to succeed in school, ensure enrollment disputes are mediated, inform families and youth about transportation services, ensure other school personnel receive professional development on the MKV Act, and receive training themselves.
- **How can an LEA ensure that the liaison is "able to carry out" his or her duties?**
  A: Liaisons must have sufficient time to do their job effectively and timely.

- **What is meant by the term "school of origin?"**
  A: Defined as the school the student attended when last permanently housed or the school (including preschool) in which the student was last enrolled.
- **What factors should be considered for keeping children at their school of origin?**
  A: Must be in the best interest of the child. Keeping them in the school of origin is presumed as best interest unless it is against the parent, unaccompanied youth, or guardian's wishes.
- **Are there additional factors that should be considered for keeping preschool aged children at their preschool of origin?**
  A: Same best interest factors as above in addition to the consideration of how these changes, such as a long commute and a change in classroom teacher, may impact these young children differently than older children.
- **How long can a student attend his or her school of origin?**
  A: For the duration of their homelessness, even if it extends over multiple school years.
- **What is the school of origin for a student who becomes homeless, enrolls in a new school near the temporary housing, and then moves again to a third attendance area?**
  A: In this situation, it can either be the first school in which the student was enrolled or the school in which the student was last enrolled.
- **In the event that a child's temporary housing is located in a different LEA from the school of origin, which district is financially responsible for the child's education?**
  A: The McKinney-Vento Act does not address the cost of education for the child, with the exception of transportation. Typically, the cost would go to the district that is receiving state and federal funds for that student. In regards to transportation, LEAs must agree on the cost and method. If an agreement cannot be reached, then the costs shall be split equally between the two districts.
- **If a student finds temporary housing across state lines from the school of origin, does the McKinney-Vento Act still apply?**
  A: Yes.
- **If a student is out of school for an extended period of time, does the student still have the right to go to the school of origin?**
  A: Yes.
- **Are SEA and LEA run GED programs covered by McKinney-Vento? Can a GED program be considered a "school of origin"?**
  A: Yes, and yes. Homeless students must receive comparable services to housed students.
- **Sometimes a student in a homeless situation will enroll in a new school because the parent, guardian, or unaccompanied youth was not informed of the student's right to remain in the school of origin. In that case, does the student still have the right to go back to the school of origin?**
  A: Yes.

- **What if placing a student in a school the parent requests would violate a school desegregation order?**
  A: The LEA should follow the McKinney-Vento Act.
- **If a student becomes homeless and wants to enroll in a school for which other students living in the same attendance area are eligible under a school choice program, can the student enroll there? Is transportation required? What about other services?**
  A: Yes, and yes. The LEA must provide comparable services that are provided to housed students.
- **If a family with more than one child becomes homeless, and the children would like to attend school in different LEA. (ex. One child remains in school of origin and one child attends a local school.) Does the family have that right?**
  A: Yes.
- **Can a distance learning course be considered a school of origin?**
  A: Yes, if this course was offered by an LEA or SEA as part of the public school system.
- **Under what circumstances must an LEA provide adequate and appropriate transportation to school for students experiencing homelessness?**
  A: 1. to school of origin upon the request of a parent, guardian, or unaccompanied youth; 2. provide transportation comparable to that provided to housed students; 3. eliminate barriers to school enrollment and attendance.
- **How far is too far to travel to school of origin?**
  A: Not specified but must consider what is in the best interest of the child or youth.
- **Is transportation required if the school of origin is in another LEA?**
  A: Yes.
- **If a student is crossing district lines to remain at the school of origin, which district has primary responsibility to arrange and fund the transportation?**
  A: The responsibility is divided, and transportation must be provided without delay.
- **When two states are involved in a dispute regarding provision of transportation and the LEAs in either state refuse to pay the cost, is there a provision for a federally enforced resolution?**
  A: If needed, the state coordinators should be consulted to assist and mediate in this situation.
- **Can an LEA reimburse parents to transport their children? Can an LEA reimburse youth who are transporting themselves?**
  A: Yes, and yes. U.S. Dept. of Ed. Suggests developing a system of providing vouchers, gas cards, or mileage reimbursement as a cost-effective means to meet the district's obligation.

- **Does providing or arranging for transportation mean door-to-door, similar to transportation for students receiving special education services?**
  A: Generally, no, as long as the mode of transportation does not present a barrier to the child's attendance in school.
- **Does providing access to public transportation qualify as providing transportation?**
  A: Yes, if it is adequate and appropriate.
- **If a district doesn't offer transportation to summer school for any students, does it have to provide summer school transportation for students in homeless situations?**
  A: Generally, no, unless attendance is required for the student to pass to the next grade level.
- **Is transportation required while a dispute is being resolved?**
  A: Yes, to the extent it would be required if there were no dispute.
- **If a student's temporary housing is across state lines from the school of origin, is transportation still required?**
  A: Yes.
- **How does the McKinney-Vento Act interact with state or local transportation policies related to safety, inter-district transportation, and other issues?**
  A: The Federal McKinney-Vento Act supersedes conflicting state and local laws and policies.
- **How immediate is immediate enrollment?**
  A: Without delay which means the same or following day enrollment.
- **Can schools require verification or proof of residency?**
  A: No.
- **Can schools or anyone affiliated with the school contact a landlord, leaseholder, housing authority, or anyone else to discuss a student's or family's living situation?**
  A: No.
- **How can schools verify age for enrollment in kindergarten without a birth certificate?**
  A: Enroll, then work with the family to obtain one. Other types of documents such as medical records, baptismal records, or a statement signed by the parents would suffice until the birth certificate is obtained.
- **If we enroll a student who is homeless without requiring proof of immunizations, aren't we putting the entire school at risk?**
  A: Not really. Most students in school have been immunized and will not be at risk. Also, most homeless students have had to provide health records at the previous school and should be easily obtained.
- **If we enroll a student who is homeless without requiring school records, how do we know the child was not suspended or expelled from the previous school?**
  A: The enrolling school should call the previous school to get some basic information about the student prior to him/her going to class.

- **Can the previous school transfer records to the new school without a parent's signature?**
  A: Yes.
- **Can a previous school refuse to send records due to fees owed for textbooks, etc.?**
  A: No. This would create a barrier for enrollment.
- **How can a school determine what classes or services to provide a student if there are no school records?**
  A: The enrolling school must enroll immediately and contact the previous school for records.
- **If a state or LEA has zero tolerance rules for absences, how do those apply to students in homeless situations?**
  A: The McKinney-Vento Act requires states and LEAs to review and revise policies to remove barriers for homeless children and youth.
- **If a student in a homeless situation seeks enrollment in a magnet or alternative school, but the enrollment deadline for that school has passed, what may the McKinney-Vento liaison do to ensure that the student receives appropriate services?**
  A: If the magnet or alternative school serves other youth living in the same attendance area, and the youth meets the attendance criteria, he or she must be allowed to enroll.
- **How should a school handle the enrollment of a youth in a homeless situation who was recently involved in a criminal act?**
  A: If the liaison discovers the youth has been involved in criminal activity, district policies relating to students with a criminal background would take effect.
- **What if a child has been abducted? If the enrolling school does not require proof of guardianship, how will abducted children be found?**
  A: If there is legitimate cause for concern, contact the police and Child Protective Services.
- **Must LEAs publicize information about the McKinney-Vento Act?**
  A: Yes. Posters must be displayed at enrollment centers and district handbooks and websites should also include information regarding the McKinney-Vento Act.
- **Does the McKinney-Vento Act define the term "enroll" or "enrollment"?**
  A: Yes, enrollment is defined as attending classes and participating fully in school activities.
- **How does the McKinney-Vento Act define "unaccompanied youth"? Is there an age range?**
  A: Unaccompanied youth is defined as a homeless child or youth not in the physical custody of a parent or guardian. The MKV Act does not provide an age range.
- **Is there an age limit on serving secondary students?**
  A: It applies to children and youth age 21 and under. Generally, it covers students until high school graduation. For special education students, federal law provides the right to access services until the age of 22.

- **Must schools enroll youth in school without proof of guardianship?**
  A: Yes.
- **Can a school require a caregiver to get legal guardianship to enroll a student in school?**
  A: No.
- **Who can make educational decisions for an unaccompanied youth?**
  A: Any individual acting as a parent in the absence of a parent or guardian. This could be the liaison.
- **Do schools have to contact the police when enrolling unaccompanied youth?**
  A: No.
- **What if an unaccompanied youth gets injured in school? How will the child receive medical care without a parent? Will the school be liable?**
  A: Contact the local emergency room and they can treat the youth. By exercising reasonable care, the school can help protect itself from liability.
- **If a runaway youth would just follow their parents' rules, they could live at home; why should we encourage their bad behavior?**
  A: It is not our job to judge, we are here to educate. We don't know what goes on behind closed doors.
- **How can schools minimize unaccompanied youth's contact with juvenile and criminal justice systems?**
  A: LEAs must ensure that practices and policies are in place to ensure the same free, appropriate public education is provided to homeless children and youth as provided to others.
- **What steps should LEAs take to revise the laws and policies in their communities that serve as barriers to the identification, enrollment, attendance, and success of homeless students?**
  A: Liaisons need to be active in their community and know the available resources.
- **How can the Runaway and Homeless Youth Act help unaccompanied youth?**
  A: It contains a Basic Center Program that supports emergency shelters for up to 15 days for unaccompanied youth under 18 years old, it supports Transitional Living Programs, and it contains outreach programs and services to youth on the streets.
- **Does the requirement for immediate enrollment include enrollment in optional enrichment programs, gifted programs, extended-day programs, and other supplemental services?**
  A: Yes. Enrichment programs and other supplemental services are school activities.

- **Should students in homeless situations be exempt from residency and attendance rules for participating in school sports (for example: rules requiring school residency or attendance for a semester before being eligible for sports at that school)?**
  A: Yes, all barriers must be removed, and students allowed to participate fully in school activities, including sports.
- **What if children experiencing homelessness cannot pay fees associated with extracurricular activities, such as club dues, sports uniforms, etc.?**
  A: All fees should be waived including extracurricular fees. They can be paid through donations or district funds.
- **If a youth has not been in a school and tries to enroll mid-semester, what obligation does the school have to enroll the student and give him/her credit for the work they do in the remainder of the semester? If the youth has been attending another school, what obligation does the enrolling school have to give him/her credit for partial coursework at the prior school?**
  A: All barriers must be removed, and liaisons need to award partial credit or work with the previous school to calculate and award partial credits.
- **Is there any obligation to provide education services to a student who is homeless and is expelled from school due to behavior?**
  A: No, as long as students are not being disciplined or penalized for behavior that is related to their homelessness.
- **Can students who are homeless receive free school meals without documenting income? What about students with an outstanding balance of unpaid school meal fees?**
  A: Yes. And yes. Unpaid fees may be waived or paid out of other funds.
- **To what extent should services for dental, medical, and other such needs be provided for children experiencing homelessness?**
  A: To the extent that such services are available at school. Liaisons are required to provide referrals for health, mental health, dental, housing, and other appropriate services outside of school.
- **What things should schools do to ensure safety and privacy for students impacted by domestic violence?**
  A: Schools must work with parents to ensure safety, confidentiality, sensitivity, and appropriate services.
- **What obligation do private schools have under the McKinney-Vento Act? If the school of origin is a private school, must the student be allowed to continue attending?**
  A: The McKinney-Vento Act does not apply to private schools that are entirely privately funded. Therefore, private schools are not required to allow children who become homeless to continue to attend or to provide transportation.

- **Does the McKinney-Vento Act apply to charter schools?**
  A: Yes.
- **If a McKinney-Vento student wishes to enroll in a charter school after the deadline or lottery has passed, and the applicable class in the school is now full, does the school have to go over its legal enrollment limit to enroll the student?**
  A: No, but the school should take steps to remove the barrier of enrollment deadlines and lottery timing.
- **In a situation where students stay at a shelter for only a short period of time, can a district provide a teacher to teach at the shelter?**
  A: No. The McKinney-Vento Act prohibits segregating homeless students and no public funds may be used to support separate education for homeless students.
- **The McKinney-Vento Act says that its funds can be used to provide services to children experiencing homelessness in a separate setting within a public school, only "as necessary" for short periods of time for "health and safety" emergencies or to "provide temporary special and supplementary services." What do those terms mean?**
  A: McKinney-Vento Act funds must expand or improve upon services provided as part of a school's regular academic program and cannot replace regular academic services.
- **Does the McKinney-Vento Act contain procedures for resolving disputes?**
  A: Yes.
- **Does the McKinney-Vento liaison have to be the person listening to the grievance procedure?**
  A: It is best practice.
- **Does the state coordinator need to be involved in resolving disputes?**
  A: Yes. Contact your regional liaison first, and they will be responsible for contacting the Area Liaison and State Coordinator.
- **Must schools provide transportation during disputes?**
  A: Yes.
- **Does the McKinney-Vento Act apply to LEAs that are not receiving funding?**
  A: Yes, this act applies to every local educational agency in every state receiving federal funds.
- **If my state or local law conflicts with the McKinney-Vento Act, am I supposed to follow the McKinney-Vento Act?**
  A: Yes, it is a federal law.
- **If an LEA does not follow the law, is there a penalty?**
  A: Yes, if schools are noncompliant, federal funds could be withheld.
- **Do special education laws explicitly refer to students experiencing homelessness?**
  A: Yes, the IDEA Act states that children with disabilities experiencing homelessness are identified, located, and evaluated.

- **Do students receiving special education who are homeless have the right to remain in their school of origin?**
  A: Yes.
- **If a student receiving special education services becomes homeless and elects to remain in the school of origin, who pays for transportation?**
  A: If the student's IEP includes transportation as a related service, then IDEA funds can be used to provide transportation. If the service is not included in the IEP, both school districts will have to come to an agreement or divide the costs equally.
- **Must schools immediately enroll students receiving special education who are homeless?**
  A: Yes.
- **Must schools provide special education services immediately to students experiencing homelessness who have IEPs from another district or state?**
  A: Yes, the school district can either adopt the previous IEP or implement a new one at an IEP team meeting.
- **How can a school determine what services to provide a student receiving special education, if there are no school records?**
  A: Enroll and contact the previous school to get as much information as possible while records are being sent.
- **If a student changes LEAs while special education evaluations are underway, must the new LEA continue the evaluation process?**
  A: Yes. The 60-day timeline does not restart, and LEAs must make every effort to continue this process.
- **If an unaccompanied youth is under 18, who signs for special education services?**
  A: Any adult acting in the place of a parent, or a surrogate parent assigned by the school. A surrogate cannot be a school employee who might have a conflict of interest.
- **If a student's poor academic achievement may be attributed to his or her homelessness, does that mean that an LEA should not evaluate for special education?**
  A: No. IDEA requires the evaluation process to take place and then it can be determined if lack of instruction due to homelessness is causing the child's poor achievement.
- **If a student who is in a private day placement pursuant to an IEP becomes homeless and moves into temporary housing in a neighboring LEA, which LEA must pay for the placement? What if the LEA where the student has moved does not believe the placement is necessary?**
  A: The student has the right to remain in the school of origin, therefore has the right to remain in the private day placement.

- **Are children and youth in homeless situations eligible for Title I, Part A services? What if they are succeeding in school?**
  A: Yes, all eligible children and youth are automatically eligible for Title I, Part A services.
- **If a student experiencing homelessness attends a school that does not receive Title I, Part A funds, how does the student receive services?**
  A: Every LEA that receives Title IAQ funds is required to set aside a portion of its allotment to support homeless students who attend schools that do not receive Title IA funds.
- **Is there a formula for calculating Title I, Part A set-asides?**
  A: No, however, it must be sufficient to provide comparable services to assist homeless students.
- **Can Title I, Part A funds be used to fund transportation?**
  A: Yes.
- **Can Title I, Part A set-asides be used to fund McKinney-Vento liaisons?**
  A: Yes.
- **What can Title I, Part A funds NOT be used for?**
  A: These funds cannot be used for services that are part of the core services provided by public schools and services that schools are required to provide even in the absence of Title I funding, such as fees that are waived under LEA policies. Title funds also cannot be used for rental assistance, prom expenses, yearbooks, class rings, etc.
- **Does the McKinney-Vento Act define the term pre-school?**
  A: Early childhood educational programs for children aged 0-5 funded through tax dollars or other public funds.
- **Are children experiencing homelessness automatically eligible for pre-school programs?**
  A: Yes, and should be given priority on waiting lists.
- **How do the McKinney-Vento Act requirements apply to pre-school children?**
  A: An LEA must meet the McKinney-Vento requirements and ensure the homeless child remains in the school of origin, unless a determination is made that it is not in the child's best interest.
- **Does the McKinney-Vento Act require transportation to the school of origin for preschool aged children?**
  A: Yes, transportation must be provided as long as remaining in the school of origin remains in the child's best interest.
- **Can LEAs use McKinney-Vento and Title I homeless set-aside funds to serve preschoolers experiencing homelessness?**
  A: Yes.

- **Are children experiencing homelessness eligible to participate in Head Start and Early Head Start?**
  A: Yes.
- **What can liaisons do to fulfill their duty to ensure that homeless families have access to and receive Head Start and Early Head Start?**
  A: Liaisons can assist families to enroll in Head Start.
- **Can students experiencing homelessness request waivers of fees for SAT and ACT testing and college applications?**
  A: Yes, school counselors should be familiar with these waiver procedures.
- **What must an LEA do to help prepare youth experiencing homelessness for college?**
  A: Liaisons and guidance counselors should provide information regarding college readiness, selection, the application process, financial aid and if needed, help the student complete the FAFSA application.
- **Can unaccompanied youth apply for federal financial aid (FAFSA) without providing information about their parents' income and their parents' signature?**
  A: Yes, with the verification of the homeless liaison or a shelter provider.
- **Who can make a determination of homeless and unaccompanied status once a youth is no longer in high school?**
  A: A local liaison can still make this determination as long as he or she has access to the information necessary for that particular youth.
- **What address should a youth experiencing homelessness use on the FAFSA and college applications?**
  A: A safe, reliable address where they will be able to retrieve mail on an on-going basis. This could be an address of a relative or friend or the school's address.
- **What is the difference between the definition of homelessness used by HUD and McKinney-Vento?**
  A: HUD's definition is more restrictive due to it excluding families and youth who are doubled up with others due to loss of housing and economic hardship, as well as families who are staying in motels that are not paid for by government agencies or charities.
- **Can LEA liaisons determine whether a family or youth is homeless according to HUD's definition of homelessness?**
  A: Yes.
- **Does meeting the HUD definition of homelessness mean that a family or youth will receive HUD homeless assistance housing or services?**
  A: No, many local projects funded by HUD have additional eligibility requirements.
- **Are HUD-funded homeless assistance programs required to coordinate with LEAs to enroll children and youth in schools and early childhood programs?**
  A: Yes. Continuum of Care applicants are required to demonstrate that they are collaborating with LEAs to assist in the identification of homeless families as well as informing them of available services.

Glossary of Terms

CPS – Child & Protective Services
ESSA – Every Student Succeeds Act
FAFSA – Free Application for Federal Student Aid
FERPA – The Family Educational Rights & Privacy Act
GED – General Education Development
HUD – U.S. Dept of Housing & Urban Development
IDEA – Individuals with Disabilities Education Act
IEP – Individualized Education Plan
LEA – Local Education Agency
RTI – Response to Intervention
SEA – State Education Agency

"Homeless" Definition

The term "homeless children and youth"

(A) Means individuals who lack a fixed, regular, and adequate nighttime residence and

(B) Includes –

(i) children and youth 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 campgrounds due to the lack of alternative accommodations: are living in emergency or transitional shelters; are abandoned in hospitals;

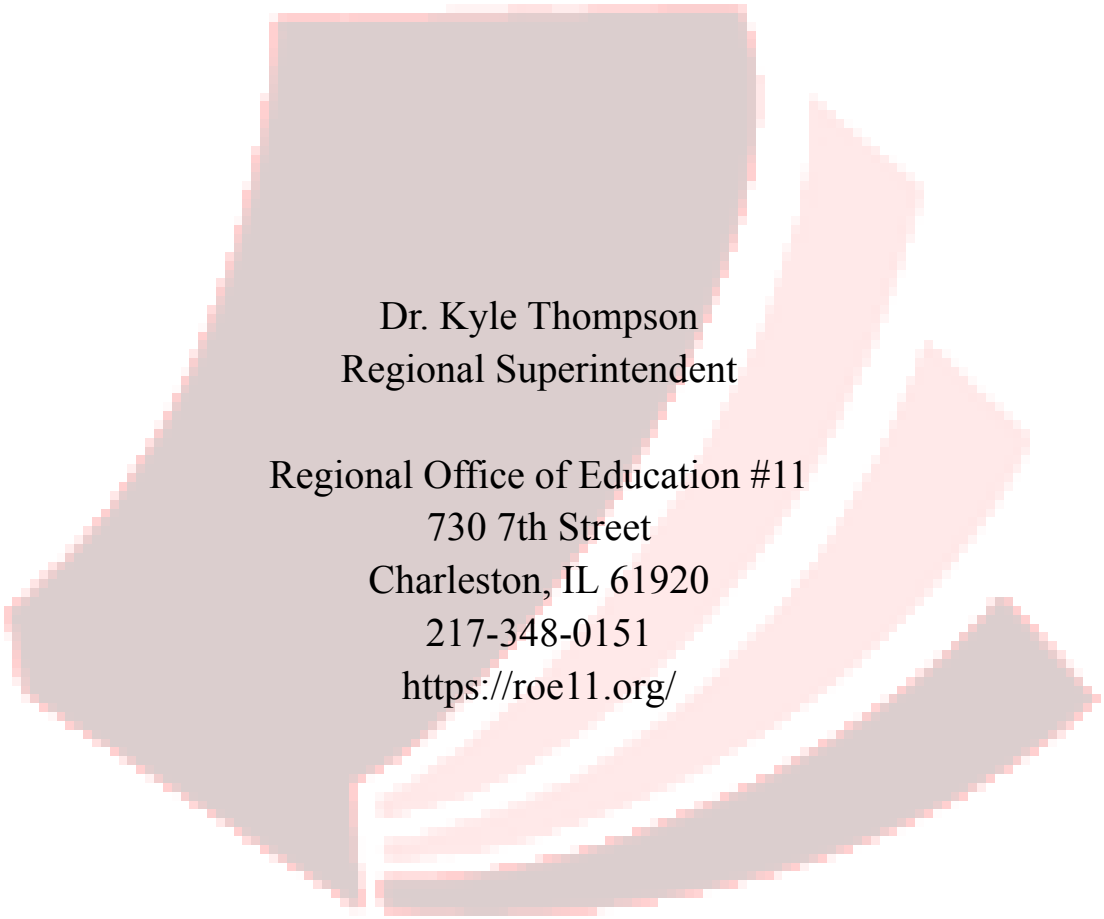
(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

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

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

For more information, visit:
https://schoolhouseconnection.org/
https://nche.ed.gov/
www.homelessyouth.org

This booklet has been adapted from: http://www.naehcy.org/ and http://www.nlchp.org/



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