



# Introduction to the McKinney-Vento Homeless Assistance Act



**NYSTEACHS.org**

The New York State Technical and Educational  
Assistance Center for Homeless Students



**MEASUREMENT**  
INCORPORATED

# Presentation Disclaimer

This presentation was created by NYS TEACHS for use by McKinney-Vento liaisons for school districts.

**About NYS-TEACHS:** New York State Technical and Education Assistance Center for Homeless Students is funded by the New York State Education Department and housed at Measurement Inc.

NYS-TEACHS provides technical assistance on homeless education issues. Services include:

- Hotline (800-388-2014)
- Website ([www.nysteachs.org](http://www.nysteachs.org))
- Webinars, Annual Workshops, and On-Site Trainings
- Outreach Materials <https://www.nysteachs.org/order-brochures/brochures-posters>



**NYSTEACHS.org**

The New York State Technical and Educational  
Assistance Center for Homeless Students

# Session Outcomes

By the end of today's session, participants will be able to:



- Define homelessness and possible causes.
- Describe the key provisions of the McKinney-Vento Homeless Assistance Act.
- Describe the importance of identifying students experiencing temporary housing, as required by the McKinney-Vento Homeless Act.

# Today's Agenda



Welcome!



Causes/Impact of Homelessness



McKinney-Vento Homeless Assistance Act



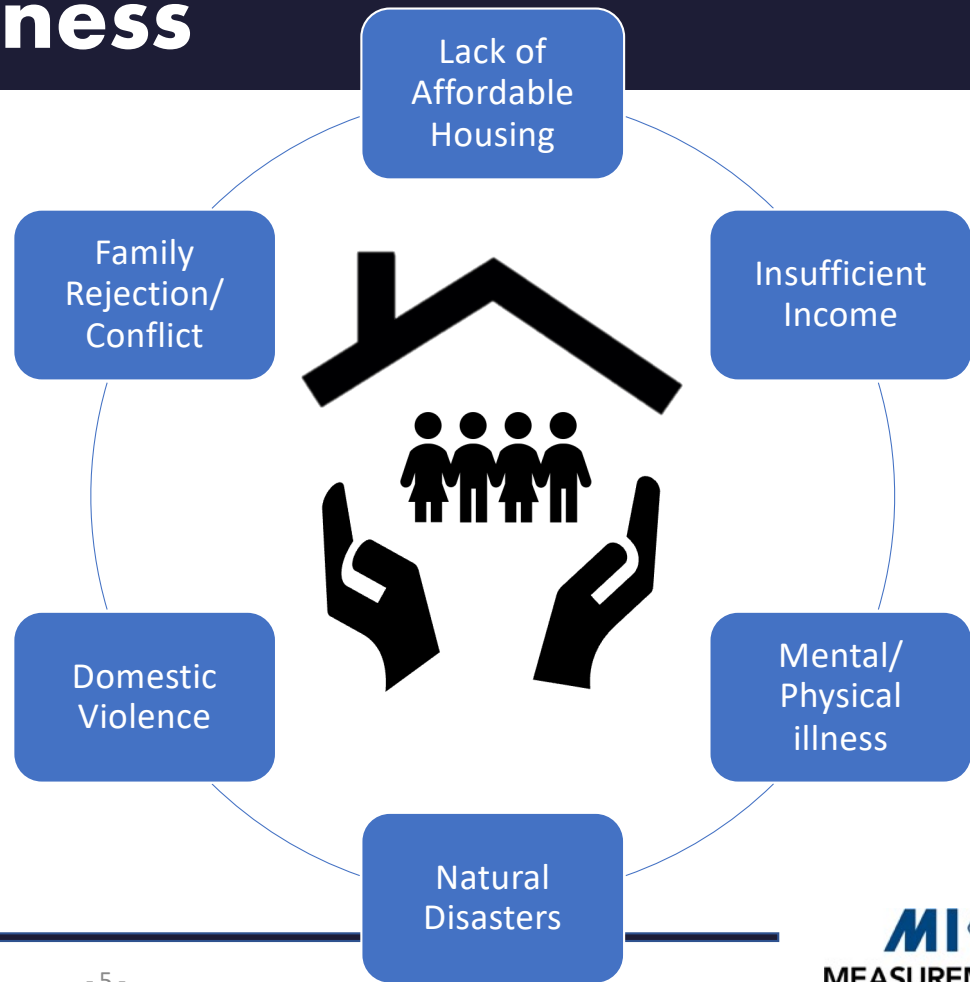
Identification/Determining Eligibility



Summary and Resources

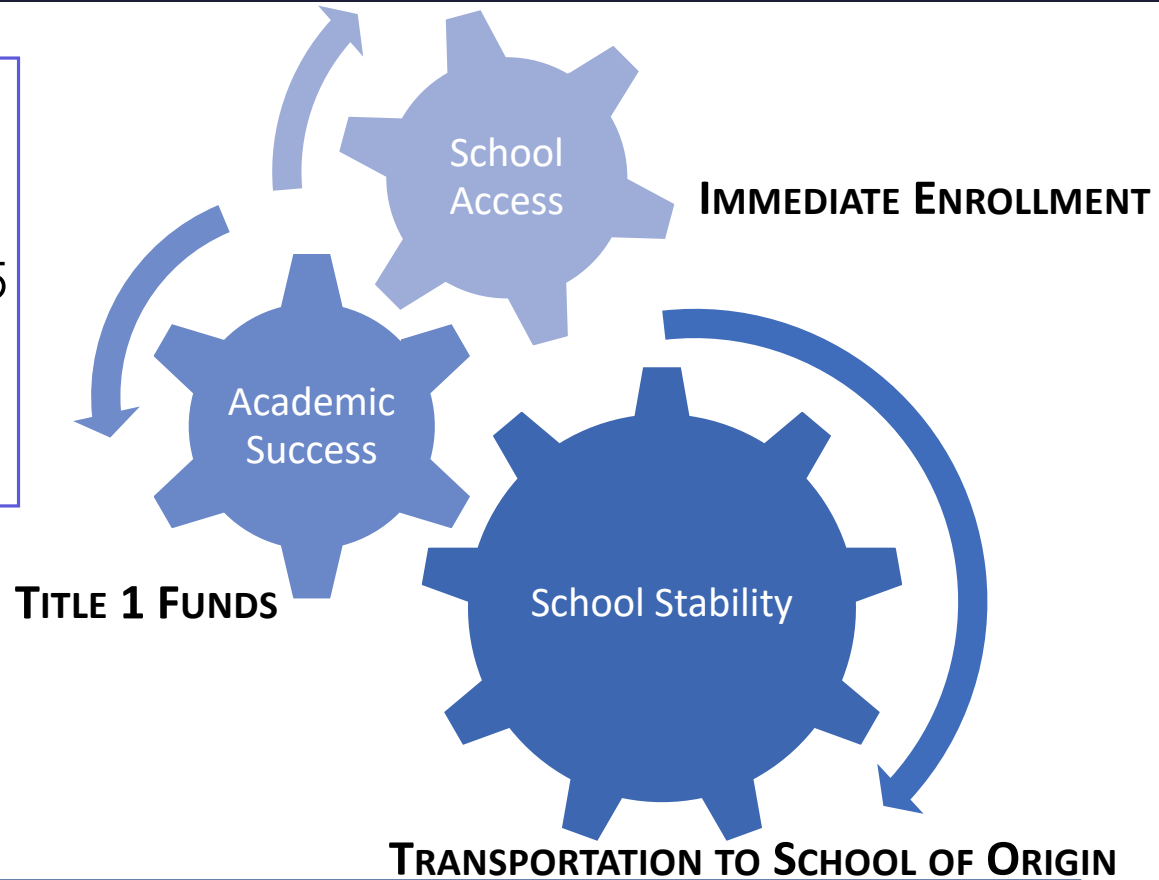
# Causes of Homelessness

What are other potential causes of homelessness?



# McKinney-Vento Homeless Assistance Act

- Federal law established in 1987
- Reauthorized in 2015 as part of the Every Student Succeeds Act (ESSA)



# McKinney-Vento Students' Rights

- ✓ Free appropriate education
- ✓ Immediate enrollment
- ✓ Attend classes
- ✓ Receive transportation
- ✓ Receive educational services



Receive a **free, appropriate public education**



**Enroll in school immediately**, even if lacking documents normally required for enrollment, or having missed the application or enrollment deadlines during any period of homelessness



**Enroll in school and attend classes** while the school gathers needed documents



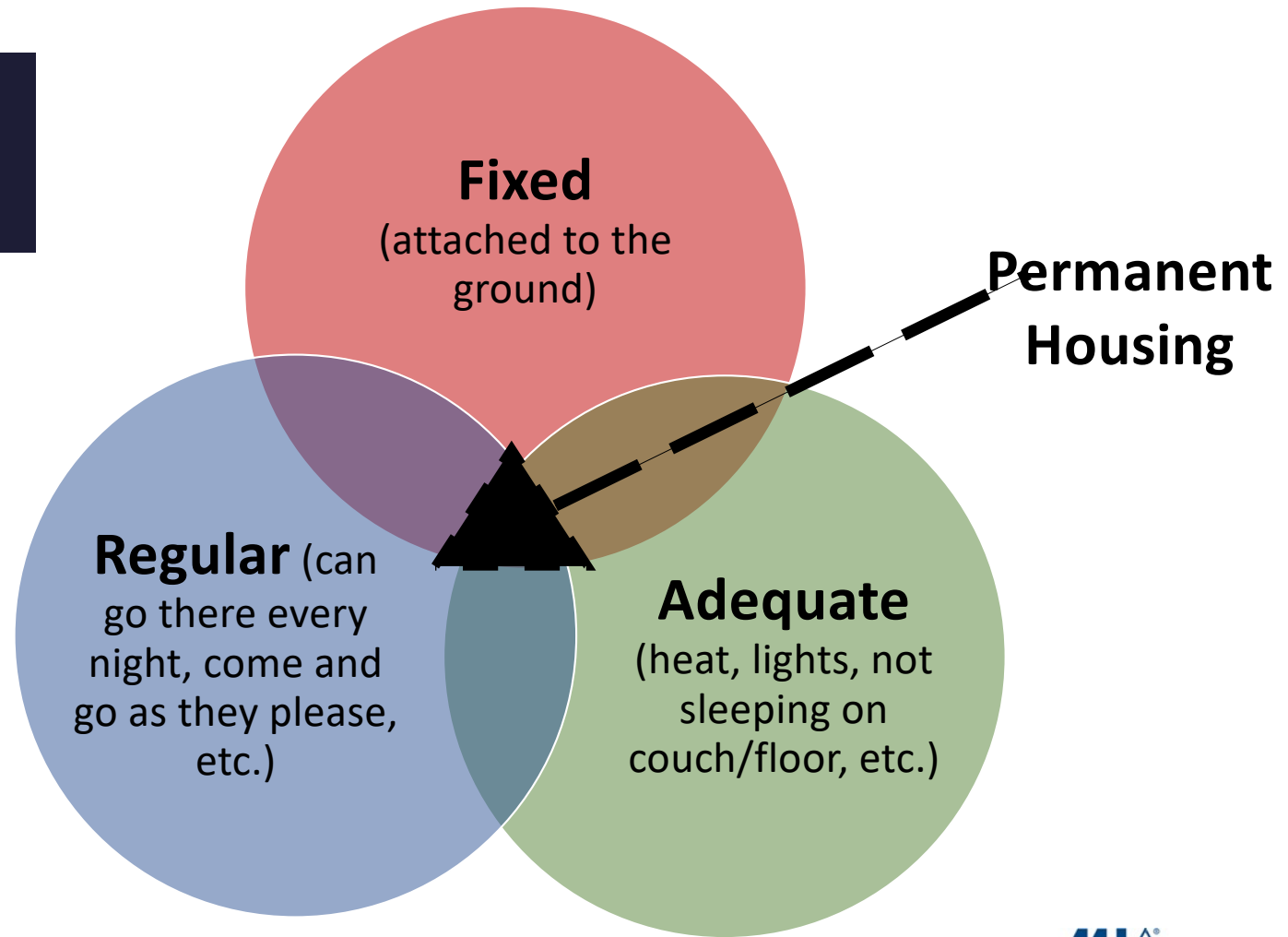
**Receive transportation to and from the school of origin**, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth



**Receive educational services** comparable to those provided to other students, according to each student's need

# Definition of Homeless

The term “homeless child or youth” means individuals who lack a fixed, regular, and adequate primary nighttime residence.





# Who is Covered Under McKinney-Vento?

## Children and youth who lack a fixed, regular, and adequate nighttime residence, including those:

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason
- Living in emergency or transitional shelters
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory living in circumstances described above
- Unaccompanied youth living in circumstance described above

# McKinney-Vento Act Basic Provisions

---

- McKinney-Vento Liaison
- Enrollment
- School Selection
- Transportation
- Dispute Resolution

# The McKinney-Vento Act Requires...

The McKinney-Vento Act requires every school district to 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.

They are the point person for families and district staff to assist with the identification and enrollment of students experiencing temporary housing.



42 U.S.C. § 11432(g)(1)(J)(ii)

# McKinney-Vento Liaison Responsibilities

1. Identification
2. Enrollment
3. Referrals for Early Childhood
4. Referrals for Health, Housing, and Other Needed Services
5. Parent Involvement
6. Posting Public Notices
7. Dispute Resolution
8. Transportation
9. Training for Colleagues
10. Meeting Needs of Unaccompanied Youth

42 U.S.C. § 11432(g)(6)(A); US Department of Education Non Regulatory Guidance, Section F, Questions L-3& Q2; 8NYCRR § 100.2 (x)(7)(iii)(a)

# McKinney-Vento Liaison Responsibilities

1. Children and youths who are homeless are identified by school personnel through **outreach** and coordination activities with other entities and agencies;
2. Children and youth who are homeless are enrolled in, and have full and equal opportunity to succeed in, the school or schools of the LEA;
3. Families, children, and youth who are homeless receive educational services for which such families, children, and youth are eligible, including services through Head Start programs **(including Early Head Start programs), early intervention services under Part C of the IDEA,** and other preschool programs administered by the LEA;

42 U.S.C. § 11432(g)(6)(A); US Department of Education Non Regulatory Guidance, Section F, Questions L-3& Q2; 8NYCRR § 100.2 (x)(7)(iii)(a)

# McKinney-Vento Liaison Responsibilities (cont.)

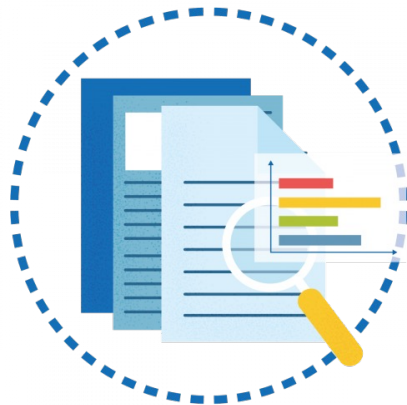
4. Families, children, and youth who are homeless receive referrals to health, dental, mental health, **substance abuse services, housing services**, and other appropriate services;
5. Parents or guardians of children and youth who are homeless are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of students who are homeless is disseminated in locations frequented by parents and guardians of such children, youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, **in a manner and form understandable to the parents, guardians, and unaccompanied youth**;

42 U.S.C. § 11432(g)(6)(A); US Department of Education Non Regulatory  
Guidance, Section F, Questions L-3& Q2; 8NYCRR § 100.2 (x)(7)(iii)(a)

# McKinney-Vento Liaison Responsibilities (cont.)

7. **Enrollment disputes are mediated** in accordance with the requirements of the McKinney-Vento Act;
8. Parents and guardians and unaccompanied youths are **fully informed of all transportation services**, including transportation to and from the school of origin and are assisted in accessing transportation services;
9. **School personnel receive professional development** and other support;
10. Unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, including identifying and removing barriers to receiving credit for full or partial coursework completed; are informed of their status as independent students for purposes of applying for federal financial aid for college; and receive verification of this status from the local liaison.

42 U.S.C. § 11432(g)(6)(A); US Department of Education Non Regulatory Guidance, Section F, Questions L-3& Q2; 8NYCRR § 100.2 (x)(7)(iii)(a)



# Identification

Under the McKinney-Vento Act, the local liaison is charged with ensuring that homeless children and youth are “identified by school personnel through outreach and coordination activities with other entities and agencies.”

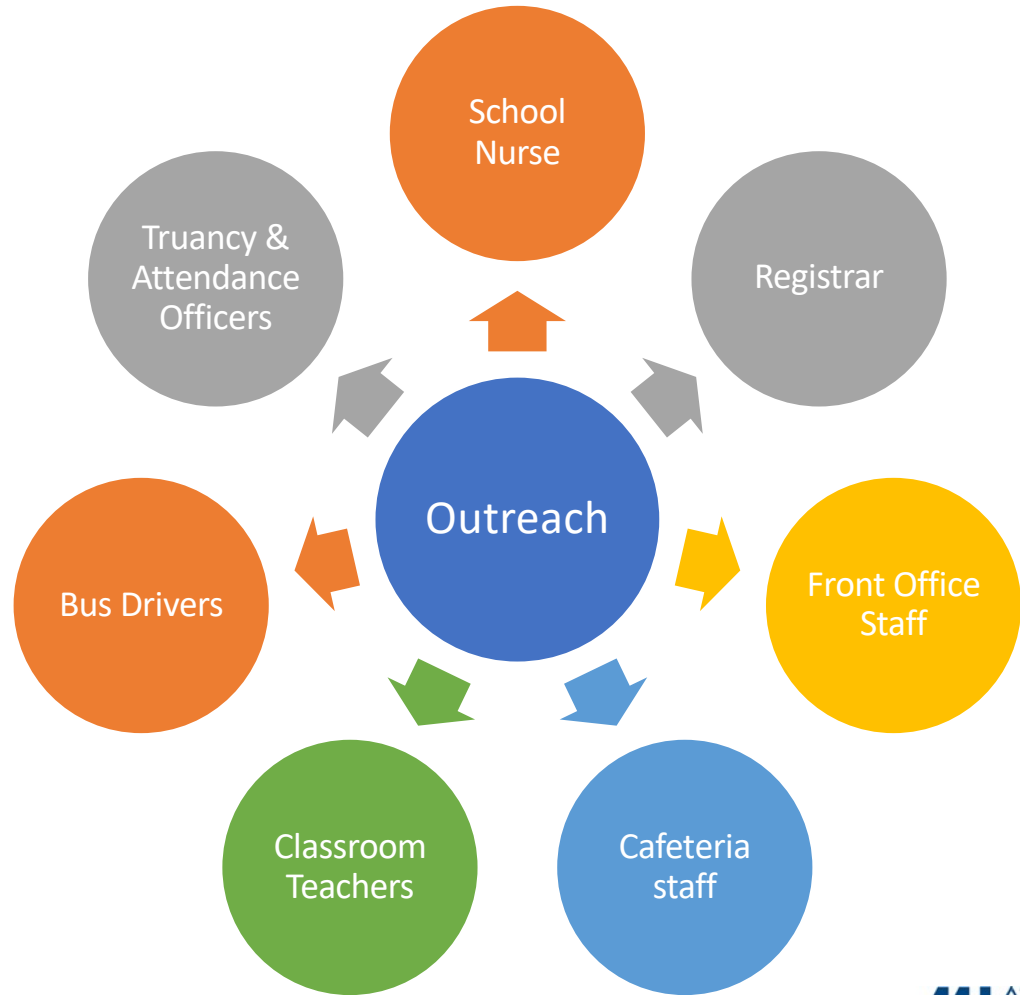
42 U.S.C. § 11432 (g)(6)(A)(i)



# Identification Through Outreach



What outreach efforts have you tried when identifying students living in temporary housing?



# Outreach Materials

Post **outreach materials** in all schools and other community spaces such as:

- Motels, campgrounds, libraries, health centers, youth services centers, laundromats, soup kitchens, and parks. Brochures are printed in English and Spanish.

Order **posters** and **brochures**, or view PDFs online here, free of charge.

- Posters are available in 10 languages: English, Arabic, Bengali, Chinese, French, Haitian-Creole, Korean, Russian, Spanish, Urdu.



<https://www.nysteachs.org/order-brochures/brochures-posters>

# Housing Questionnaire

- Screening tool is required for all students
- Required at the time of enrollment and change of address
- It is completed by the student's parent, person in parental relation, or in the case of an unaccompanied youth by the student directly

**NOTE TO SCHOOLS/LEAS:** Please assist students and families filling out this form. The form should be included at the top page of registration materials that the district shares with families. Do not simply include this form in the registration packet, because if the student qualifies as residing in temporary housing, the student is not required to submit proof of residency and other required documents that may be part of the registration packet.

## HOUSING QUESTIONNAIRE

Name of LEA: \_\_\_\_\_

Name of School: \_\_\_\_\_

Name of Student: \_\_\_\_\_  
Last First Middle

Gender:  Male  Female Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade: \_\_\_\_ ID#: \_\_\_\_  
Month Day Year (preschool-12) (optional)

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

The answer you give below will help the district determine what services you or your child may be able to receive under the McKinney-Vento Act. Students who are protected under the McKinney-Vento Act are entitled to immediate enrollment in school even if they don't have the documents normally needed, such as proof of residency, school records, immunization records, or birth certificate. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services.

Where is the student currently living? (Please check one box.)

- In a shelter
- With another family or other person because of loss of housing or as a result of economic hardship (sometimes referred to as "doubled-up")
- In a hotel/motel
- In a car, park, bus, train, or campsite
- Other temporary living situation (Please describe): \_\_\_\_\_

# Immediate Enrollment

- Selected school must immediately enroll, even if the child/youth:
  - Does not have records normally needed for enrollment
  - Has missed application or enrollment deadlines during any period of homelessness
- Enrolling school should contact the last school attended for records
- Liaison must assist child/youth in obtaining any necessary immunizations or other required health records





# School Selection

Local education agencies (LEAs or school districts) must “presume that keeping homeless children and youth in the school of origin is in the child’s or youth’s best interest, to the extent feasible, except when doing so is contrary to the wishes of the parent or guardian (or in the case of an unaccompanied homeless youth) the youth.”

42 U.S.C. § 11432(g)(3)(B)(i), 2001

---

# School Selection: School of Origin

School districts **must keep children and youth experiencing homelessness in the school of origin**, to the extent feasible, except when doing so is contrary to the wishes of the parent or guardian (or in the case of an unaccompanied homeless youth, against the youth's wishes) (42 U.S.C. § 11432[g][3][B][i]).

- School of origin is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled (42 U.S.C. § 11432[g][3][G]).
- Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they become permanently housed (42 U.S.C. § 11432[g][3][A][i][II]).
- If a student becomes homeless in between academic years, he or she can continue attending the school of origin for the following school year (42 U.S.C. § 11432[g][3][A][i][I]).

# McKinney-Vento Act: School Selection

Parents, guardians, or unaccompanied youth (“the designator”) in temporary housing may have choices for school enrollment.

They can choose:

- The school attended or was entitled to attend when circumstances arose which caused the child or youth to become homeless.
- The school last enrolled, even if the student was temporarily housed during that time, or
- The local school where the student is currently temporarily housed.
- District participation in a Regional Placement Plan (RPP).

---

N.Y. Education Law § 3209(1)(c)



# Transportation

The McKinney-Vento Act states that “(iii) The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin.”

42 USC 11432(g)(1)(J)(iii).

---



# McKinney-Vento Act & N.Y. Education Law § 3209: Transportation



Students experiencing homelessness, including preschoolers, are entitled to transportation to/from the school of origin.



Students who move into permanent housing are entitled to transportation throughout the remainder of the school year, and an additional year, if it is the child's terminal grade in the school.



Students who enroll locally are entitled to transportation comparable to that which their permanently housed peers receive, and the elimination of barriers in order to enroll and attend school.



42 USC § 11432(g)(1)(J)(iii), 11432(g)(3)(A)(i)(II); Education Law § 3209(1), 3209(2)(c), 3209(2)(d), 3209(4)(i); 8 NYCRR §§ 100.2(x)(2), 100.2(x)(6)(iv); Non-Regulatory Guidance, Question J-5.



NYSTEACHS.org

The New York State Technical and Educational  
Assistance Center for Homeless Students



MEASUREMENT  
INCORPORATED

# McKinney-Vento Act and N.Y. Education Law 3209

**Continued transportation** to the same school for the rest of the academic year when the student moves into permanent housing, even if the new housing is located outside of the school district

**Transportation to extracurricular activities** if the lack of transportation would be a barrier to the student participating

The school district where the student is enrolled is responsible for transportation

[NYS TEACHS Transportation Guide](#)



# Dispute Process

The McKinney-Vento **dispute resolution process** is required to resolve any dispute that arises over eligibility, school selection, enrollment in a school, or transportation under the McKinney-Vento Act before a district interrupts services for the student.

42 U.S.C. § 11432(g)(1)(C) & 11432(g)(3)(E); U.S. DOE Non-Regulatory Guidance, Questions K-1, K-2; N.Y. Education Law § 3209(5); 8 N.Y.C.R.R. § 100.2(x)(7)(ii)

---

# Dispute Resolution Process

- Parents or unaccompanied youth can file a 310 Appeal to the New York State Commissioner of Education if there is a disagreement with a district's decision about eligibility, enrollment, school selection, or transportation under the McKinney-Vento Act.
  - The child or youth must be immediately enrolled in their desired school and can maintain enrollment, transportation, and other services provided to students in the desired school district pending final resolution of the dispute, including all available appeals.
  - The Commissioner issues a decision on the appeal.

42 U.S.C. § 11432(g)(1)(C) & 11432(g)(3)(E); U.S. DOE Non-Regulatory Guidance, Questions K-1, K-2; N.Y. Education Law § 3209(5); 8 N.Y.C.R.R. § 100.2(x)(7)(ii)

# Student Privacy Rights Under FERPA

- Strategies used by school districts to identify McKinney-Vento students should be grounded in sensitivity and demonstrate a commitment to protecting student confidentiality.
- According to the McKinney-Vento Act, information about the living situation of a child or youth experiencing homelessness is not deemed to be directory information; rather it considered to be part of a student education record and must be provided with the applicable confidentiality protections. (42 U.S.C. § 11432[g][3][G])

**FERPA**  
Family Educational  
Rights and Privacy Act





# Determining Eligibility

---

The local liaison serves as the district's lead homeless education contact and is required to fulfill the duties of the position as established in the Act 42 U.S.C. § 11432(g)(6)(A). According to the Act 42 U.S.C. § 11432(g)(6)(A), local liaisons must ensure that children and youth experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies.

# Eligibility Determination



Homelessness = lacking a fixed, regular, and adequate nighttime residence.



If any one of these criteria are missing, the student is eligible for McKinney-Vento benefits.



A student may be considered homeless for an unspecified length of time if housing is not fixed, regular, and adequate.

# Questions to Ask to Determine “Fixed” and “Regular”

## Fixed:

- Is your current housing situation fixed to one place? (i.e., not in a vehicle, camper etc.)

## Regular:

- Is this a permanent arrangement?
  - How long do you plan to stay at this address?
- What were the circumstances that caused you to leave your previous housing?

Adapted from NCHÉ's *Determining Eligibility Brief*



# Questions to Ask to Determine “Regular”

- Do you have a key to the place you are living?
- Do you stay in the same place every night?
- Could your friends/relatives ask you to leave at any time?
- Are you sharing the home equally or are you more like guests in the home?
- Where would you go if you could not stay where you are currently living?

Adapted from NCHE's *Determining Eligibility Brief*

# Questions to Ask to Determine “Adequate”

- How many people are living in the home? How many are sharing a room?
- Are the child(ren)/youth sleeping in a bedroom or in a different space in the house?
- Is there heat, running water and electricity?
- Is there adequate space to meet the physical and psychological needs of the child(ren)/youth staying there?

# Determining Eligibility of an Unaccompanied Homeless Youth

- Why is the student living with someone who is not his/her parent/guardian?
- Is the student placed in this residence as a temporary plan for housing because the entire family became homeless?
- Did the student leave home because of severe family conflict?
- How long can the student continue living where he/she is?
- Does the student have his/her own space/bedroom in the residence?
- Can the student come and go as needed?
- Where would the student live if they are not able to live there?

NCHE Homeless Liaison Toolkit: Appendix 9A [Unaccompanied Homeless Youth Eligibility Flowchart](#)

# Eligibility Scenario #1

Tony, his two brothers, and his parents have been living with their uncle after a flood damaged their home last month. They were grateful that relatives were willing to take them in, but the house is not large enough for both families to live comfortably, creating a tense living situation. Tony and his brothers have nowhere to do their homework and sleep in the living room with sleeping bags.

**Would Tony and his two brothers be eligible for McKinney-Vento benefits?**

- A.** Yes
- B.** No
- C.** Not Sure

# Eligibility Scenario #2

Samantha is attending 5<sup>th</sup> grade in a New York school district. Her parents were in a tragic car accident. As a result, her aunt and uncle moved into her house to care for her.

**Would Samantha be McKinney-Vento eligible?**

- A. Yes**
- B. No**
- C. Not Sure**

# Eligibility Scenario #3

Due to an inability to pay rent, Sarah and her three children were evicted from their home. She moved into her mother's one-bedroom home temporarily. Sarah and the kids are sleeping in the living room.

**Would Sarah's children be eligible for McKinney-Vento benefits?**

- A.** Yes
- B.** No
- C.** Not Sure

# Title I, Part A: Set-Aside Funds

---



# Overview of Title I, Part A: Set-Aside Funds

- **All LEAs receiving Title I funds must reserve funding** (called a Title I, Part A: set-aside) to support students experiencing homelessness. Consult the [Guidance on Allowable and Unallowable Uses of Title I Set-Aside Funding](#).
- Title I, set-aside funds **can be used to provide services and supports beyond what may typically be offered to other students.**





# Examples of Permissible Uses of Title I, Part A: Set-Aside Funds

- Academic programs and educational support services
- Basic/emergency supplies
- Immunizations, mental and physical health services
- Extended library hours/after school programs
- Counseling services
- Parental involvement
- Intervention programs
- Outreach efforts to identify the students in temporary housing and assist them
- Data collection to assess the needs/progress of students in temporary housing
- The work of the liaison
- Excess transportation costs



# Key Ideas

What are some key ideas to remember about the **McKinney-Vento Act**?



# Resources

More  
Information



[McKinney-Vento Homeless Assistance Act](#)

[Housing Questionnaire](#)

[NCHE Brief: Identifying Children and Youth in Homeless Situations](#)

[Enrolling Children and Youth Experiencing Homelessness in School](#)

[NCHE Brief on School Selection](#)

[NCHE Brief on Role of the McKinney-Vento Liaison](#)