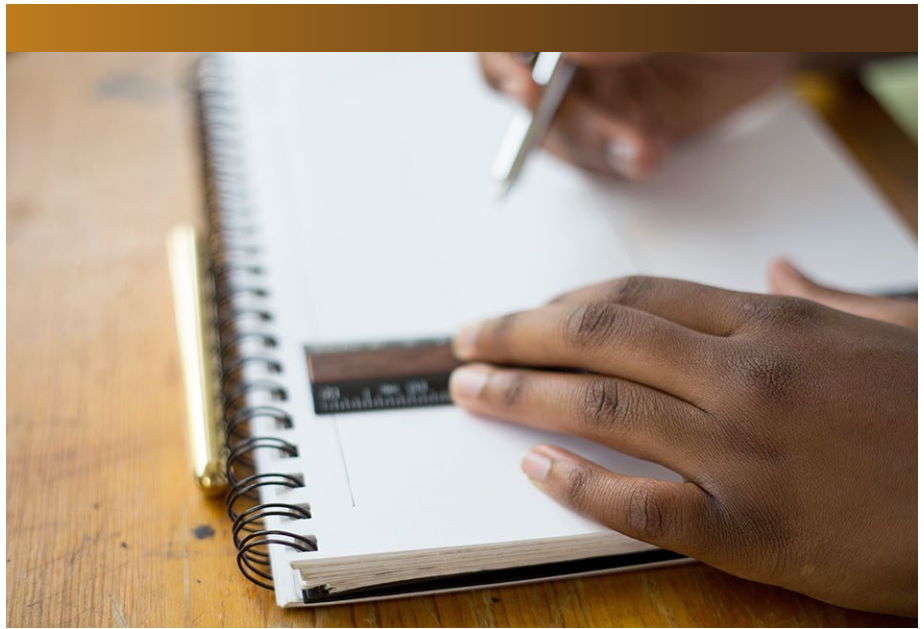




National Center for Homeless Education
Supporting the Education of Children
and Youth Experiencing Homelessness
<http://nche.ed.gov>



MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

Identifying Children and Youth in Homeless Situations

This NCHE brief:

- summarizes the key provisions of Subtitle VII-B of the McKinney-Vento Homeless Assistance Act related to the identification of children and youth experiencing homelessness; and
- provides an overview of implementation strategies at the state and local levels.

INTRODUCTION

The word *homeless* typically does not bring to mind images of children and youth; but in reality, more than 1 million children and youth experiencing homelessness have been identified by U.S. public schools every year since the 2010-2011 school year (National Center for Homeless Education, 2016). Further, the number of students experiencing homelessness identified by schools nearly doubled between the 2004-2005 and 2013-2014 school years (2016). At the same time, poverty rates among children increased from 16.3% in 2000 (Proctor & Dalaker, 2002, p. 1) to 19.7% in 2015 (Proctor, Semega, & Kollar, 2016, p. 12). Given that the U.S. Department of Housing and Urban Development (n.d.) estimates that roughly 12 million households spend more than 50% of their annual income on housing, it is not surprising that school districts must dedicate more attention to the identification of children and youth in homeless situations.

Subtitle VII-B of the McKinney-Vento Homeless

MCKINNEY-VENTO DEFINITION OF HOMELESS 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; 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;
 - 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...;
 - 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...who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter *the McKinney-Vento Act*), guarantees educational rights and supports for students experiencing homelessness. This brief summarizes the key provisions of the McKinney-Vento Act related to the identification of children and youth experiencing homelessness and provides an overview of implementation strategies at the state and local levels. Briefs on additional homeless education topics are available at <https://nche.ed.gov/resources/>.

UNDERSTANDING THE DEFINITION OF HOMELESS

In order to be able to identify students experiencing homelessness, it is important to understand the definition of *homeless*. The McKinney-Vento Act defines *homeless children and youth* as individuals who lack a fixed, regular, and adequate nighttime residence. The definition lists specific examples of living arrangements that would be considered homeless, but the list is not exhaustive. Even if a student is not living in one of the specific situations listed in the definition, the student may still be deemed McKinney-Vento eligible if he or she lacks a fixed, regular, and adequate nighttime residence. See the [McKinney-Vento Definition of Homeless sidebar](#) for the full definition; or, for more information, download NCHE's *Determining Eligibility for McKinney-Vento Rights and Services* brief at https://nche.ed.gov/wp-content/uploads/2018/10/det_elig.pdf.

THE IMPORTANCE OF IDENTIFICATION

Homelessness creates significant educational barriers for children and youth. Students experiencing homelessness lack basic resources like a safe and stable place to live, food, and clothing, all of which impacts their ability to attend and succeed in school. They also may lack school and immunization records, other documentation necessary to enroll in school, and school supplies. Additionally, students in homeless situations may not only lack the ability to provide their own transportation to school on a daily basis, but also may struggle with getting to school to register or enroll.

While the McKinney-Vento Act provides children and youth experiencing homelessness with certain educational rights, families or unaccompanied youth may not be aware of the supports available under the Act. For example, students experiencing homelessness

may not be aware of their right to immediate school enrollment, even if lacking paperwork normally required, or their right to continue attending the school of origin, if this is in their best interest, even if they have moved outside the school's residential zone. Families and unaccompanied youth also may be unaware of other Federal and State laws or programs, such as the U.S. Department of Agriculture's school meals program, which provides free school meals to students experiencing homelessness through a streamlined process called "direct certification", or Title I, Part A of the Elementary and Secondary Education Act (ESEA), which provides supplemental educational supports for students in homeless and other at-risk situations.

As a result, it is critical that State educational agencies (SEAs) and local educational agencies (LEAs) take proactive steps to identify students experiencing homelessness. Identification is the first step to connecting students in homeless situations with the information, resources, and supports necessary to ensure their equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth.

LOCAL LIAISON RESPONSIBILITIES

The McKinney-Vento Act requires school districts to designate an appropriate staff person, who also may be a coordinator for other Federal programs, as a local homeless education liaison (42 U.S.C. § 11432(g)(1)(J)(ii); hereafter *local liaison*). The local liaison serves as the key homeless education contact for the district and must carry out the duties of the position as outlined in the Act [42 U.S.C. § 11432(6)(A)]. One such duty includes ensuring that children and youth experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies [42 U.S.C. § 11432(g)(6)(A)(i)]. Identifying children and youth experiencing homelessness is arguably the most important local liaison responsibility. All other local liaison responsibilities—including assisting with immediate school enrollment, referring students for services, collecting data regarding the enrollment and success of McKinney-Vento students, providing professional development to other district staff, and mediating disputes—only can be carried out once eligible students are identified.

NCHE IDENTIFICATION AND AWARENESS RESOURCES

In order to assist schools with identifying children and youth experiencing homelessness, NCHE provides the following informational resources:

- Educational rights posters (youth and parent versions; available in English and Spanish)
- NCHE brochures (available in English and Spanish)
- Parent booklets (available in English and Spanish)
- Youth booklets (*Surviving On Your Own: Information for Youth on How Schools Can Help*)
- Enrollment foldouts (*Enrollment: Ready Reference for Schools*)

These and other NCHE resources are available for downloading at <https://nche.ed.gov/downloads/> or ordering in hard copy at <https://nchehelpline.org/>. NCHE recommends that schools include local liaison contact information on all informational materials disseminated throughout the district and community to ensure that families and youth who may be experiencing homelessness know whom to contact should they have questions or need

Local liaisons must ensure that students experiencing homelessness are enrolled in, and have full and equal opportunity to succeed in, the schools of the LEA. As a result, in addition to identifying students experiencing homelessness in order to ensure their initial school enrollment, local liaisons also must ensure the identification of McKinney-Vento children and youth for participation in programs and services offered by the LEA, such as Title I, Part A, or School Nutrition Programs.

IDENTIFICATION RESPONSIBILITIES OF OTHER SCHOOL AND DISTRICT PERSONNEL

Based on protocols developed by the local liaison and district leadership, school personnel must coordinate with the local liaison and other entities and agencies to identify students who may be experiencing

homelessness. Local liaisons may choose to designate circumstances under which trained school personnel may determine a student's McKinney-Vento eligibility without waiting for the local liaison's confirmation; this may be especially needed in districts with large student bodies. For example, students living in shelters are often easily identified by school registrars or guidance counselors. However, in situations where a student's McKinney-Vento eligibility may be difficult to determine, it is recommended that the case be referred to the local liaison for final determination. Referrals to local liaisons should include whatever information has been gathered about the student's living arrangement that might indicate possible McKinney-Vento eligibility.

IDENTIFICATION STRATEGIES

In order to ensure students in homeless situations are identified, local liaisons, in collaboration with school and district personnel, should

- raise awareness throughout district schools and the community of the definition of *homeless*, the rights provided to eligible students under the McKinney-Vento Act, and the role of the local liaison in working with others to identify homeless students;
- conduct community assessments that include data on homelessness in the area; levels of poverty among families; trends in foreclosures, evictions, and the availability of affordable housing; and student mobility;
- work with appropriate district and school authorities to ensure that local policies and procedures comply with the McKinney-Vento Act; and
- provide targeted outreach through information-sharing and -gathering activities such as
 - including a housing questionnaire¹ as part of the district's enrollment packet to screen for possible McKinney-Vento eligibility;
 - posting notices of the rights of McKinney-Vento students in the community in places where families and youth in homeless situations are likely to see them; and

¹ Sample housing questionnaires that may be customized for district usage can be accessed in Appendix 3.A (Sample Housing Information Form) at <https://nche.ed.gov/homeless-liaison-toolkit/>.

- sharing information about McKinney-Vento eligibility and services in student handbooks, on the school district website, and in brochures and other informational materials distributed throughout district schools and the community (see the [NCHE Identification and Awareness Resources sidebar](#) for more information).

In addition, as required by the McKinney-Vento Act [42 U.S.C. § 11432(f)], State Coordinators can support local liaisons' awareness and identification efforts by providing technical assistance and professional development to LEA personnel on the definition of *homeless*, and LEA responsibilities to support the education of children and youth experiencing homelessness.

As local liaisons partner with district and school staff to ensure the identification of McKinney-Vento students, they should maintain an ongoing dialogue about how the district's identification policies and practices could be improved.

PROTECTING STUDENT CONFIDENTIALITY

Strategies used by school districts to identify McKinney-Vento students should be grounded in sensitivity and demonstrate a commitment to protecting student confidentiality. In addition to addressing the concerns of families and youth experiencing homelessness, efforts to protect student confidentiality ensure district compliance with Federal and State privacy laws. Students and their families often have questions regarding what, how, and with whom information about them may be shared. To set families' and youths' minds at ease, schools should communicate their intention to request only the information that is needed to determine a student's eligibility for services, and to keep sensitive student information protected. For example, explaining the reasons why housing questionnaires are included in district enrollment packets can help families feel more comfortable completing the questionnaire. Parents and guardians also often have questions about who can see data about their children and under what circumstances. Using terms such as "families in transition" and holding conversations about a student's status as homeless in an area that offers privacy can further reduce identification barriers based on family or student concerns regarding confidentiality.

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records and establishes guidelines for who may review student records and under what circumstances. FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education, including the McKinney-Vento Act, the Individuals with Disabilities Act, and the Elementary and Secondary Education Act. Specifically, FERPA prohibits a school from disclosing personally identifiable information from students' educational records without the consent of a parent, guardian, or eligible student, unless an exception to FERPA's general consent rule applies [20 U.S.C. § 1232g(b)].

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 is considered a student education record and must be provided with the applicable confidentiality protections [42 U.S.C. § 11432(g)(3)(G)]. In addition to implementing practices such as holding conversations about students in private locations to prevent information from being overheard, local liaisons should work with other school personnel to ensure the security of information contained in student databases and records. In particular, many homeless students are survivors of domestic violence or have other safety concerns that must be addressed in student records and information-release procedures. Failure to do so can result in an inappropriate release of information that endangers students, their caregivers, and possibly even school personnel. In these instances, requirements contained in other laws, such as the Violence Against Women Act or the Family Violence Prevention and Services Act, may need to be incorporated into school protocols, in addition to those required under FERPA. When in doubt about the appropriateness of releasing information, school personnel should consult with others—supervisors, district legal counsel, or affected parties—to ensure that personal information is protected.

DEVELOPING, REVIEWING, AND REVISING POLICY

Under the McKinney-Vento Act, SEAs and LEAs must develop, review, and revise policies in order to remove barriers to the identification of children and youth experiencing homelessness [42 U.S.C. § 11432(g)(1)(I)]. By incorporating the ideas outlined in this brief—

encouraging local liaisons and LEA personnel to partner in identification efforts, implementing targeted outreach and identification efforts, and protecting student confidentiality—SEAs and LEAs put policies and practices into place to ensure the identification of children and youth experiencing homelessness as a critical first step towards connecting these students with needed supports.

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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals oversee the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at <https://nche.ed.gov/wp-content/uploads/2019/08/SC-Contact-list-.pdf>.

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 (toll-free) or homeless@serve.org.

Local Contact Information: