

McKinney-Vento Homeless Assistance Act FAQ

May 11, 2020

The McKinney-Vento Homeless Children and Youth Program ensures all homeless children and youth, including preschoolers, have equal access to the same free and appropriate public education as non-homeless children and youth. At this particularly challenging time, Colorado's homeless students are among the most vulnerable and need our best efforts and dedicated commitment to support their needs.

Are students who are displaced due to COVID-19 covered by the McKinney-Vento Act?

Yes. Students who lack a fixed, regular and adequate primary nighttime residence are considered homeless under the McKinney-Vento Act. They are entitled to the same legal protections and services as other students experiencing homelessness. The National Center for Homeless Education has many resources related to disaster preparation and response at: <https://nche.ed.gov/disaster-preparation-and-response/>

What is the definition of "homeless" under the McKinney-Vento Act?

Section 725(2) of the McKinney-Vento Act defines "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

- Children and youths who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
 - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - living in emergency or transitional shelters; or
 - abandoned in hospitals;
- 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;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

Does every school district have a staff member that specializes in enrolling displaced children and youth in public schools?

Yes. The McKinney-Vento Act requires every local educational agency to "designate an appropriate staff person" to serve as liaison. 42 U.S.C. §11432(g)(1)(J)(ii). An Alaska statewide list of liaisons can be found at: <https://education.alaska.gov/ESEA/TitleX-C/docs/Homeless-Liaisons-Contact-list.xlsx?v=1>

In the event that schools are closed for an extended period of time to mitigate the risk of COVID-19 exposure, what are a school district's obligation for providing educational services for other specific subgroups with dedicated federal programs/funding streams – e.g. homeless students, migrant students, and students in foster care, or students in State-operated institutions?

The U.S. Department of Education has not waived the mandates under the McKinney-Vento Act, therefore the law remains in effect. Schools must enroll McKinney-Vento students immediately, even during this pandemic. 42 USC 11432(g)(3)(C). Enrollment means “attending classes and participating fully in school activities.” 42 USC 11434a(1).

How "immediate" is immediate enrollment?

The McKinney-Vento Act requires schools to enroll students experiencing homelessness immediately, even if the student is unable to provide documents that are typically required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation [42 U.S.C. §11432(g)(3)(C)]. Enroll means permitting the student to attend classes and participate fully in school activities [42 U.S.C. §11434A(1)]. Although the Act is silent on the definition of immediate, the standard dictionary definition is without delay. Therefore, the student must begin attending classes and participating fully in school activities without delay. Generally, that would mean the same or the following day.

Will displaced students have to change schools every time they move?

Displaced families tend to move frequently. Changing school with each move would damage students’ emotional security and academic success. Generally, it takes students 4 to 6 months to academically recover from a change in school. For this reason, the McKinney-Vento Act states that a homeless student may continue attending the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year.

Schools, families and relief agencies must work together to make the school of origin provision a success. To be able to make good decisions about school placement, school and families need as much advance information as possible about issues such as opening and closure of shelter and temporary trailers, limits on voucher for motel and temporary apartments and the most likely locations of long-term housing.

Resources

[National Center for Homeless Education](#)

Find up-to-date information from the federal government regarding services to support students and families experiencing homelessness.

The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations: This document, created collaboratively by the [National Association for the Education of Homeless Children and Youth](#) (NAEHCY) and the [National Law Center on Homelessness and Poverty](#) (NLCHP), and updated in October 2017, provides answers to many of the most frequently asked questions on the McKinney-Vento Homeless Assistance Act and the educational rights of children and youth in homeless situations.

[Download The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations.](#)

[United States Interagency Council on Homelessness](#)

What questions should districts be asking themselves when planning to support students and families experiencing homelessness during COVID-19 crisis? This resource is a good tool to get the conversation started.

The National Child Traumatic Stress Network <https://www.nctsn.org/resources/parent-caregiver-guide-to-helping-families-cope-with-the-coronavirus-disease-2019>

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<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

Education for Homeless Children and Youths Program: Non-Regulatory Guidance

<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidanceupdated082718.docx>

For more information on the McKinney-Vento Act, please contact:

Cecilia Miller, State Coordinator for the Education of Homeless Children and Youth

Alaska Department of Education

Phone: 907-465-8703, E-mail: cecilia.miller@alaska.gov

Web-page: <https://education.alaska.gov/esea/TitleX-C>