



JOHN L. WINN
Commissioner of
Education



TECHNICAL ASSISTANCE PAPER

The Education of Homeless Children and Youth (Title X, No Child Left Behind Act of 2001, The McKinney Vento Act)

BACKGROUND

The federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended and incorporated into the No Child Left Behind Act of 2001 (NCLB), allows the State of Florida to distribute funding to local school districts to meet the requirements listed in the Act. This funding is in addition to Title I funding, a portion of which that must also be used for the education of homeless children and youth, thus making a direct connection between McKinney-Vento and Title I. Florida's McKinney-Vento Program is administered directly through the Bureau of Student Assistance and the Office of Title I Programs and Academic Intervention Services.

Title I law now requires all school districts receiving Title I allocations to use those funds to educate and meet the needs of homeless children and youth that may exist in the district. This act also prohibits the segregation of homeless students and requires: transportation to and from the school of origin, immediate enrollment, choice of schools, and automatic eligibility for free school meals. In addition, every school district is required to designate a homeless education liaison for all schools in the district.

According to the *Report to Congress: Fiscal Year 2000, Education for Homeless Children and Youth Program: Learning to Succeed*, a two-volume report on two studies conducted by Policy Studies Associates (PSA) under contract with the Planning and Evaluation Service of the U.S. Department of Education, homeless children are a fast-growing segment of the population. Nationwide, the number of homeless children increased ten percent between 1997 and 2000 to 930,232. Two-thirds are in grades pre-K through six, and approximately eighty-seven percent of school-age homeless children and youth are enrolled in school, although only about seventy-seven percent attend school regularly. Only fifteen percent of homeless children are in preschool programs.

In Florida, forty-three school districts reported 16,431 homeless children during the 2003-04 school year (Source: Survey 5, 2003-04, Student Demographics); of these, thirty-one districts were awarded funds under the competitive grant process for Title X, The Education of Homeless Children and Youth.

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BUREAU OF STUDENT ASSISTANCE

Refer questions to Evelyn Hardy, Administrator, Title I Programs and Academic Intervention Services via email at evelyn.hardy@fldoe.org, or by phone at 850-245-0686; or Betty Applewhite, State Coordinator for Homeless Education via email at betty.applewhite@fldoe.org, or by phone at 850-245-0709.

EFFECTS OF THE REAUTHORIZATION OF THE MCKINNEY-VENTO ACT

The 2001 reauthorization includes definitions of who is considered homeless for the purposes of the McKinney-Vento Act and therefore who is eligible for the rights and protections it provides. The principal differences between the current McKinney-Vento Act and the predecessor program include the following:

- Prohibition against segregating homeless students;
- Requirement for transportation to and from school of origin;
- Requirement for immediate school enrollment;
- Changes in “best interest” determination;
- Requirement for local liaison in all school districts; and
- Provision of new subgrant requirements.

Definition/Eligibility

Homeless children or youth are those who lack a fixed, regular, and adequate nighttime residence. This includes children and youth that are:

- Sharing housing due to loss of housing or economic hardship;
- Living in motels, hotels, dilapidated trailers, or camping grounds due to lack of alternative adequate housing;
- Living in emergency or transitional housing;
- Abandoned in hospitals;
- Awaiting foster care;
- Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, or bus and train stations; and
- Migratory students meeting the descriptions above.

Local School District Requirements

Local school districts are required to ensure that all homeless children and youth have equal access to a free, appropriate public education. The reauthorization of the McKinney-Vento Act also added the following four requirements:

1. Ensure Access to School and Appropriate Services
 - School districts are required to designate a liaison for homeless children and youth. It is this person’s responsibility to identify homeless students, ensure that homeless children and youth are immediately enrolled, and see that they have equal opportunities for success. The homeless liaison for each Florida school district may be found by visiting the following website:
http://www.firn.edu/doe/title1/homeless_coordinators.htm.
 - School districts must review and revise, as needed, all current practices and policies that are potential barriers to the education of homeless children and youth.
 - School districts must disseminate information to parents, school personnel, and the community on the rights of homeless children and youth.
 - School districts are required to immediately enroll students experiencing homelessness, even when lacking documentation.

- School districts must approve homeless students' eligibility for free lunch. Once the local educational agency liaison or service provider has certified a student as eligible, the eligibility remains effective for the remainder of the school year. Schools are allowed to continue a student's eligibility from the previous year for thirty operating days into the subsequent school year or until a new eligibility determination is made.
 - School districts must assist children and youth that do not have immunizations or medical records to obtain the necessary immunizations or retrieve the records.
 - School districts are required to keep homeless children in their school of origin (to the extent feasible), except when doing so is contrary to the wishes of the parents. It is also the school district's responsibility to transport the student to and from the school of origin throughout the duration of homelessness.
 - School districts are required to provide homeless children and youth with access to all programs and services available to other students in their district.
 - School districts must ensure that homeless children are not segregated or stigmatized due to their homelessness.
2. Reduce School Transfers and Enhance Educational Stability
- School districts must keep homeless children in their school of origin, except when not feasible or requested by the parent, during the entire duration of homelessness.
3. Strengthen Parental Choice and Involvement
- School districts are required to fully inform parents of the enrollment options and the educational opportunities for their children.
 - School districts are to provide homeless parents opportunities to participate in the education of their children.
4. Ensure Educational Rights of Unaccompanied Youth
- School districts must assist unaccompanied youth (those who do not live with a parent/guardian) with the school enrollment process.
 - School districts are required to keep unaccompanied youth in the school of origin to the extent feasible.
 - School districts must appoint a surrogate parent for an unaccompanied homeless youth who has been identified as having a disability under the Individuals with Disabilities Act 2004 not more than thirty days after there is a determination by the agency that the child needs a surrogate.

IMPLEMENTATION ISSUES

The following strategies and suggestions are provided to assist district and school personnel in implementing the requirements of the McKinney-Vento Homeless Assistance Act as amended by Title X, Homeless Education.

Strategies to Improve the Identification of Children and Youth That May Be Homeless

- Coordinate with community service agencies, such as shelters, soup kitchens, food banks, street outreach teams, drop-in centers, welfare and housing

agencies, public health departments, and faith-based organizations to identify families with children or unaccompanied youth that may be homeless.

- Provide outreach materials and posters where there is a frequent influx of low-income families and youth in high-risk situations, including motels and campgrounds.
- Develop relationships with truancy officials and/or other attendance officers.
- Provide awareness activities for school staff (registrars, secretaries, school counselors, school social workers, school nurses, teachers, bus drivers, administrators, etc.).
- Make special efforts to identify preschool children, including asking about the siblings of school-age children who may be homeless.
- Use enrollment and withdrawal forms to inquire about living situations.
- Have students draw or write about where they live.
- Encourage the use of “children in transition” or other such term and avoid using the word “homeless” in initial contacts with community agency personnel, families, or youth.
- Train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment.
- Review school district enrollment policies and revise them, as necessary.
- Develop alternative caretaker forms, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship, ensuring they do not create further barriers or delay enrollment.
- Accept school records directly from families and youth.
- Establish immunization databases, school-based immunization clinics, or mobile health units.
- Be sensitive about smoothly integrating new students into the classroom and school community.

Providing Transportation to Homeless Children and Youth

- Coordinate with local housing authorities and placement agencies to house students near their schools of origin.
- Re-route school buses (including special education, magnet school and other buses), and ensure that buses travel to shelters, transitional living programs, and motels where homeless students reside.
- Develop close ties among school district homeless liaisons, school staff and pupil transportation staff, and designate a district-level point of contact to arrange and coordinate transportation.
- Provide passes for public transportation, including passes for caretakers when necessary.
- Take advantage of transportation systems used by public assistance agencies.
- Reimburse parents, guardians or unaccompanied youth for cost of transportation.
- Use approved van or taxi services.
- Use other state, federal and local funds for transportation.

Resolving Disputes

The Florida Department of Education and every school district must establish procedures to promptly resolve disputes. Such procedures must ensure that:

- The student is immediately admitted to the school of choice while the dispute is being resolved, and transportation to the school of origin must be provided, upon request.
- The school provides a written explanation of its decision; including the right to appeal the decision (liaisons inform unaccompanied youth).
- The school refers the child, youth, parent, or guardian to the liaison to carry out the dispute process as expeditiously as possible.

Strategies for Ensuring Coordination and Collaboration with Title I Programs

- Establish local formula or other methods to allocate Title I set-asides for homeless children and youth.
- Use Title I funds (including set-aside funds to support the school district homeless liaison position and/or to meet basic needs of students experiencing homelessness).
- Use Title I funds to provide tutoring and/or outreach services to children and youth living in shelters, transitional living programs, motels, and other temporary residences.
- Pool Title I and McKinney-Vento funds to provide a comprehensive program for homeless students.
- Ensure that the needs of children experiencing homelessness are taken into account in the needs assessments that are required for Title I schoolwide programs.
- Make appropriate testing accommodations for children who are homeless. For example, provide opportunities for students to make up tests if they are absent on testing day.
- Ensure that local liaisons are trained to collect achievement data for all homeless students and that district records systems enable this data collection while taking into account confidentiality issues.

Other Title I Requirements

- Children and youth experiencing homelessness are automatically eligible for Title I services, no matter what school they attend. *[Title I Part A, 1115(b)(2)(E)]*
- School districts must reserve (set-aside) funds to provide comparable services to homeless children, including educationally related support services. *[Title I Part A, 1113(c)(3)(A)]*
- School districts' Title I Plans must describe the services that will be provided to homeless children, including services from the set-aside funds. *[Title I Part A, 1112(b)(1)(c)]*
- States must include homeless students in academic assessment, reporting, and accounting systems.
- School districts and the state may not receive Title I, Part A funding unless they submit a plan that is coordinated with the McKinney-Vento Act. *[Title I Part A, 1112(a) (1)].*

QUESTIONS AND ANSWERS

Q1. What are the strategies for increasing the enrollment of homeless children or youth?

A1. School personnel should work collaboratively with the school district's homeless liaison to coordinate with community service agencies, such as shelters, soup kitchens, food banks, transitional living programs, street outreach teams, drop-in centers, community action agencies (especially in rural areas, where there may be no shelters), welfare departments, housing departments, public health departments, and faith-based organizations to begin to develop a relationship on issues such as the school enrollment process, transportation, and other student services. Local homeless liaisons can provide a district-wide residency questionnaire to all students upon enrollment.

Q2. What strategies can a local liaison use to identify homeless preschoolers?

A2. Local liaisons can identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should work with school personnel who can inquire, at the time they are enrolling homeless children and youth in school, whether the family has preschool-aged children.

Q3. Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?

A3. Yes. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. (See Section 725(2)(B)(i) of the McKinney-Vento Act.)

Q4. What civil rights requirements apply to school districts in educating homeless children?

A4. School districts are required to ensure that the educational programs for homeless children are administered in a nondiscriminatory manner. Homelessness may not be used as a factor to deny students the right to a free public education.

Q5. May schools or school districts segregate homeless children and youth in separate schools or in separate programs within a school?

A5. No. Homelessness alone is not sufficient reason to separate students from the mainstream school environment. School districts are required to adopt policies and practices that ensure homeless students will not be segregated or stigmatized on the basis of their status. Homeless students are required to have equal access to all programs and services offered by the school, regardless of whether or not they are in transition. [See Non-regulatory Guidance, Education for Homeless Children and Youth Program, US Department of Education, dated July 2004: Question E-1.]

Q6. May a school district provide educational/instructional services to homeless children or youth at an off-site facility, such as a shelter?

A6. No. Homeless children and youth shall be educated as part of a school's regular academic/instructional program. Academic/instructional and other school-related services and programs must be provided in such a way as to integrate homeless children and youth with their non-homeless counterparts.

Q7. May a school separate children and youth from the regular school program if they reside in a domestic violence shelter?

A7. No. However, school personnel should take all necessary precautions to protect the child or youth who are victims of domestic violence. The steps include, but are not limited to: protecting the children's identity in the school's database system(s); arranging for anonymous pick-up and drop-off locations for buses; enrolling children in a different school; advising bus drivers and other school personnel of the sensitive nature of the child's circumstances; and assisting families in filing copies of protective orders.

Q8. May McKinney-Vento funds be used to provide direct instructional services to homeless children and youth?

A8. Yes, as long as the funds are used to expand upon or improve educational/instructional services provided to homeless children and youth. As with other federally funded programs, McKinney-Vento funds may not be used to supplant educational services that would otherwise be provided to these students through state and/or local funds.

Q9. On what basis does a school district make school placement determinations for homeless children and youth?

A9. A school district must make school placement determinations on the basis of what is in "the best interest" of the homeless child or youth. In determining a child's best interest, a school district must, to the extent feasible, keep a homeless child or youth in the "school of origin" unless doing so is contrary to the wishes of the child's parent or guardian. Should a school district decide to send the homeless child or youth to a school other than the school of origin or a school requested by the parent or guardian, the school district must provide a written explanation of its decision to the parent/guardian, together with a statement regarding the right to appeal the placement decision.

Q10. Are children displaced from their housing by naturally occurring disasters eligible for services under the McKinney-Vento Act?

A10. The FDOE and school districts shall determine whether or not such children would be eligible for McKinney-Vento funded services on a case-by-case basis. In making such a determination, the school district shall take into consideration the services that are available through these and other sources.

Q11. Are homeless children and youth eligible to receive Title I, Part A services?

A11. Yes. Homeless children and youth are automatically eligible for services under Title I, Part A of NCLB; whether or not they live in a Title I school attendance area or meet the academic standards required for eligibility.

Q12. What procedures must a school district follow if a dispute arises between a school and a parent or guardian regarding placement of a homeless child or youth?

A12. If a dispute arises over school selection/enrollment, the school district must immediately enroll the homeless student in the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute. Similar provisions apply to the placement of unaccompanied youth. Inter-district enrollment disputes shall be resolved by the FDOE.

Q13. Are school districts required to provide transportation services to homeless children attending preschool?

A13. Yes, to the extent that a school district offers a public preschool program. McKinney-Vento requires that homeless children have equal access to that preschool education as provided to non-homeless children. Therefore, if a school district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless pre-school children.

Q14. Does McKinney-Vento have a “comparability” requirement?

A14. Yes, the McKinney-Vento Act requires that the services provided to homeless children be comparable to those provided to non-homeless children.

INTERNET LINKS TO OTHER RESOURCES AND INFORMATION

The **Florida Coalition for the Homeless** [www.flacoalitionhomeless.com/about.htm]

A Florida organization whose membership includes homeless advocates, service providers, members of the faith-based community, formerly homeless persons, educators, attorneys, mental health professionals and many others statewide. This organization provides information and strategies among local homeless coalitions and with all interested parties.

The National Center for Homeless Education at SERVE. [www.serve.org/nche/]

The Center provides research, resources, and information enabling communities to address the educational needs of children and youth experiencing homelessness.

NCHE’s Presentation on Homeless Education and Title I: Collaboration and Compliance. [servepres.serve.org/p79332226/]

This presentation explains the relationship between the McKinney-Vento Homeless Assistance Act and Title I of the No Child Left Behind Act. Concepts covered include comparable services, the mandatory reservation of funds set-aside, and strategies for collaboration between the programs. View the [presentation](#). (Length: 11:01 minutes).

The National Association for the Education of Homeless Children and Youth (NAEHCY). [www.naehcy.org/]

A national association that connects educators, parents, advocates, researchers and service providers to ensure school enrollment and attendance, and overall success for children and youth whose lives have been disrupted by the lack of safe, permanent and adequate housing.

The National Law Center on Homelessness & Poverty.

[www.nlchp.org/FA_EDUCATION/]

This center, established in 1989, provides technical assistance to attorneys, service providers, parents, and educators across the country to ensure that homeless children gain access to public school.

The National Coalition for the Homeless (NCH). [www.nationalhomeless.org/]

A national organization that engages in public education, policy advocacy, and grassroots organizing. The Coalition services focus on the following four areas: housing justice, economic justice, health care justice, and civil rights.

Florida Department of Children and Families, Office of Homelessness

[<http://www.dcf.state.fl.us/homelessness/>]

The Office on Homelessness was established in 2001 to serve as a central point of contact within state government on the issue of homelessness. The Office's primary duty is to coordinate the services of the various state agencies and programs to serve those persons or families who have become homeless, or are facing becoming homeless. This office also publishes an annual report. For the most current report, see [Annual Report on Homeless Conditions in Florida 2005](#) at:

[www.dcf.state.fl.us/homelessness/docs/2005reportweb.pdf]