



# McKinney-Vento 101: Navigating the Law and Implementation



# TODAY'S AGENDA

- The Law
- Definitions
- Identification and Enrollment
- School of Origin
- Equal Access
- Coordination and Collaboration
- Local Liaisons
- Resources



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# ACRONYMS (1)

- California Department of Education – CDE
- California Education Codes – *EC*
- California Longitudinal Pupil Achievement Data System – CALPADS
- Consolidated Application and Reporting System – CARS
- Department of Housing and Urban Development – HUD
- Family Educational Rights and Privacy Act – FERPA
- Homeless Education Technical Assistance Centers – HETACs



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# ACRONYMS (2)

- Housing Questionnaire – HQ
- Individuals with Disabilities Education Act – IDEA
- Local Educational Agencies – LEAs, which includes county offices of education, school districts, and charter schools
- National Center for Homeless Education – NCHE
- PowerPoint – PPT
- School of Origin – SOO
- Unaccompanied Homeless Youth – UHY
- United States Code – U.S.C.



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# THE MCKINNEY-VENTO ACT (1)

- The McKinney-Vento Act requires LEAs to ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.
- Homeless students must have access to the educational and related services that they need to enable them to meet the same challenging State academic standards to which all students are held.



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# THE MCKINNEY-VENTO ACT (2)

- LEAs are also required to review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youth.
- LEAs must collaborate and coordinate with other federal and state educational programs, including Title I.
- It is also important to note that homeless students may not be separated from the mainstream school environment.



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# THE MCKINNEY-VENTO ACT (3)

- The Education for Homeless Children and Youth program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The McKinney-Vento Act was originally authorized in 1987 and most recently re-authorized in December 2015 by the Every Student Succeeds Act.
- The complete legislation can be found at <https://nche.ed.gov/legislation/mckinney-vento/>



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# CALIFORNIA EDUCATION CODES

- Over the years, California *EC* have been amended to align to federal McKinney-Vento Act statute.
- Throughout the presentation, some California *EC* sections are cited, but here are other sections that are pertinent to homeless education:
  - Sections 48412, 48850, 48852.5, 48852.7, 48859, 48915.5, 48918.1, 49073, 49076, 51421, 51421.5, 51225.1, 51225.2, and 52052



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# HOMELESS DEFINITION (1)

- Children who lack a fixed, regular, and adequate nighttime residence, which are defined as:
  - A fixed residence is one that is stationary, permanent, and not subject to change
  - A regular residence is one that is used on a normal, standard, and consistent basis
  - An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments



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# HOMELESS DEFINITION (2)

Examples of homelessness include children and youth living in:

- Shared housing due to economic hardship
- Motels or hotels
- Public or private places not designed for sleeping
- Trailer parks or campgrounds
- Cars, parks, and abandoned buildings
- All shelters, including emergency or transitional shelters



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# HOMELESS DEFINITION (3)

Additional examples of homelessness include children and youth who are:

- Migratory children who qualify as homeless
- Abandoned in hospitals
- Unaccompanied youth
- Living in substandard living conditions – please consider such things as health and safety concerns, number of occupants per square foot, the age of occupants, and state and local building codes



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# UNACCOMPANIED HOMELESS YOUTH

- An UHY is a youth that is not in the custody of their parent or guardian and meet the definition of homelessness.
- Liaisons must help UHY choose and enroll in a school, give priority to the youth's wishes, and inform the youth of his or her appeal rights.



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# IDENTIFICATION AND ENROLLMENT (1)

- LEAs are required to identify, enroll immediately, and serve homeless children and youth.
- LEAs can identify through the initial registration process, along with a variety of other ways, such as:
  - Using the CDE-developed HQ and its guidance at <https://www.cde.ca.gov/sp/hs/cy/documents/housingquestionnaire.pdf> and <https://www.cde.ca.gov/sp/hs/cy/documents/guidanceforquestionnaire.docx>



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# IDENTIFICATION AND ENROLLMENT (2)

- Make sure that educational rights are posted at <https://www.cde.ca.gov/sp/hs/cy/documents/homelesspostereng.pdf>
  - Some of the locations should include schools, shelters, public libraries, and food pantries. Get creative where you post them and make sure that your contact information is on them!
- Identification Strategies PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/ehcyidstrategies.pptx>



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# IDENTIFICATION AND ENROLLMENT (3)

- Once you have identified them, you now need to enroll them, immediately, regardless of documentation.
- Homeless students are not required to have all documents necessary for enrollment. This can include school records, health records, proof of residency, guardianship, or other documents.
- Enrolling Homeless Children and Youth PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/enrollhomelesschildyouth.pptx>



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# IDENTIFICATION AND ENROLLMENT (4)

- In addition, LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of children and youth in homeless situations, including barriers due to outstanding fees or fines, or absences.
- Enroll and enrollment means attending classes and participating fully in school activities.
- California *EC* Section 48850 aligns to the same provisions relating to immediate enrollment of homeless children and youth



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# IDENTIFICATION AND ENROLLMENT (5)

- Lastly, any school records for students experiencing homelessness transferring from one LEA to another LEA should be transferred promptly and in a manner consistent with the FERPA. This will ensure that the records are made available in a timely manner when a child or youth enters the new LEA.



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# PRESCHOOL IDENTIFICATION AND ENROLLMENT

- Homeless liaisons are required to identify preschool-aged children experiencing homelessness through outreach and coordination activities with outside agencies.
- They also required to ensure access to Head Start, early intervention (IDEA, Part C), and other preschool programs administered by the LEA.
- Coordination with social service agencies, child development programs, early intervention programs, and other preschool programs is key to serve and support the younger children.



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# ENROLLMENT REPORTING REQUIREMENTS

- All LEAs are required to report the number of homeless students enrolled during a school year through the CALPADS, annually.
- CALPADS is the longitudinal data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting.
- It is important to upload as often as an LEA can to ensure homeless students are identified and receive services.



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# LET'S TALK!

- How does your LEA identify and enroll homeless students?
- What are some of the barriers they might face?
- Questions, comments, strategies?



# SCHOOL OF ORIGIN (1)

- 42 U.S.C. Section 11432[g] and California *EC* Section 48852.7 define “school of origin” as the school the child/youth attended when permanently housed, the school last enrolled, or a school that the homeless child/youth has a connection to in the last 15 months. This includes preschool and feeder school patterns
- Students can stay in their SOO the entire time they are homeless and until the end of any academic year in which they move into permanent housing.



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# SCHOOL OF ORIGIN (2)

- California EC Section 48852.7 aligns to this provision and allow a homeless youth, now permanently housed, to remain in their high school through graduation.
- If a student is sent to a school other than that requested by a parent, guardian or UHY, the LEA must provide a written explanation to the parent or guardian of its decision and their right to appeal.



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# DISPUTE RESOLUTION (1)

- If a dispute arises over eligibility, school selection, or enrollment in a school:
  - The student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute (including all available appeals)
  - The parent, guardian, or UHY must be provided a written explanation of decisions made and how to appeal the decisions



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# DISPUTE RESOLUTION (2)

Whenever there is a disagreement, the school must:

- Immediately enroll student in school according to parent's wishes;
- Keep the student until the dispute is settled;
- Provide transportation;
- Explain the decision in writing to parents; and,
- Contact liaison to assist in settling the dispute with parents, guardian, or youth



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# DISPUTE RESOLUTION (3)

- If the dispute is appealed at the district level, then the appeal will be referred to the county office of education, and if dispute is appealed, again, then it is referred to the State Coordinator at the CDE.
- You can find information about California's Homeless Education Dispute Resolution Process at the CDE Resources for Homeless Children and Youth web page at <https://www.cde.ca.gov/sp/hs/cy/documents/disputeresolutionletter2020.docx>



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# TRANSPORTATION (1)

- Local liaisons must ensure that the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to and from the SOO, and is assisted in accessing transportation to the school selected in accordance with the best interest determination.
- In addition to providing transportation to the SOO, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students in the school.



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# TRANSPORTATION (2)

- LEAs must provide transportation to and from the school of origin, including until the end of the year when the student obtains permanent housing, at the request of a parent or guardian (or at the liaison's request for UHY).
- If the LEA of origin and the LEA of residence cannot agree on who will pay the costs, the two LEAs must share the costs. Transportation and Homeless Education PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/homelessedandtrans.pptx> and a sample Transportation Agreement at <https://www.cde.ca.gov/sp/hs/cy/documents/transportationmou.pdf>



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# POLICIES

- LEAs and their liaisons are required to develop and implement local policies on identification, enrollment, school stability, transportation, privacy, and collaboration.
- The policies should also include how the LEA removes barriers due to fees, fines, and absences, as well as credit accrual and full participation in academic and extra-curricular activities.
- Policies should be reviewed and revised every three years, and after state and federal laws have changed pertaining to homeless children and youth (*EC* Section 51225.1).



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# EQUAL ACCESS

- Comparable Services
- Gifted and Talented Education
- Special education
- Migrant education
- English learner programs
- Transportation
- Career Technical Education
- Vocational education
- Title I
- State Meal Program
- Before and/or after school programs
- Enrichment activities
- Extra-curricular activities



# COLLEGE AND CAREER READINESS

- All homeless youth must be able to receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.
- Liaisons must ensure UHY are informed of their status as independent students and may obtain assistance from the liaison to receive verification of that status.
- Homeless Education and School Counselors PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/homelesschoolcounselor.pptx>



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# LET'S TALK!

- When was your Homeless Education Policy last reviewed and approved?
- How do you ensure that homeless students are receiving comparable services?
- Questions, comments, strategies?





# COORDINATION WITHIN THE LEA

- LEAs must coordinate McKinney-Vento services with a variety of programs within the LEA such as Title I, Special Education, Migrant Education, Transportation, Food Services, even Data.
- Information about a homeless student's living situation is a student education record subject to the FERPA and should be kept within the LEA's boundaries.



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# COORDINATION OUTSIDE THE LEA

- LEAs must coordinate McKinney-Vento services with a variety of programs outside the LEA such as faith-based agencies, community-based organizations, housing agencies, etc.
- Collaboration with Community Partnerships PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/ehcycommunitycollaborate.pdf>



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# CHARTER SCHOOLS

- Charter schools that are LEAs must implement the requirements of the McKinney-Vento Act to ensure that homeless students have access to and can succeed in their education. Services include those both for students who become homeless while attending a charter school as well as for homeless students who wish to enroll in a charter school.
- Charter school grants under Title IV, Part C must work with charter schools on recruitment and enrollment practices to promote inclusion of all students, including eliminating any barriers to enrollment for foster youth and UHY.



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# COLLABORATION WITH HUD (1)

- Local liaisons are authorized to affirm that students meet the HUD definition of homelessness, to qualify them for HUD homeless assistance programs by writing a letter of affirmation.
- This affirmation can be in the form of a signed letter on district letterhead that, at a minimum, identifies the most recent primary nighttime residence of the homeless child, youth, or family that was verified by the local liaison.



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# COLLABORATION WITH HUD (2)

- It is important to note that the letter will:
  - Not require any additional action by HUD
  - May streamline access to HUD services by removing barriers related to documentation
  - Not change the HUD definition of homelessness
  - Not guarantee that families and youth identified as homeless by local liaisons will receive HUD homeless assistance services



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# COORDINATION WITH TITLE I (1)

- Homeless children are automatically eligible for Title I services, regardless of their current academic performance and their school of attendance.
- State report cards must disaggregate achievement and high school graduation data for homeless students.
- Local plans must be coordinated with McKinney-Vento programs and describe the services provided to homeless students, including any reserved funds, to support their enrollment, attendance, and success.



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# COORDINATION WITH TITLE I (2)

- All LEAs that receive Title I, Part A funds must reserve (set-aside) the funds necessary to provide homeless children services comparable to services provided in Title I, Part A schools
- The reservation amount must be based on the total LEA allocation prior to expenditures, may be determined based on a needs assessment, and should involve the liaison



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# COORDINATION WITH TITLE I (3)

- Some of the allowable uses of these funds include:
  - Providing comparable services to homeless children and youth despite their school of attendance
  - Services not ordinarily provided to other students
  - Providing transportation to the school of origin and to fund the liaison
  - Title I, Part A Reservation Funds for Homeless Education at <https://www.cde.ca.gov/sp/hs/cy/documents/allowableexpenses.docx>



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# CONSOLIDATED APPLICATION (1)

- Through the CARS, LEAs are required to indicate the reservation amount, and what Title I services were provided.
- CARS is a two-part application and reporting process for multiple state and federal, formula-driven, categorical program funds submitted by LEAs.
- There is a Winter Release and a Spring Release. Typically, the Winter Release is mid-January through the end of February, annually. The Spring Release is typically mid-May through the end of June, annually.



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# CONSOLIDATED APPLICATION (2)

- Effective coordination between these two programs (given the requirements in both programs to serve homeless children and youth) can have substantive impacts on many homeless students.
- Title I and local liaison coordination including data sharing, resources, and homeless education on LEA-level plans
- All About Data and Homeless Education PPT at <https://www.cde.ca.gov/sp/hs/cy/documents/ehcydataandhe.ppt>  
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# LET'S TALK!

- Who do you collaborate with?
- Are their programs and/or agencies that you still need to connect with?
- Questions, comments, strategies?



# LIAISONS DUTIES AND RESPONSIBILITIES (1)

Every LEA must designate a McKinney-Vento liaison able to carry out their legal duties. Liaisons must ensure that:

- Homeless students enroll in and have full and equal opportunity to succeed in school
- Children and youth in homeless situations are identified by school personnel through outreach and coordination with other entities and agencies
- Access is provided to all and barriers to enrollment and retention are removed



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# LIAISONS DUTIES AND RESPONSIBILITIES (2)

- Public notice of educational rights is disseminated in locations frequented by parents, guardians, and UHY, in a manner and form understandable to them.
  - Posters can be accessed at the CDE's Resources for Homeless Children and Youth web page at <http://www.cde.ca.gov/sp/hs/cy/>
- Parents or guardians are informed of educational opportunities and transportation services.



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# LIAISONS DUTIES AND RESPONSIBILITIES (3)

- School personnel providing McKinney-Vento services receive professional development and other support
- Children, youth, and families have access to and receive educational services for which they are eligible, including Head Start, early intervention (IDEA, Part C), and other preschool programs
- Children, youth, and families receive referrals to health care, dental, mental health, substance abuse, housing, and other services



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# LIAISONS DUTIES AND RESPONSIBILITIES (4)

- Children and youth who do not have immunizations are assisted
- Liaisons participate in professional development and technical assistance as determined appropriate by the State Coordinator
- Liaisons coordinate and collaborate services for homeless children, youth, and their families
- Liaisons collaborate with the State Coordinator, community agencies, and school personnel.



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# LIAISONS DUTIES AND RESPONSIBILITIES (5)

- Disputes are promptly resolved and assistance to access transportation is provided.
- UHY are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies.



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# LIAISONS AND LISTSERVS

- Join the Homeless Children and Youths Resources Listserv to receive information and updates relating to the education of homeless children and youths at the CDE's Homeless Education Resources Listserv web page at <https://www.cde.ca.gov/sp/hs/cy/homelesslistserv.asp>
- Listing of liaisons can be accessed at the CDE's Homeless Education web page at <http://www.cde.ca.gov/sp/hs/>



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# RESOURCES (1)

- General Homeless Education information can be found on the CDE's Homeless Education web page at <https://www.cde.ca.gov/sp/hs/>. We are constantly updating resources and information, so please save it as one of your favorites and access it throughout the year.
- General Homeless Education email at [HomelessEd@cde.ca.gov](mailto:HomelessEd@cde.ca.gov).
- Homeless Education Technical Assistance Centers (HETACs) web site at <https://www.cde.ca.gov/sp/hs/hetac.asp>.



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# RESOURCES (2)

- National Center for Homeless Education web site at <https://nche.ed.gov/>, which is the technical assistance center for the U.S. Department of Education.
- SchoolHouse Connection web site at [Home - SchoolHouse Connection](#), which is a national non-profit organization working to overcome homelessness through education.



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# LET'S TALK!

- As a liaison, what is your capacity to serve and support homeless children, youth, and their families?
- Have you been able to increase your capacity, and how?
- Questions, comments, strategies?



QUESTIONS?

Thank you!  
Thank you!  
Thank you!

