
Are students who are displaced by a disaster covered by the McKinney-Vento Act?

Yes. Students who lack a fixed, regular and adequate primary nighttime residence due to a disaster (flood, fire, hurricane, tornado, etc.) 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 homeless education and natural disasters at: http://center.serve.org/nche/ibt/dis_prep.php

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

The term “homeless children and youth” is defined as individuals who lack a fixed, regular, and adequate primary nighttime residence; and includes:

- 1) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, inadequate trailers, or camping grounds due the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- 2) 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;
- 3) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard or inadequate housing, bus train or stations, or similar settings; and
- 4) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (1) through (3).

What are the educational rights of children and youth experiencing homeless?

- A designated McKinney-Vento Liaison at every school district.
- The right to immediate enrollment in school, even if lacking paperwork normally required for enrollment.
- The right to attend school in his/her school of origin (if this is requested by the parent and is feasible) or the school in the attendance area where the family or youth is currently residing.
- The right to receive transportation to his/her school of origin, if this is requested by the parent.
- Categorical eligibility for free school meals and Title IA services.
- The right to services comparable to those received by household schoolmates, including transportation and supplemental educational services.
- The right to attend school along with children not experiencing homelessness. Segregation based on a student's status as homeless is strictly prohibited.
- The posting of homeless students' rights in all schools and other places around the community.

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). A Colorado statewide list of liaisons can be found at:

http://www.cde.state.co.us/dropoutprevention/homeless_liaisons

What are the liaison's duties?

The McKinney-Vento Act specifies the duties of liaisons, as follows: identify homeless children and youth; ensure that children and youth experiencing homelessness enroll in, and have a full and fair opportunity to succeed in, school; ensure that families, children and youth receive educational services for which they are eligible, including Head Start, Even Start and other public preschool programs, and referrals to health care, dental, mental health and other appropriate services; inform parents and guardians of the educational and related opportunities available to their children and provide them with meaningful opportunities to participate in that education; disseminate public notice of educational rights; ensure that enrollment disputes are mediated; inform families and youth about transportation services and assist them in accessing transportation. Many resources are available to assist liaisons in accomplishing these duties, including a liaison toolkit at: <http://www.serve.org/nche/products.php>

What are some identification strategies to locate displaced children and youth?

Collaboration and coordination with local relief agencies and emergency and disaster response teams are critical for identifying displaced children and youth. Building such relationships and developing a reliable communication system prior to a disaster will help ensure that relief agencies and schools work together during and after a disaster. Identifying children and youth who are not receiving shelter from relief agencies can be a greater challenge. Visiting motels and placing flyers or brochures about the local McKinney-Vento program on the windshields of cars with out-of-state license plates may be helpful. Ongoing awareness and identification strategies, such as posters, trainings, and outreach to public assistance and community services agencies, will also support efforts to identify children and youth displaced by disasters.

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. 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 does not define 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.

Can schools require verification or proof of residency, such as seeing a lease in the case where a family is hosting a student who is not a family member?

No. Schools may not require verification or proof of residency as a condition of enrollment. 42 U.S.C. §11432(g)(3)(C). Due to their living situations, it frequently will be impossible for families and youth experiencing homelessness to provide such verification. Further, schools must not contact the landlords of host families or other authorities to discuss living arrangements. Residence information provided by parents or youth to schools is part of the student's educational records and protected by federal privacy laws. Such contact could also lead to eviction of the host family. However, the Act does not prohibit schools from requiring parents, guardians, or youths to submit emergency contact information. 42 U.S.C. §11432(g)(3)(H); 20 U.S.C. §1232g.

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 homeless student can continue attending the same school even if they move out of that school's attendance areas. This school is called their "school of origin," and they can remain there the

entire time they are homeless, if it is considered feasible and in their best interest (see next question on feasibility). When students find permanent housing, they can finish the school year in their school of origin.

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.

What factors should be considered for keeping children at their school of origin to the extent feasible?

When choosing the school a child experiencing homelessness should attend, the choice must be made “according to the child’s or youth’s best interest.” 42 U.S.C. §11432(g)(3)(A). Changing schools significantly impedes students’ academic and social progress. Many studies also have found highly mobile students to have lower test scores and overall academic performance than peers who do not change schools. Therefore, in determining the child’s best interest, the school district “shall to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian.” 42 U.S.C. §11432(g)(3)(B). [School of origin is defined as the school the student attended when permanently housed, or the school in which the student was last enrolled. 42 U.S.C. §11432(g)(3)(G).]

To assist schools in interpreting “feasibility” and best interest, the U.S. Department of Education has clarified that the determination must be based on a student-centered, individualized analysis of factors related to the child’s safety and educational well-being. Factors that may be considered include: the age of the child or youth; the impact the commute may have on the student’s education; personal safety issues; the students’ need for special instruction; length of anticipated stay in temporary shelter or other temporary location; and time remaining in the school year. There may be other student-centered factors not enumerated here that will help determine feasibility. Above all, feasibility is a child-centered decision. 2004 Guidance, G-4. A tool to assist in school selection is available at http://www.serve.org/nche/downloads/briefs/sch_sel_checklist.pdf (“Guiding the Discussion on School Selection”).

Under what circumstances must a school district provide transportation to school for students experiencing homelessness?

The McKinney-Vento Act requires school districts to provide transportation for students experiencing homelessness in three situations. First, school districts must provide transportation to the school of origin (if feasible) upon the request of a parent or guardian, or in the case of an unaccompanied youth, upon the request of the McKinney-Vento liaison. 42 U.S.C. §11432(g)(1)(J)(iii). That is true regardless of whether the district provides transportation for other students or in other circumstances. Second, for other transportation (as opposed to the school of origin), the McKinney-Vento Act requires districts to provide transportation comparable to that provided to housed students. 42 U.S.C. §11432(g)(4)(A). Therefore, if the district transports housed students to the local school or to a summer program, it must also transport students experiencing homelessness. Finally, school districts must eliminate barriers to the school enrollment and retention of students experiencing homelessness. For example, if a student is living on or near an extremely busy intersection, in a very dangerous neighborhood, or is otherwise unable to attend school without transportation, the district must eliminate lack of transportation as a barrier to the child attending school. 42 U.S.C. §§11432(g)(1)(I), (g)(7).

How far is too far to travel to the school of origin? What if my state has established a general limit on all school transportation of one hour or 30 miles, for example?

The McKinney-Vento Act does not specify any mileage or time limit for travel to the school of origin. The Act requires school districts to provide transportation to the school of origin at the request of a parent or guardian or, for unaccompanied youth, at the McKinney-Vento liaison’s request. 42 U.S.C. §11432(g)(1)(J)(iii). Therefore, whenever a student is attending the school of origin, transportation is required. A commute so lengthy as to be harmful to the child’s

educational achievement will weigh against placement in the school of origin. This determination will depend on the student's circumstances. For example, a lengthy commute that may be harmful to a young child may be feasible for an older youth. Similarly, in many rural areas, lengthy commutes to school are common; the commute of a child experiencing homelessness in such an area would need to be evaluated in that context. Therefore, transportation services must rest on the individualized feasibility determination, not blanket limits. State or school district policies that establish blanket limits on transportation violate the McKinney-Vento Act.

Is transportation required if the school of origin is in another school district?

Yes. As long as attendance at the school of origin is feasible, transportation is required, even if it requires students to cross district lines. If two districts are involved, they must agree upon a method to apportion the cost and responsibility of transportation, or split it equally. 42 U.S.C. §11432(g)(1)(J)(iii). The possibility of nonpayment does not affect districts' obligation to provide transportation. Inter-district disputes cannot delay the immediate enrollment (defined as attending classes and participating fully in school activities) of children in the school selected. 42 U.S.C. §§11432(g)(3)(C), 11434A(1). Establishing inter-district transportation procedures will be essential to ensure that transportation is arranged quickly for students.

If a student is crossing district lines to remain at the school of origin, which district has primary responsibility to arrange and fund the transportation?

The McKinney-Vento Act first gives school districts the flexibility to agree upon a method to apportion cost and responsibility. The Act further states that in the absence of agreement, the two districts must apportion cost and responsibility equally. 42 U.S.C. §11432(g)(1)(J)(iii). However responsibility is divided, students must be provided with transportation without delay. Any such delays would violate the McKinney-Vento Act's requirement that students be immediately enrolled in the selected school.

Can students who are homeless receive free school meals without documenting income? What about students with an outstanding balance of unpaid school meal fees?

Yes and yes. The U.S. Department of Agriculture's Child Nutrition Division issued a policy in 2002 (later enacted into law by the Child Nutrition and WIC Reauthorization Act of 2004) that makes any child identified as homeless by a McKinney-Vento liaison or shelter director automatically eligible for free school meals. They do not have to complete an application. When a liaison or a shelter director provides a child's name to the local school food service office, free school meals should commence immediately. Copies of the USDA policies are available at:

http://center.serve.org/nche/legis/cn_wic.php

States also may have established policies to support this federal law. Children identified as homeless by a McKinney-Vento liaison or shelter director are entitled to receive those meals immediately, regardless of unpaid fees. Unpaid fees may be waived or paid from other funds, but they cannot delay or prevent the student's access to free meals.

Are children and youth in homeless situations eligible for Title I, Part A services? What if they are succeeding in school?

Yes. All children and youth in homeless situations are automatically eligible for Title IA services, whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility. 2004 Guidance, M-1; 20 U.S.C. §6315(b)(2)(E). The poverty, unstable and often unhealthy living situations, and emotional trauma of homelessness place even outstanding students at risk of academic regression and failure.

If a student experiencing homelessness attends a school that does not receive Title I, Part A funds, how does the student receive services?

Every school district that receives Title IA funds is required to set aside a portion of its allotment to provide comparable services to homeless students attending schools that do not receive Title IA services. 2004 Guidance, M-3; 20 U.S.C. §6313(c)(3). For example, Title IA funds frequently serve elementary school students. The mandatory set-aside ensures that middle and high school students experiencing homelessness in those districts receive Title IA services.

What kind of services can Title I, Part A funds (including set-asides and other funds) pay for?

Title IA funds, including those under the set-aside and other funds, can be used to serve students experiencing homelessness in both Title IA and non-Title IA schools. The services should support the students to succeed in school and to meet academic achievement standards. The funds can be used to provide services that are not ordinarily provided to other Title IA students, including educationally related support services to children in shelters and other locations where they are living. 20 U.S.C. §6313(c)(3)(A). For example, to help students effectively take advantage of educational opportunities, and when the items or services are not available from other sources, Title IA funds can be used to provide:

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement; clothing and shoes necessary to participate in physical education classes;
- Student fees that are necessary to participate in the general education program;
- Personal school supplies such as backpacks and notebooks;
- Birth certificates necessary to enroll in school;
- Immunizations;
- Food;
- Medical and dental services;
- Eyeglasses and hearing aids;
- Counseling services to address anxiety related to homelessness that is impeding learning;
- Outreach services to students living in shelters, motels, and other temporary residences;
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions;
- Tutoring services, especially in shelters or other locations where homeless students live;
- Parental involvement specifically oriented to reaching out to parents of homeless students;
- Fees for AP and IB testing; and
- Fees for SAT/ACT testing.

2004 Guidance, M-3, M-4; U.S. Department of Education, *The American Recovery and Reinvestment Act of 2009: Using Title I, Part A ARRA Funds*, September 2, 2009, G-11 (hereinafter "2009 Guidance"), available at <http://www.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

Can Title, Part A funds be used to fund transportation?

Sometimes. In general, LEAs may not use funds under Title I, Part A to transport students experiencing homelessness to or from their school of origin. 2004 Guidance, H-3. However, once a student becomes permanently housed, Title IA funds can pay to transport the student to and from their school of origin, so he or she may complete the academic year at that school. Title IA funds can also be used to help fund other kinds of transportation, such as transportation to extra-curricular activities and academic enrichment services.

Can Title I, Part A set-asides be used to fund McKinney-Vento liaisons?

Yes. An individual paid, in whole or in part, with Title I, Part A funds may also serve as the McKinney-Vento liaison. Liaisons funded with Title IA dollars must perform at least some Title IA duties for the expense to be allowable. 2009 Guidance, G-11.

Can my district make changes to the current Title I, Part A plan, including increasing the level of homeless set-asides?

Affected districts are encouraged to examine their current use of Title IA funds to determine if revisions could be made to provide more funds to homeless activities. Districts wishing to make such revisions should send an email to Trish Boland (boland_t@cde.state.co.us), outlining the proposed changes that will result in additional funds to support displaced and homeless students. CDE can approve any program changes prior to the official Post Award Revision date. During the Post Award Revision window, districts will submit a budget that reflects the activities approved earlier.

Can Title 1 Part C funds be used for any flood victims?

No. Funds can only be used for migrant eligible children, students and families.

Can Title 1 Part C funds be used for transportation?

Yes. Funds can be used for transportation for eligible migrant children, students and families.

How can my district support eligible migrant students?

Contact your regional migrant office (Metro, West Central, Northern, Southeast, and Southwest):
http://www.cde.state.co.us/sites/default/files/migrantregions_2.pdf

Resources

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

Dana Scott, State Coordinator for the Education of Homeless Children and Youth, Colorado Department of Education
Phone: 303-866-6930, e-mail: scott_d@cde.state.co.us web-page: www.cde.state.co.us/dropoutprevention/homeless_index
or

Your district's McKinney-Vento Homeless Education Liaison: www.cde.state.co.us/dropoutprevention/homeless_liaisons