



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



BEST PRACTICES IN HOMELESS EDUCATION BRIEF SERIES
Confirming Eligibility for McKinney-Vento Rights and Services

This NCHE brief:

- summarizes the key provisions related to eligibility included in the McKinney-Vento Act;
- provides recommended practices for confirming the McKinney-Vento eligibility of children and youth; and
- informs training and collaboration practices on confirming eligibility.

INTRODUCTION

Children and youth experiencing homelessness face unique barriers to accessing and succeeding in school. Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.; hereafter the *McKinney-Vento Act*) establishes the definition of *homeless* used by U.S. public schools, and the educational rights to which homeless children and youth are entitled. For schools to be able to provide needed services to homeless students, they first must be able to identify these students.

To determine a student's McKinney-Vento eligibility, the school district must determine whether the student's living arrangement meets the McKinney-Vento Act's definition of *homeless*. In the process of determining eligibility, school districts may encounter instances where they feel the need to confirm information provided about a child's or youth's living arrangement. This

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).

brief provides local homeless education liaisons¹ (hereafter *local liaisons*) and school districts with recommended steps to take and practices to avoid when seeking to confirm a student's McKinney-Vento eligibility. Briefs on additional homeless education topics are available at <https://nche.ed.gov/briefs.php>.

RECOMMENDED PRACTICES FOR CONFIRMING ELIGIBILITY

NCHE recommends that districts and local liaisons consider the following practices to ensure that efforts to confirm information about a child's or youth's living arrangement are reasonable, effective, discreet, and in compliance with privacy guidelines.

Policies and Procedures

- Use a housing questionnaire that incorporates informative, yet non-invasive, questions about a student's living arrangement as part of your district's enrollment paperwork. Use the information gathered on this questionnaire to assist with making determinations of McKinney-Vento eligibility. Avoid using the word "homeless," as it may be off-putting; instead incorporate questions that describe living arrangements included in the McKinney-Vento definition of *homeless*. Sample questionnaires can be accessed at https://nche.ed.gov/ibt/sc_eligibility.php and https://nche.ed.gov/pr/liaison_toolkit.php. For more information on this topic, download *Determining Eligibility for McKinney-Vento Rights and Services* at <https://nche.ed.gov/briefs.php>.
- As required by the McKinney-Vento Act, enroll students seeking McKinney-Vento eligibility immediately, even if they are unable to provide paperwork normally required for enrollment [42 U.S.C. § 11432(g)(3)(C)(i)(I)]. Efforts to confirm eligibility should take place

¹ The McKinney-Vento Act requires school districts to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local liaison to carry out the duties described in the Act [42 U.S.C. § 11432(g)(1)(J)(ii)].

once full enrollment has occurred.

- If, after investigating, a district concludes that the student is not McKinney-Vento eligible, the district must provide the parent, guardian, or unaccompanied youth the opportunity to appeal the district's decision through the district's McKinney-Vento dispute resolution process [42 U.S.C. § 11432(g)(3)(E)]. For more information, download NCHE's *Dispute Resolution* brief at <https://nche.ed.gov/briefs.php>.
- Establish a district protocol incorporating the principles outlined in this brief for confirming information about a student's living arrangement. The protocol should provide clear guidance on the following issues:
 - » Steps to take when working with a student whose living arrangement might meet the McKinney-Vento definition of *homeless*
 - » Steps to take when information received about a student's living arrangement needs to be confirmed
 - » Personnel who will be involved when further investigation of a student's living arrangement is needed
 - » The parameters within which involved personnel must act when confirming eligibility, including recommended and prohibited practices
- If using home visits as part of efforts to confirm eligibility, train district staff who will be involved in conducting the visits on the following issues:
 - » Understanding the McKinney-Vento definition of *homeless*
 - » Explaining the purpose of the home visit and what to expect as part of the visit to the family or youth in a way that is informative and respectful
 - » Assuaging a family's or youth's concerns about confidentiality, discrimination based on homeless status, and unwarranted social service involvement

- » Conducting the minimal investigation necessary to verify a student's living arrangement
- » Maintaining the confidentiality of information gathered during a home visit
- If available, use your phone's caller ID to verify if a parent or youth is calling from a motel, hotel, shelter, or transitional housing program.

Training and Collaboration

- Train district and school staff on the McKinney-Vento Act's definition of *homeless* and steps to take if working with a student whose living arrangement may meet the definition. Staff members to train include school administrators, counselors, social workers, psychologists, enrollment personnel, secretaries, nurses, attendance officers, and bus drivers. It is important to note, however, that while the Act establishes the need for a collaborative approach to identifying eligible students, with this type of approach being especially important in districts with large student bodies, the local liaison maintains the final authority for making determinations of eligibility.
- Request that bus drivers notify the local liaison if a student receiving McKinney-Vento services does not appear to live near the bus pick-up location.
- Contact the student's prior school to determine if the student was identified as McKinney-Vento eligible there.
- Work with local liaisons from nearby school districts to share information about children and youth in homeless situations who have transferred between districts.
- Develop relationships with local shelters, housing providers, and low-cost motels and hotels. Request their assistance with identifying homeless families and youth and/or confirming a student's living arrangement, when appropriate. Schools and LEAs must ensure that they are complying with all relevant privacy laws, including the Family

Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records, including information about a student's living situation [42 U.S.C. § 11432(g)(3)(G)]. The sharing of information between shelters, housing providers, and low-cost motels and hotels may occur only with the express consent of the parent or youth. For more information, download *Interagency Data Disclosure: A Tip Sheet on Interagency Collaboration* at <https://www2.ed.gov/programs/homeless/ehcy-interagency-data-disclosure.pdf>.

Working with Parents and Youth

- Sometimes all that is needed to resolve questions about a student's eligibility is a conversation with the parent or youth. When speaking with the parent or youth, explain that you are requesting information to help you determine whether the child or youth would be eligible for additional supports. Conduct this conversation in a private space and in a diplomatic manner, understanding that these conversations are very personal for the family or youth.
- Talk to unaccompanied youth about their home situation with care and sensitivity. Understand that although youth may hesitate to disclose it, their home may be a toxic, unsafe, or even abusive environment.
- When speaking with parents or youth about their living situation, focus on basic questions such as, "Why did you leave your last residence?", "Where did you sleep last night?", and some of the other questions included in NCHE's *Determining Eligibility for McKinney-Vento Rights and Services* brief.
- Avoid using the word "homeless" on school forms and in conversation with families or youth. Many families or youth would not want to be called "homeless" due to the stigma that may be associated with the term. Further, families or youth may not consider themselves homeless even though their living arrangement meets the definition.

- Work with parents, caregivers, and youth to determine if they are able to provide any documentation that could confirm their living situation. Remember, however, that the McKinney-Vento Act prohibits schools from denying or delaying enrollment due to the inability to provide documentation normally required for enrollment [42 U.S.C. § 11432(g)(3)(C)(i)(I)].
- Have parents, caregivers, or youth sign enrollment forms indicating that McKinney-Vento services are offered based on information they have provided about their living situation. The forms should explain the consequences for providing false information in a neutral and non-threatening manner.

PRACTICES TO AVOID WHEN SEEKING TO CONFIRM ELIGIBILITY

NCHE recommends that districts and local liaisons comply with the following guidelines to ensure that efforts to confirm information about a child's or youth's living arrangement are reasonable, respectful, effective, discreet, and in compliance with privacy guidelines.

- Do not contact people or agencies outside the school system to seek information about a family's or youth's situation. Information about a homeless student's living arrangement is considered part of the student's education record and, as such, is covered by the privacy protections included in FERPA. [42 U.S.C. § 11432(g)(3)(G)]. For more information, visit <https://nche.ed.gov/legis/ferpa.php>.
- Do not conduct invasive surveillance of families or youth, including following them, observing them from outside their residences, or talking to neighbors about their living situation. If needed, trained staff members may conduct home visits.
- Do not use police officers to conduct home visits.
- Do not insist that families or youth provide documents like eviction notices, utility bills,

occupancy permits, or notarized letters from the party whose housing they are sharing. While some families may be willing and able to provide this paperwork, others may be unable to do so. Still others may hesitate to document that they're living in someone else's housing for fear of causing problems for the host party due to the violation of a lease, occupancy limits, or public housing guidelines. As noted above, schools must enroll students seeking McKinney-Vento eligibility immediately, even if they are unable to provide paperwork normally required for enrollment, including proof of residency [42 U.S.C. § 11432(g)(3)(C)(i)(I)].

In sum, a school district's attempts to verify a student's eligibility for McKinney-Vento services must be conducted in a reasonable and discreet manner. If questions arise about a student's eligibility, the district must enroll the student immediately, seek additional information once full enrollment has occurred, and provide the opportunity to appeal a district's determination via the dispute resolution process should a dispute arise. For additional information on confirming McKinney-Vento eligibility, contact your State Coordinator for Homeless Education or the National Center for Homeless Education.

REFERENCES

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapterubchapter6/partB&edition=prelim>

This brief was developed by:

National Center for Homeless Education

800-308-2145 (Toll-free Helpline)

<http://nche.ed.gov>

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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/states/state_resources.php.

For more information on the education of children and youth experiencing homelessness, contact the NCHE Helpline at 800-308-2145 or homeless@serve.org.

Local Contact Information:

Sayre Schools
Danny Crabb
580-928-5531