



TITLE IX, PART A HANDBOOK

MCKINNEY - VENTO HOMELESS
ASSISTANCE ACT



OKLAHOMA
Education

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INTRODUCTION

The Education for Homeless Children and Youth (EHCY) program is authorized under the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of December 2015. The Oklahoma EHCY program addresses the needs of students experiencing homelessness in Local Educational Agencies (LEAs) throughout the state, by supporting homeless liaisons and by distributing funds from the U.S. Department of Education (USDE). The Oklahoma State Department of Education (OSDE) designates a State Coordinator to provide training and technical assistance, review policies and procedures, and monitor LEAs for program compliance to ensure that all children and youth experiencing homelessness are able to attend and fully participate in school.

The mission of the Education for Homeless Children and Youth program at OSDE is to ensure educational equity and success for students experiencing homelessness by providing support according to the McKinney-Vento Homeless Assistance Act. The program's vision at OSDE is that all students experiencing homelessness are provided the opportunity and support needed to be academically successful and able to achieve their goals.

CHAPTER 1: General Information

In order to better support the education of homeless children and youth, the McKinney-Vento Homeless Assistance Act requires a compound of activities to be implemented by the State Educational Agencies (SEAs) and the Local Educational Agencies (LEAs).

Among the most notable support activities are requirements for:

- SEAs and the LEAs to review and revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, and success in the education of homeless children and youth;
- LEAs to use the McKinney-Vento Homeless Assistance Act definition of homeless when identifying and determining which students are eligible for services;
- LEAs to designate a local liaison to coordinate services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically;
- LEAs to coordinate the local plan required under Title I, Part A with the needs of homeless children and youth, including making a mandatory set-aside of funds under Title I, Part A to serve homeless children and youth;

- SEAs and LEAs to implement procedures to ensure homeless children and youth receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school;
- LEA school counselors to assist and advise homeless children and youth to improve college preparation and readiness;
- LEAs to inform unaccompanied homeless youth regarding their independent status on the Free Application for Federal Student Aid (FAFSA).

The McKinney-Vento Homeless Assistance Act guarantees to homeless children the following rights:

- to immediately enrollment in school;
- to attend school in school of origin or in the attendance area where the family currently resides;
- to receive transportation to school of origin if requested by parents and is in the best interest of the child;
- to receive comparable services as other schoolmates including transportation and supplemental services;
- to attend school along with children who are not homeless;
- to have their rights posted in all schools and other places around the community that low-income families and high-risk families may visit.

The McKinney-Vento Act includes, among other things, new or changed requirements focused on:

1. Identification of homeless children and youths;
2. Preschool-aged homeless children, including clarification that local liaisons must ensure that these children and their families have access to and receive services, if eligible, under LEA administered preschool programs, including Head Start, Part C of the Individuals with Disabilities Education Act (IDEA) (Early Intervention Program for Infants and Toddlers with Disabilities), and other preschool programs administered by the LEA;
3. Collaboration and coordination with other service providers, including public and private child welfare and social services agencies; law enforcement agencies; juvenile and family courts; agencies providing mental health services; domestic violence agencies; child care providers; runaway and homeless youth centers; providers of services and programs funded under the Runaway and Homeless Youth Act; and providers of emergency, transitional, and permanent housing, including public housing agencies, shelter operators, and operators of transitional housing facilities;
4. Professional development and technical assistance at both the State and local levels;
5. Removing enrollment barriers, including barriers related to missed application or enrollment deadlines, fines, or fees; records required for enrollment, including

- immunization or other required health records, proof of residency, or other documentation; or academic records, including documentation for credit transfer;
6. School stability, including the expansion of school of origin to include preschools and receiving schools, and the provision of transportation until the end of the school year, even if a student becomes permanently housed;
 7. Privacy of student records, including information about a homeless child's or youth's living situation; and
 8. The dispute resolution process.

1.1 Responsibilities at the State Educational Agency Level

McKinney-Vento Act delineates responsibilities that SEAs must undertake in order to ensure homeless children and youth are served and represented. Under 42 U.S.C. §11432 (f) SEAs must:

- Gather data on the educational challenges and progress of homeless children and youth;
- Develop and carry out a State plan;
- Submit data to the Secretary as required;
- Facilitate coordination between the SEA and other state agencies;
- Coordinate and collaborate with educators, (including preschool programs), homeless and runaway children and youth providers, shelters, local liaisons, and community organizations;
- Provide technical assistance to LEAS in coordination with local liaisons to ensure compliance. (The U.S. Department of Education requires SEAs to monitor compliance in all LEAs, on a regular basis);
- Ensure that each homeless child and youth has equal access to the same free, appropriate public education, including preschool, as provided to other children and youth;
- Ensure that homeless children and youth have access to services to enable them to meet state academic achievement standards;
- Review and revise policies that may act as a barrier to the school enrollment, attendance, and success of homeless children and youth;
- Develop and implement professional development programs for school personnel to assist in serving homeless children and youth.

1.1.1 SEA Coordinator's Duties

The McKinney-Vento Homeless Assistance Act requires every State Educational Agency (SEA) to designate a Homeless State Coordinator that can sufficiently carry out duties as outlined under *42 U.S.C. §11432(d)(3)*.

The SEA Coordinator's key duties include:

- Posting on the SEA website an annually updated list of local educational agency (LEA) liaisons, and the number of homeless children and youth LEAs identify statewide; [42 U.S.C. §§ (g)(6)(B); (f)(1)]
- Responding to inquiries from homeless parents and unaccompanied youth; [42 U.S.C. §(f)(7)]
- Providing professional development programs for liaisons and others; [42 U.S.C. §(f)(6)]
- Monitoring LEAs to ensure compliance. [42 U.S.C. §(f)(5)]

1.2 Responsibilities at the Local Educational Agency Level

The McKinney-Vento Act provides several LEA requirements for serving homeless children and youth. Under section 42 U.S.C. §11432(g)(3) LEAs must:

- Immediately enroll the child or youth, even without records that are normally required for enrollment, or if the child or youth has missed application or enrollment deadlines during any period of homelessness;
- Assist with obtaining immunizations or other required health records;
- Continue a homeless child's or youth's education in the school of origin for the duration of homelessness and for the remainder of the academic year, even if the child or youth becomes permanently housed during an academic year;
- Enroll the homeless child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend;
- Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth;
- Consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the parent, guardian or unaccompanied youth;
- Provide a written explanation of the reasons for the LEA's decision, including information regarding the right to appeal to the parent, guardian, or unaccompanied youth, if the LEA sends the child to a school other than the one requested;
- Enroll the child or youth immediately in the school in which enrollment is sought if a dispute rises over eligibility, school selection or enrollment in a school, pending final resolution of the dispute;
- Provide services comparable to those received by other students in the school.
- Treat information about a homeless child's or youth's living situation with confidentiality, as a student education record;

- Coordinate with local services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

1.2.1 LEA Homeless Liaison Duties

Every LEA must designate a liaison for students experiencing homelessness. It is important that the Homeless Liaison has some knowledge and experience in dealing with federal programs and social worker responsibilities. It is important that the Homeless Liaison has knowledge of the LEA demographics, understands the community, has great communication skills, and has a commitment to serving the Homeless children and youth.

In 42 U.S.C. § 11432(g)(6)(A), the McKinney-Vento Act lists the responsibilities of the local homeless liaison. The law states that local homeless liaisons will ensure that:

- Homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
- Homeless students enroll in, and have full and equal opportunity to succeed in school;
- Homeless children and youth, their families, and unaccompanied youth receive educational services for which they are eligible, including Head Start, early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA), and other preschool programs administered by the LEA;
- Homeless families, children, and youth receive referrals to health care services, dental services, mental health and substance abuse services, and other appropriate services;
- Parents or guardians of homeless children and youth, and unaccompanied youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
- Parents or guardians of a homeless child or youth and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services to their selected school;
- Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Homeless Assistance Act;
- Public notice of the educational rights of homeless students is disseminated in all schools and other places around the community;
- With the assistance of the LEA personnel, procedures are implemented to ensure homeless children and youth receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school;

- LEA school counselors assist and advise homeless children and youth to improve college preparation and readiness;
- Unaccompanied homeless youth are informed regarding their independent status on the Free Application for Federal Student Aid (FAFSA);
- School personnel who serve homeless children and youth, including the Homeless Liaison, receive professional development and other support.

1.3 Prohibition of Segregation

States receiving funds under 42 USC, Part B-Education for Homeless Children and Youths shall never segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless. *[42 USC, Section 11432(e)(3)(A)]*

As an exception to this rule, “a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this part for programs carried out in such school if—

- (i) the school meets the requirements of subparagraph (C);
- (ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and
- (iii) the State is otherwise eligible to receive funds under this part.”

[42 USC, Section 11432(e)(3)(B)]

1.4 Potential Warning Signs of Homelessness

While the following are considered common signs, please recognize that they only offer general guidance. There is significant variability within the school-age homeless population. Individual students may differ significantly from the following general characteristics.

- Enrollment at multiple schools, lack of records, gaps in learning, poor/inconsistent attendance, inability to pay fees, poor organizational skills, poor ability to conceptualize;
- Poor hygiene, unmet medical/dental needs, respiratory problems, skin rashes, chronic hunger or food hoarding, fatigue and falling asleep in class;
- Erratic attendance and tardiness, numerous absences, lack of participation in field trips and/or afterschool activities, inability to contact parents;
- Lacking shower facilities/washers, etc., wearing clothes several days, inconsistent grooming;
- Social and behavioral challenges, such as extreme shyness, withdrawal, or aggression; clinginess; poor self-esteem; difficulty with peer and/or adult relationships; poor attention span; developmental delays; fear of abandonment; anxiety late in the school day;

- Consistent lack of preparation for school, incomplete or missing homework, lack of basic school supplies; inability to complete special projects, loss of books and supplies on a regular basis, elevated concern for safety of belongings.

CHAPTER 2: Definition of Homelessness

2.1 Federal Definition of Homelessness

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, Section 11434(a)(2) defines homeless children and youth as those who lack a fixed, regular, and adequate nighttime residence. The law provides several examples of situations that meet the definition. This includes children and youth:

- sharing housing due to a loss of housing, economic hardship, or a similar reason.
- living in hotels, motels, trailer parks, or camping grounds due to a lack of alternative adequate housing;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- living in a public or private place not designated for, or normally used as, a regular sleeping accommodation for human beings;
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar places; and/or
- living in one of the above circumstances and who are migratory.

A *fixed residence* is one that is stationary, permanent, and not subject to change.

A *regular residence* is one that is used on a regular (i.e. nightly) basis.

An *adequate residence* is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

These determinations should be made on a case-by-case basis. In general, children or youth living on the streets, transitional housing shelters, cars, abandoned buildings, and other inadequate accommodations are considered homeless.

The USDE further specifies the following categories of homeless children and youth:

- Children and Youth in Transitional Shelters – Children and youth staying temporarily in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations are not considered homeless;

- Doubled-Up Children and Youth – Children and youth who are sharing housing with other families or individuals are considered homeless if they are doubled-up because of a loss of housing, economic hardship, or another similar situation. Families living in doubled-up accommodations voluntarily to save money generally are not considered homeless;
- Foster Children and Youth – The Every Student Succeeds Act of 2015 (ESSA) removed “awaiting foster care placement” from the definition of homeless children and youth under the McKinney-Vento Act;
- Incarcerated Children and Youth – Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless, even if prior to their incarceration they would have been considered homeless because they were living in inadequate accommodations. Children and youth who are under the care of the State and are being held in an institution because they have no other place to live should be considered homeless. Once these children or youth are placed in more permanent facilities, they are no longer considered homeless;
- Migratory Children and Youth – Migratory children and youth should not be considered homeless simply because they are children of migratory families. To the extent that migratory children are staying in accommodations not fit for habitation, they should be considered homeless;
- Runaways – Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them;
- School-Age Unwed Mothers – In general, if school-age unwed mothers or expectant mothers are living in homes for unwed mothers, and they have no other available living accommodations, they should be considered homeless. However, if they are staying in such a home only temporarily to receive specific health care or other services, and intend to move to adequate accommodations, they are not considered homeless;
- Sick or Abandoned Children and Youth – There are instances where children and youth remain in a hospital beyond the time that they would normally stay for health reasons because they have been abandoned by their families. These children and youth should be considered homeless because they have no other place to live. Children and youth who were homeless prior to hospitalization

should be considered to be homeless while they are in the hospital, unless regular and adequate living accommodations will be made available to them upon release from the hospital;

- Throwaways – Throwaway children or youth (i.e. those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodation.

2.2 State Definition of Homelessness

Oklahoma’s Senate Bill (SB) 511 went into effect in 2015. SB 511 instructs the Oklahoma Commission on Children and Youth, which is the agency that serves at-risk youth, to include recommendations for the development and improvement of services for homeless children and youth in their annual report. The Office of Planning and Coordination Steering Committee (P&C Steering Committee) is a sub-committee of the Oklahoma Commission on Children and Youth Board of Commissioner’s. The P&C Steering Committee through its assessment activities identified what appear to be two sub-populations of children and youth at risk of becoming homeless or experiencing homelessness, which are:

1. Children and Youth that are a member of an economically fragile family;
2. Children and Youth that exit the state child serving system at age 18.

CHAPTER 3: Title I, Part A Homeless Set-Aside Uses of Funds

ESSA, Section 1115(c)(2)(E) indicates that serving homeless students is an integral part of Title I, Part A. Homeless students who attend any school served by an LEA, regardless of whether the school receives Title I, Part A funds, are eligible for Title I services. Specifically, an LEA must reserve such funds as are necessary to provide services to homeless students who attend non-Title I schools that are comparable to those provided to students in Title I schools. These services may include providing educationally related support services to homeless children in shelters and other locations where they may live. [ESSA, Section 1113(c)(3)(A)]

Two principles govern the usage of homeless set-aside funds:

1. The services must be reasonable and necessary to assist students experiencing homelessness to take advantage of educational opportunities;
2. The funds must be used only as a last resort when funds or services are not available from other public or private sources.

3.1 Determining Title I, Part A Homeless Set-Aside Amounts

Determining an appropriate homeless set-aside amount requires coordination between the school district's Title I, Part A and McKinney-Vento programs. The set-aside may be determined based on an assessment of the needs of students experiencing homelessness within the district, considering both the number and needs of these students [20 U.S.C. § 6313(c)(3)(C)(i)]; this assessment may be the same as the needs assessment conducted as part of the district's McKinney-Vento subgrant application process [42 U.S.C. § 11433(b)(1)]. Further, the set-aside must be determined based on the total Title I, Part A allocation received by the district, and reserved prior to any allowable expenditures or transfers by the district [20 U.S.C. § 6313(c)(3)(B)].

Districts should establish their own methods for determining their homeless set-aside while working with the State offices for Title I and McKinney-Vento, as appropriate. When determining the set-aside amount, the Title I director and the local homeless liaison should partner to gather and review relevant data in order to ensure that sufficient Title I, Part A funds are reserved to meet the needs of students experiencing homelessness. As a reminder, in determining the set-aside amount, districts should allow for the provision of services to meet the unique needs of homeless students who attend Title I, Part A schools that are above and beyond services provided through the regular Title I, Part A programs at those schools, in addition to the provision of services to homeless students who do not attend Title I, Part A schools.

Once a district has identified the needs of students experiencing homelessness to be addressed, the amount of funds necessary to provide services should be determined. In addition to planning interventions based on student needs, planned services should be of sufficient time and intensity to impact students' academic outcomes. Possible methods for calculating the set-aside amount include:

- determining a percentage of the district's Title I, Part A funds to reserve for the homeless set-aside;
- multiplying the number of students experiencing homelessness identified by the district by the Title I, Part A per-pupil allocation;
- matching the amount of McKinney-Vento subgrant dollars received by the district, if applicable; or
- adjusting previous set-aside amounts based on past set-aside expenditures and trend data, such as the number of students experiencing homelessness identified, these students' academic outcomes and educational needs, and changes to the community's poverty levels and/or economy.

3.2 Title I, Part A Homeless Set-Aside Uses of Funds

3.2.1 Direct Student Services

Title I, Part A funds may provide a wide variety of services to homeless students. In addition to providing services to assist homeless students in meeting the State’s challenging academic achievement standards, Title I, Part A funds may be used to provide services that may not ordinarily be provided to other Title I students. For example, to help homeless students effectively take advantage of educational opportunities, an LEA may use Title I, Part A funds to provide, where appropriate, items or services including, but not limited to:

- Clothing that is 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, including textbooks;
- Personal school supplies such as backpacks and notebooks;
- Birth certificates necessary to enroll in school;
- Immunizations;
- 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 experienced 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;
- Fees for SAT/ACT testing;
- GED testing for school-age students.

Several principles govern the use of Title I, Part A Funds to provide such services to homeless students. First, the services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities. [ESSA, Section 1113(c)(3)(A)]

Second, Title I, Part A funds must be used as a last resort when funds or services are not reasonably available from other public or private sources, such as the U.S. Department of Agriculture's free-and reduced-price school lunch program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally. [ESSA, Section 1115(e)(2)]

3.2.2 Homeless Liaison Salary

Title I, Part A set aside funds also may be used to support the salary of a homeless liaison. The McKinney-Vento Homeless Assistance Act requires each LEA in a State to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as well as a liaison for homeless children and youth.

3.2.3 Student Transportation

Title I, Part A Homeless set aside funds may be used to transport homeless students to and from school. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

CHAPTER 4: Competitive Grant Application for McKinney-Vento Education for Homeless Children and Youth Funds

4.1 Grant Application Process at OSDE

OSDE makes competitive grants available to LEAs to facilitate the enrollment, attendance, and success of homeless children and youth in Oklahoma's public schools. Requests for applications from LEAs are announced every three years based on the availability of funds. Application materials and information are posted on OSDE's website.

The Office of Federal Programs (OFP) provides technical assistance and support with the application process to prospective applicants statewide through webinars and telephone consultation.

Completed applications are received by the OFP and screened for eligibility and completeness. Applications are then reviewed and rated using OFP's process for reviewing competitive grants.

4.2 Allocation of the Competitive Grant Funds

Upon the awarding of the competitive grants, the available grant funds are allocated until the funds are exhausted. Approved grantees are notified and are required to submit a budget to be approved by the state homeless education coordinator. The budget is submitted and approved through the Consolidate Application.

4.3 Monitoring the Competitive Grants

The grantees are provided technical assistance in administering the grant according to the McKinney-Vento Homeless Assistance Act and guidance. The grants are monitored through:

- The budget approval process that assures that the approved competitive grant is the foundation of any request for funds;
- The annual desk or onsite monitoring of each grantee;
- The annual submission of the Title IX, Part A, McKinney-Vento Homeless Assistance Program End of Year Evaluation Report.

4.4 McKinney-Vento Subgrantees Responsibilities

McKinney-Vento Homeless Assistance Act Education for Homeless Children and Youth grants may be awarded annually up to three years, to a grantee contingent upon the continuation of federal funding and the successful completion of the following:

- Onsite monitoring;
- On-time submission of the annual Homeless Census Report;
- On-time submission of a Title IX, Part A, McKinney-Vento Homeless Assistance Program End of Year Evaluation Report.

4.5 Uses of McKinney-Vento Funds

USDE allocates McKinney-Vento funds to States to carry out activities for homeless children and youth authorized under 42 USC. The Subgrantee LEAs, as well as each recipient State, may use these funds.

4.5.1 Subgrantees' Uses of Funds

An LEA may use McKinney-Vento funds to assist homeless children and youth in enrolling, attending, and succeeding in school. In particular, the funds may support any of the activities authorized under section 723(d) of the McKinney-Vento Act (42 U.S.C. 11433(d)), including the following:

- Supplemental educational services, such as tutoring and other academic enrichment programs;
- Expedited evaluations for various educational services;
- Professional development activities for educators and pupil services personnel working with homeless students;
- Health referral services;
- Defraying the excess cost of transportation in order to enable students to attend the school of origin;
- Early childhood education programs for preschool-aged homeless children;
- Services and assistance to attract, engage, and retain homeless children and youth and unaccompanied youth in public school programs;
- Before and after-school, mentoring, and summer programs with educational activities;
- Payment of fees and costs associated with tracking, obtaining, and transferring records of homeless children and youth;
- Education and training for parents of homeless children and youth about rights and resources;
- Development of coordination between schools and agencies providing services;
- Provision of pupil services (including violence prevention counseling) and referrals for such services;
- Activities to address needs that may arise from domestic violence;
- Adaptation of space and purchase of supplies for non-school facilities to provide services listed above;
- Provision of school supplies, including those to be distributed at shelters or other appropriate locations; and
- Other extraordinary or emergency assistance needed to enable homeless students to attend school.

While there are many allowable uses of funds under McKinney –Vento competitive grant, LEAs **are not allowed** to use such funds for:

- Rent;
- Utilities;
- Clothing for parents.

4.5.2 SEAs' Uses of Funds

A State may use its McKinney-Vento allocation for the following purposes:

- State activities - A State that receives an allocation greater than the State minimum allotment (i.e., greater than \$150,000) may reserve for State-level activities up to 25 percent of its allocation for that fiscal year. A State funded at the minimum level may reserve for State-level activities up to 50 percent of its allocation for that fiscal year. The SEA may conduct these activities directly or through grants or contracts.

- Subgrants to LEAs - An SEA must award funds not reserved for State-level activities to LEAs on a competitive basis.

CHAPTER 5: McKinney-Vento Act Requirements

5.1 Data Collection Requirements

The U.S. Department of Education (USDE) requires all LEAs, with and without subgrants, to submit information to determine the extent to which homeless children and youth have access to a free, appropriate, public education under Title IX, Part A of ESSA. All data reported must be based on actual student enrollment. Estimated numbers are not acceptable.

LEA Homeless liaisons should work with their LEA to implement a system to collect the needed data on each homeless student who is identified and enrolled. This data collection can be facilitated by the use of an intake form at the time of enrollment, or when a currently enrolled child becomes identified as homeless.

LEAs must also identify the primary nighttime residence for each homeless student identified and enrolled. The primary nighttime residence indicates the type of temporary residence in which the student resides.

The data in the Education for Homeless Children and Youth Homeless Census Report is a part of the LEA state reporting requirements and should be collected in the student database system. This report can be found in the Grants Management System (GMS). LEAs will be notified by electronic mail as to the date this report is due to the OFP. Directions for the completion of this survey will be included in technical assistance sessions and with the survey notification letter sent electronically.

5.2 Policy Review and Revision Requirements

Annually, LEAs must review and revise any laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, and success in school of homeless children and youth. In the review of such laws, regulations, practices, or policies, LEAs should give specific consideration to the laws regarding the following areas:

- Identification
- School Selection
- Enrollment
- Transportation
- Services
- Resolution of Disputes
- Free Meals

- Title I
- Training
- Coordination
- Preschool
- Appropriate Credit for Full or Partial Coursework Satisfactorily Completed

CHAPTER 6: FAQs

6.1 Q: If a family becomes permanently housed during the school year, does the student’s homeless status change?

A: No. They continue to be identified as homeless and receive services for the remainder of the current school year. This includes the right to continue attending the school that they have been attending and receiving services such as transportation, free lunch, fee waivers, etc. The students will then attend the boundary school of their permanent address the next school year. Homeless Liaison should notify the family that the students must attend the boundary school of the new address the next school year.

6.2 Q: How do you determine if a student meets the definition of being identified as homeless?

A: The best way to determine if families are eligible is to ask them questions that focus on “is the living situation FIXED, REGULAR, and ADEQUATE”.

- FIXED: Stationary, permanent, not subject to change
- REGULAR: Used on a predictable, routine, consistent basis.
- ADEQUATE: lawfully and reasonably sufficient, sufficient for meeting the physical and psychological needs typically met in a home environment.

You can ask yourself: “Can the student go to the SAME PLACE (fixed) EVERY NIGHT (regular) to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?

6.3 Q: How can you determine if a family or unaccompanied youth that is sharing a house with another family meets the definition of homelessness?

A: A family must be sharing the home of others due to economic hardship, loss of housing, or a similar reason. Just because they are living with another family, does not mean that they qualify to be identified as homeless.

Here are some examples: A family chooses to move in with grandma because grandma needs someone to care for her. - does NOT qualify to be identified as homeless.

A family moves into Mom's boyfriend's house because she wants to live with him. - does NOT qualify to be identified as homeless.

A family was evicted from their home and cannot afford a new place so they are living with an uncle. - DOES qualify to be identified as homeless.

A mother and her children are fleeing from a domestic violence situation and are currently living with a friend. - DOES qualify to be identified as homeless.

6.4 Q: What does the term “unaccompanied youth” mean?

A: Unaccompanied youth are students who are living WITHOUT a parent or legal guardian. An unaccompanied youth can be difficult to identify. This includes students who were kicked out or who have run away. This does NOT include foster care or any other out of home placements made by the courts. This also does NOT include parents who have made arrangements for their student to live with someone else.

Some examples include: A student who was kicked out of the home and is currently living with a family member or friend. - DOES qualify to be identified as an unaccompanied youth and homeless.

A student who has run away from home and is staying with a family member or friend. - DOES qualify to be identified as an unaccompanied youth and homeless.

The parent is currently homeless and the child has to stay with a family member so the child is not in a shelter with the parent. - DOES qualify to be identified as an unaccompanied youth and homeless.

The parent is currently incarcerated and an out of home placement has not been made by the courts. - DOES qualify to be identified as an unaccompanied youth and homeless.

The parent decided that the student is going to live with a grandparent because mom doesn't want to have her child attend a specific school. - does NOT qualify to be identified as an unaccompanied youth or homeless.

Arrangements have been made for a student to stay with someone else, if the parent gives consent for the child to stay somewhere other than with the parent. - does NOT qualify to be identified as an unaccompanied youth or homeless.

6.5 Q: If a student is an unaccompanied youth, can they automatically be identified as a homeless student?

A: No. The unaccompanied youth still needs to meet the definition of homeless.

6.6 Q: Who is responsible for making the determination of whether a student meets the definition to be identified as homeless or not?

A: The district Homeless Liaison.

6.7 Q: Are children who are awaiting foster care placement still eligible for services under the McKinney-Vento Act?

A: The McKinney-Vento Act no longer includes children and youths who are awaiting foster care placement in the definition of “homeless children and youths.” This means that children who are awaiting foster care placement will no longer be considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition of “homeless children and youths.”

GLOSSARY

Best Interest Determination

In determining a child’s or youth’s best interest, an LEA must presume that keeping the homeless child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or in the case of an unaccompanied youth, the youth. (Section 722(g)(3)(B)(i)). When determining a child’s or youth’s best interest, an LEA must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(ii)). We encourage an LEA to also consider the school placement of siblings when making this determination.

Enroll

The terms "enroll" and "enrollment" include attending classes and participating fully in school activities. *[Non-Regulatory Guidance, 2017, Section K-2, Education for Homeless Children and Youths Program]*

Homeless children and youth

The McKinney-Vento Act defines homeless children and youth as individuals who lack a nighttime residence that is:

- **Fixed:** Stationery, permanent, and not subject to change

- **Regular:** Used on a predictable, routine, or consistent basis (e.g., nightly); consider the relative permanence
- **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

School of Origin

The **school of origin** is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. *[McKinney Vento Act, Education for Homeless Children and Youth, Section 722(g)(3)(G)]*

Unaccompanied Youth

The term **unaccompanied youth** includes a youth not in the physical custody of a parent or guardian. This would include youth living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing and children and youth denied housing by their families (sometimes referred to as throwaway children and youth), and school-age unwed mothers, living in homes for unwed mothers, who have no other housing available.

[McKinney Vento Act, Education for Homeless Children and Youth, Section 725(6)]

RESOURCES

- *National Center for Homeless Education (NCHE)*
nche.ed.gov
- *SchoolHouse Connection*
Schoolhouseconnection.org
- *McKinney-Vento Education for Homeless Children and Youth Act, 42 USC*
- *Every Student Succeeds Act (ESSA), July 31, 2018*
- *Office of Management and Budget (OMB), 2 CFR Chapter I, Chapter II, Part 200, December 26, 2013*

CONTACTS

Tammy Smith
Program Specialist
405.522.3260
Tammy.Smith@sde.ok.gov