

BEST PRACTICES IN HOMELESS EDUCATION

Confirming Eligibility for McKinney-Vento Services: Do's and Don'ts for School Districts



Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

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 similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;*
- 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).*

Under the McKinney-Vento Homeless Assistance Act, schools must identify children and youth in homeless situations and provide appropriate services. One such service is immediate enrollment in school, even when students lack paperwork normally required for enrollment, such as school records, proof of guardianship, a birth certificate, immunization or other health records, and proof of residence. In complying with the immediate enrollment mandate, some school districts may be concerned that families or youth may claim falsely to be homeless in order to gain access to services for which they are not eligible or to gain enrollment in a school outside of their local attendance area.

Due to the stigma associated with homelessness, the vast majority of students seeking eligibility for services under McKinney-Vento does so in good faith and with good reason. If a question arises about a student's eligibility, schools may wish to confirm the details of the student's living situation. **All such efforts must be grounded in sensitivity and respect, keeping the academic well-being and best interest of the student in the forefront.** Using invasive or threatening techniques to confirm a student's eligibility can humiliate families and youth and may place an already tenuous temporary living arrangement in jeopardy. This may destabilize the family or youth further and may create a barrier to the student's enrollment, thereby violating the McKinney-Vento Act. Additionally, employing these techniques may violate the Family Educational Rights and Privacy Act (FERPA).¹

Use the following checklists to guide you in confirming McKinney-Vento eligibility. If you have questions about a student's eligibility, enroll the student immediately and contact your school district's local homeless education liaison or your State Coordinator for Homeless Education for further information.² **Delaying the enrollment of a homeless student violates federal law and may place the student in danger.**

DO...

Do talk with parents and youth

- ✓ Talk with parents and youth about their living situation, focusing on basic questions such as, “Why did you leave your last residence?” or “Where did you sleep last night?”

Let them know you are asking questions of a personal nature to determine if they are eligible for additional services. Avoid using the word “homeless” in initial conversations due to the associated stigma; instead, use terminology such as “in a temporary living arrangement”.

- ✓ Share information about McKinney-Vento services, rights, and definitions when a parent or youth cannot provide proof of residency, guardianship, or other documentation, or when they display other possible indicators of homelessness.
- ✓ Work with parents, youth, and caregivers to determine if they are able to provide any documents that could confirm their living situation. Keep in mind that the McKinney-Vento Act prohibits schools from requiring documents for school enrollment.

Homeless verification can be handled in such a way that it **does not violate** privacy **or jeopardize** housing arrangements. It is up to the local liaison, enrollment staff, and/or other school personnel to be **sensitive** and **discreet**.

Do put good policies and procedures in place

- ✓ Implement the usage of a district-wide enrollment questionnaire that incorporates informative, yet non-invasive, questions to help enrollment staff determine eligibility. Samples of forms in use around the country can be found at <http://www.serve.org/nche/forum/eligibility.php>.
- ✓ Have parents, youth, or caregivers 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. A sample enrollment packet is available at http://www.serve.org/nche/products_list.php#liaison_toolkit.
- ✓ Having school officials visit the place where the student is staying can be threatening to homeless families and youth, who may fear discrimination or negative social service intervention, and to host families, who may be putting their own housing at risk by sheltering others. When these visits are necessary due to doubts about McKinney-Vento eligibility, send school or school district staff members who are trained on the McKinney-Vento Act and homelessness. It is important for visitors to talk to families and youth about why they are visiting, ensure them that information will be kept confidential, and conduct only the minimal investigation necessary to verify the living situation.
- ✓ Contact the student’s prior school to determine if the student was identified as homeless there.
- ✓ Install Caller ID on the local liaison’s phone, so that the local liaison can verify when parents or youth are calling from a motel.

Keeping it positive and **supportive** instead of invasive and threatening is **essential**.

DON'T...

Don't threaten or harass parents or students, violate their privacy, or jeopardize their housing

- ⊗ Don't contact landlords or housing agencies about a student or family. Such contacts may violate the Family Educational Rights and Privacy Act (FERPA) and the McKinney-Vento Act and may jeopardize already tenuous housing situations. In addition, these contacts generally do not provide useful information.
- ⊗ Don't conduct invasive surveillance of students or families, such as following them, observing them from outside their residences, or talking to neighbors about their living situation. The McKinney-Vento Act requires schools to eliminate barriers to enrollment and attendance; acts that may threaten or intimidate create barriers that can frighten parents and students away from school. School staff trained on issues of homelessness and the McKinney-Vento Act can conduct respectful home visits, when necessary.
- ⊗ Don't use police officers to conduct home visits.

Don't pose barriers to enrollment

- ⊗ Don't require documents like eviction notices, utility bills, occupancy permits, or notarized letters from host families. The McKinney-Vento Act prohibits schools from requiring documents for school enrollment.
- ⊗ Don't force caregivers to obtain legal custody or guardianship to enroll youth. The McKinney-Vento Act requires school districts to have procedures to enroll unaccompanied youth immediately; legal custody or guardianship cannot be prerequisites. Furthermore, custody and guardianship have important legal consequences far beyond education and are not appropriate for many caregiver relationships.
- ⊗ Don't force people into shelters or onto the streets as a prerequisite for McKinney-Vento services.

In sum, a school district's attempts to verify a student's eligibility for McKinney-Vento services must be governed by respect, sensitivity, and reasonable limits. **When in doubt, the district must always enroll the student immediately and should seek support from the local liaison or State Coordinator for Homeless Education.**

Endnotes

1. For more information on FERPA, visit http://www.serve.org/nche/legis_resources.php.
2. Visit http://www.serve.org/nche/states/state_resources.php to find contact information for your State Coordinator.

This brief was developed by:

National Center for Homeless Education
800-308-2145 (Toll-free Helpline)
<http://www.serve.org/nche>

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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 will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at *http://www.serve.org/nche/states/state_resources.php*.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail *homeless@serve.org*.



Local Contact Information: