



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



McKinney-Vento Law Into Practice Brief Series Domestic Violence, Homelessness, and Education Services

This NCHE brief

- features the role of school and school districts in supporting students who are experiencing homelessness and impacted by domestic violence;
- explains the definition of homeless included in Subtitle VII-B of the McKinney-Vento Homeless Assistance Act;
- summarizes relevant parts of the Family Educational Rights and Privacy Act (FERPA); and
- recommends collaborative practices for educators and service providers to support adults, children, and youth who are experiencing homelessness and impacted by domestic violence.

INTRODUCTION

Violence impedes schooling and can disrupt children's educational experiences and outcomes (Lloyd, 2018). The 2015 U.S. domestic violence shelter program's annual 24-hour survey reported that over 31,500 adults and children had fled domestic violence and found refuge in a domestic violence emergency shelter or transitional housing program (National Network to End Domestic Violence, 2016).

Children and youth who experience homelessness and domestic violence face many barriers and experience unique challenges in attending school, but a stable school experience can help ease some of the effects of domestic violence and homelessness on children. Schools offer many important benefits including safety, predictability, a sense of normalcy, adult and peer support, meals, basic medical and mental health services, extracurricular activities, and referrals to community resources and supports. Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter referred to as the McKinney-Vento Act) helps ensure that children and youth affected by domestic violence and experiencing homelessness have stable and safe school experiences.

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).

THE MCKINNEY-VENTO ACT

Many parents and their children become homeless when they flee a domestic abuser, some witnessing or experiencing domestic violence on a regular basis. Once a child or youth is identified as homeless by their school or local educational agency (LEA), they are eligible for services to help meet their educational and other needs.

The McKinney-Vento Act establishes the definition of homeless used by U.S. public schools and provides the educational rights to which children and youth experiencing homelessness are entitled (see definition of homeless sidebar). This federal law covers children and youth who are living in domestic violence shelters, emergency shelters, transitional living programs, staying temporarily with friends or relatives due to loss of housing, economic hardship or a similar reason, or staying in motels, campgrounds, cars, or other temporary or inadequate housing.

The McKinney-Vento Act requires every LEA to appoint a local homeless education liaison (hereafter referred to as the local liaison). The local liaison, and others in schools and the LEA who are trained by the local liaison, use the homeless criteria in the McKinney-Vento Act to determine if a child or youth is eligible for services. For a step-by-step process to determine McKinney-Vento eligibility, download NCHE's brief, *Determining Eligibility for McKinney-Vento Rights and Services*, at https://nche.ed.gov/wp-content/uploads/2018/10/det_elig.pdf.

The local liaison is also charged with ensuring that children and youth experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies (42 U.S.C. § 11432(g)(6)(A)(i)). As such, while the Act establishes the need for a collaborative approach to identifying eligible students, the local liaison maintains the final authority for making determinations. When necessary, the local liaison may request information from other entities such as shelter providers to help determine whether the child or youth would be eligible for additional supports.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

To ensure students and their families cannot be tracked by an abuser through school records, it is essential to know what information schools can share and with whom it can be shared. All public schools must follow the guidelines in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which is the federal law that protects the

privacy of educational records.

FERPA provisions related to sharing student information include:

- Schools can release basic “directory” information about students, such as name, address, phone number, date of birth, and date of attendance (34 CFR Part 99.37).
- The school must explain to parents and students aged 18 or older what directory information includes and that such information can be released. The school must allow the parents or students to opt out of the release of directory information (34 CFR Part 99.37).
- A parent or eligible student (aged 18 or older) must provide schools with written permission prior to release any information from a student’s education record, with the exceptions listed in 99.31(34 CFR Part 99.30).
- According to the McKinney-Vento Act, details regarding the living arrangement of a child or youth experiencing homelessness are treated as the student’s education record and not part of directory information (42 U.S.C. § 11432(g)(3)(G)).

UNACCOMPANIED YOUTH EXPERIENCING HOMELESSNESS

While unaccompanied students are not referenced specifically in the McKinney-Vento Act definition of *homeless*, unaccompanied children and youth whose living arrangements meet the McKinney-Vento definition of homeless are eligible for services under the Act. The term *unaccompanied youth* is defined in the Act as “a homeless child or youth not in the physical custody of a parent or guardian” (42 U.S.C. § 11434a(6)). If the student’s parent or guardian is not staying with the student in the household, the student is an unaccompanied youth. In most cases, a youth who leaves a home due to domestic violence and stays in a temporary residence meets the McKinney-Vento Act eligibility criteria. For more information, download NCHE’s *Supporting the Education of Unaccompanied Students Experiencing Homelessness* at <https://nche.ed.gov/wp-content/uploads/2018/10/youth.pdf>.

Although FERPA states that schools must have written permission from a parent before releasing any information from a child's records, the Act allows exceptions for schools to release records without a parent's permission to the following:

- the student's other parent - unless a protection order is in place or parental rights have been terminated;
- school officials with legitimate educational interest in the information;
- another school if the student is transferring there;
- financial aid offices if the student has applied for financial aid;
- Federal, state, and local education authorities, if they need school records to audit or evaluate the school, and organizations that are accrediting the school;
- state and local authorities if state law specifically allows the release of school records;
- organizations conducting studies for schools;
- anyone named in a court order that requires the school to release records; and
- appropriate officials in cases of health and safety emergencies (FERPA; 20 U.S.C. § 1232g; 34 CFR Part 99.31).

CONFIRMING MCKINNEY-VENTO ELIGIBILITY

In the process of determining McKinney-Vento eligibility, there may be instances where an LEA believes it is necessary to take steps to confirm information provided about a student's living arrangement. In these cases, LEAs must ensure that all such efforts are reasonable, grounded in discretion and sensitivity, and aligned with the mandates of FERPA. For more information, download NCHÉ's *Confirming Eligibility for McKinney-Vento Services* at <https://nche.ed.gov/wp-content/uploads/2018/10/conf-elig.pdf>.

SAFE AND SUPPORTIVE PRACTICES

SCHOOLS

There are many ways that schools can ensure educational stability and continuity for children and youth who are fleeing or surviving domestic violence and experiencing homelessness. The following practices are recommended for schools serving students experiencing homelessness who are impacted by domestic violence:

- Ensure students who meet the definition of homeless are identified, enrolled, and served.
- Ensure school personnel receive training on the requirements of the McKinney-Vento Act and FERPA, as well as trauma informed approaches for conducting private and sensitive conversations with students and parents.
- Establish collaborative partnerships with shelter agencies and other community-based organizations (CBOs) working with domestic violence survivors.
- Connect students who have experienced domestic violence to counseling and trauma support.
- Follow enhanced safety precautions to ensure that an abuser cannot access the student on school grounds.
- Inform parents experiencing homelessness of the educational rights of their children under the McKinney-Vento Act and FERPA.
- Because both parents have legal access to students records from school unless a protection order is in place, encourage the survivor parent to use a substitute address (if the abuser is a parent). Sharing the shelter address or other location could pose harm to the family. The LEA could also accept the shelter's administrative address or connect the family with the state Address Confidentiality Program, visit <https://ncdoj.gov/public-protection/address-confidentiality-program/>.
- Assist the survivor parent with referrals to services (e.g., academic, housing, medical, legal, counseling, or mental health).
- The Office on Violence Against Women (<https://www.justice.gov/ovw>) at the United States Department of Justice funds traditional housing programs for domestic violence and offers a domestic violence hotline. Go to <https://www.>

thehotline.org/, call 1.800.799.SAFE (7233), or text “START” to 88788.

- Develop a safety plan with the survivor parent that includes drop-off and pickup locations, shadow addresses, and authorized emergency contacts.
- Ensure student records are transferred confidentially via the state attorney general’s office or state Address Confidentiality Program.

SERVICE PROVIDERS

By working together, schools and service providers can help ensure safety, stability, and confidentiality for survivors of domestic violence. Collaboration between schools and homeless service providers can create a positive school experience and can help ease some of the effects of domestic violence and homelessness on children and families.

The following practices are recommended for service providers:

- Contact the local liaison for McKinney-Vento eligibility determinations and service referrals. Links to the local liaison contact lists are available on each SEA’s website. Go to <https://nche.ed.gov/data/> and click on your state.
- Collaborate with the local liaison on procedures for sensitivity, confidentiality, and safety for survivors.
- Assist with school district professional development activities on domestic violence.
- Provide written information on the McKinney-Vento Act and FERPA for survivor parents at shelters and transitional housing programs. Visit the NCHC website (<https://nche.ed.gov/>) for awareness materials, briefs, and information for parents.

For more information on how homeless service providers and homeless education staff can collaborate and help each other in supporting children, youth, and families experiencing homelessness, please visit <https://nche.ed.gov/collaboration/>.

REFERENCES

- Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99 (1974). <https://www.ecfr.gov/current/title-34/subtitle-A/part-99?toc=1>
- Lloyd, M. (2018). Domestic violence and education: Examining the impact of domestic violence on young children, children, and young people and the potential role of schools. *Frontiers in Psychology*, 9, 1-11. <https://doi.org/10.3389/fpsyg.2018.02094>
- National Network to End Domestic Violence (NNEDV).(2016). *Domestic violence counts 2015: A 24-hour census of domestic violence shelters and service*. Washington, DC.
- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (1987). <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

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

Local Contact Information:

