

General Definitions and Identifications

Additional info can be found at the link below:

<http://sde.ok.gov/sde/faqs/title-x-part-c-mckinney-vento-homeless-education-frequently-asked-questions>

What is the definition of homeless children or youths?

A. The McKinney-Vento Homeless Education Assistance Act (42 U.S.C. § 11431-11435) defines homeless children or youth as those individuals who lack a fixed, regular and adequate nighttime residence.

What is meant by "immediate enrollment?"

A. Immediate enrollment means that a homeless student should be enrolled without undue or unreasonable delay. The goal is to ensure that the district does not create a barrier to enrollment.

What school is the "school of origin?"

A. The term "school of origin" is defined as the specific school building in a school district that the student attended when permanently housed or the school in which the student was last enrolled before becoming homeless.

Do school districts have the responsibility to identify or locate children and youth experiencing homelessness?

A. Yes. Every school district must designate a liaison for children and youth experiencing homelessness. The McKinney-Vento Act requires school district liaisons to ensure that "homeless children and youths are identified by school personnel and through coordination with other entities and agencies." 42 U.S.C. § 11432(g)(6)(A). The purpose of identification is to offer appropriate services to the family, child or youth. Coordination with schools and community agencies is an essential identification strategy, as are professional development, awareness and training activities within school buildings and school districts.

Is there any guidance on what "fixed, regular, and adequate nighttime residence" means?



A. The McKinney-Vento Act states that children and youth who lack a "fixed, regular and adequate nighttime residence" will be considered homeless. The Act does not define those terms. However, the following definitions may provide guidance:

(1) Fixed: Securely placed or fastened; Not subject to change or fluctuation. (Merriam-Webster's Collegiate Dictionary, Tenth Edition.) A fixed residence is one that is stationary, permanent, and not subject to change. (e.g., Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002.)

(2) Regular: Normal, standard; Constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; Recurring, attending, or functioning at fixed or uniform intervals. (Merriam-Webster's Collegiate Dictionary, Tenth Edition.) A regular residence is one which is used on a regular (i.e. nightly) basis. (e.g., Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002.)

(3) Adequate: Sufficient for a specific requirement; Lawfully and reasonably sufficient (Merriam-Webster's Collegiate Dictionary, Tenth Edition.) An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments. (e.g., Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002.)

Is there a time limit on how long a child or youth can be considered homeless?

A. No, there is no specific time limit on homelessness. Whether a child or youth meets the definition of homelessness depends upon the living situation and the individual circumstances. It is a case-specific inquiry. Due to the extremely limited incomes of most families experiencing homelessness (on average, less than half the federal poverty line) and the severe shortage of affordable housing across the country, experiences of homelessness can sometimes last an extended period of time.

Are children and youth who live in trailer homes or trailer parks covered by the Act?

A. Under some circumstances, yes. Under the McKinney-Vento Act, children and youth who live in trailer parks are covered by the Act if they live in the trailer park "due to the lack of alternative adequate accommodations." (42 U.S.C. § 11434A(2)(B)(i).) Therefore, whether children and youth living in trailer parks are covered by the Act is a case-by-case determination to be made by the local liaison, in light of the family's circumstances. The liaison will need to consider the adequacy of the trailer home, including the number of people living in the trailer, the condition of the trailer, and the availability of running water, electricity, and other standard utilities. If the trailer is inadequate, it should be considered a homeless situation. The relative permanence of



the living situation must also be examined: if the family is living in the trailer temporarily, they are likely to be covered by the Act.

Are families who move in with relatives or friends covered by the Act?

A. In many circumstances, yes. Children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason are covered by the McKinney-Vento Act. Families who share adequate housing due to cultural preferences or convenience would not be covered by the Act. Also, families who are sharing housing in a permanent basis are unlikely to be covered by the Act.

Is a child automatically considered homeless if a parent is incarcerated?

A. A review of the facts specific to the child should assist the district in determining whether homelessness is a consequence of the incarceration. It may depend on the immediacy and longevity of the parent's incarceration; it may also depend on who has custody of the child during the parent's incarceration and/or whether the student is residing in a fixed, regular, and adequate nighttime residence during the incarceration. If the child is not identified as homeless, he/she may be residing in the district as the result of hardship or good cause.

Is transitional housing considered a homeless situation?

A. Yes. The McKinney-Vento Act specifically applies to children and youth living in transitional shelters. This term includes transitional housing programs and transitional living programs. State Coordinators are also required to "coordinate and collaborate with... providers of services to homeless and runaway children and youths and homeless families (including... transitional housing facilities, ...and transitional living programs for homeless youths)." (42 U.S.C. § 11432(f)(5)(B).)

To what extent are children awaiting foster placement covered by the McKinney-Vento Act?

A. The McKinney-Vento Act specifically covers children awaiting foster care placement. However, the Act does not define that phrase. Before attempting to apply the McKinney-Vento Act to children and youth in state custody, educators and advocates should consult their state laws, regulations and policies (both education and social services) to see if they contain authority for keeping foster children in their schools of origin, providing transportation, and/or requiring immediate enrollment. State or local social services officials and child welfare attorneys will have access to social services laws and policies. When interpreting the McKinney-Vento Act phrase "awaiting foster care placement," state coordinators and school district liaisons should collaborate with state and local social services agencies to advocate for educational services that support the



educational needs of individual students. Generally speaking, the definition must apply to children and youth "who lack a fixed, regular, and adequate nighttime residence." Collaboration between education and social services agencies is imperative. School district liaisons, social services personnel, and advocates should engage in a local dialog on this issue, to agree upon categories of out-of-home placements that fall within the statute. Educators and social services personnel should engage the assistance of attorneys from many specialties, including legal aid, education, social services, and guardians ad litem. Communities that have worked collaboratively and systematically have achieved success in applying the McKinney-Vento Act appropriately to children and youth in state custody.

Do incarcerated youth qualify for McKinney-Vento protection services?

A. No. Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless. Incarcerated children and youth are part of the juvenile justice system and subject to the requirements and regulations thereof. However, children and youth residing in shelters or other homeless situations after leaving detention centers are covered by the Act.

What ages does the McKinney-Vento Act cover?

A. The McKinney-Vento Act applies to children and youth age 21 and under, consistent with their eligibility for public education services under state and federal law. State laws vary, but generally provide access to all students until high school graduation or equivalent, or until age 18 (or over in some states). For special education students, federal law provides the right to access services until age 22.

What are a district's responsibilities for advising families about their rights if families do not identify or consider themselves as homeless?

A. Families and youth in homeless situations frequently will not identify themselves as such. This may be due to the stigma and prejudices associated with homelessness or because the youth or family does not recognize that the living situation would be considered a homeless situation under the McKinney-Vento Act. Therefore, schools must ensure that families and youth are aware of the Act, who it covers and what it provides. The Act requires school districts to disseminate public notice of the education rights of children and youth in homeless situations where such children and youth receive services, such as schools, family shelters, and soup kitchens. Identification and outreach techniques must be administered sensitively and without stigma, to create an environment in which families, children and youth will be comfortable seeking support. Once a school has sensitively and discretely explained the rights available under the McKinney-Vento Act, families or youth may choose not to take advantage of McKinney-Vento services, at their discretion.



Does the family's/youth's income affect whether they are covered by the Act?

A. Generally, no. The Act's definition of homelessness centers on the student's living arrangement. There are no specific income limits in the definition. Income is vaguely referenced in the context of children and youth "sharing the housing of others due to loss of housing, economic hardship, or a similar reason." Therefore, in determining whether shared housing meets the Act's definition, it may be appropriate to consider the family's or youth's financial resources. Statistically, the mean income of families experiencing homelessness is less than half the federal poverty line.

Is there any procedure in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?

A. Yes. Every school district must designate a liaison for students experiencing homelessness. One of the liaison's duties is to identify children and youth who meet the statutory definition of homeless. School districts must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision. Over the past 17 years documented cases of families falsely claiming to be homeless have been extremely rare; the few cases that have been documented were resolved quickly at the district level.

Does the McKinney-Vento Act's definition of homelessness in the education provisions (Education for Homeless Children and Youths) also qualify the family or youth to access services from other agencies (i.e. housing, food assistance, etc.)?

A. At this time, the education definitions apply only for educational purposes. The U.S. Department of Housing and Urban Development (HUD) and other agencies have adopted their own definitions, which are narrower than the education definition. For example, families sharing housing and many families staying in motels are not considered homeless by HUD and cannot access HUD Emergency Shelter Grant services homeless persons. However, these families can access HUD funds that are targeted to low-income individuals. Educators and advocates should approach their HUD Continuums of Care to seek such funding and support. In fact, the McKinney-Vento Act requires states and school districts that receive McKinney-Vento funds to coordinate with state and local housing agencies and other service providers to minimize educational disruption for children and youth who become homeless.

Are migrant students covered by the McKinney-Vento Act?



A. Yes, migrant students are covered by the Act if they are living in a homeless situation.

Can a district refuse to enroll undocumented immigrants who have no proof of guardianship?

A. No, not if they are covered by the McKinney-Vento Act. Undocumented students have the same right to public education as U.S. citizens. Therefore, the McKinney-Vento Act applies to them in the same way it would apply to any student; if the student meets the definition of homeless, he or she must be enrolled in school immediately, even if lacking proof of guardianship. The McKinney-Vento Act does not apply to immigrant student who live in a fixed, regular and adequate residence.