

Teaching Students Who Are Not Permanently Housed

McKinney-Vento Education of
Homeless Children and Youth Act
reauthorized under ESSA

McKinney-Vento Eligibility

Children or youth who lack a fixed, regular, and adequate nighttime residence, including:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
- Living in emergency or transitional shelters

McKinney-Vento Eligibility

- Awaiting foster care placement (will disappear from this definition in December 2016 – ESSA amendment)
- Living in a public or private place not designed for or ordinarily 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 settings
- Migratory children living in the above circumstances
- Unaccompanied youth living in the above circumstances

Fixed, Regular, and Adequate

- **Fixed:**
 - Stationary, permanent, not subject to change
- **Regular:**
 - Used on a predictable, routine, consistent basis
 - Consider the relative permanence
- **Adequate:**
 - Lawfully and reasonably sufficient
 - Sufficient for meeting the physical and psychological needs typically met in a home environment

Can the student go to the SAME PLACE (fixed) EVERY NIGHT (regular) to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?

Shared Housing

- Legislative wording: “sharing the housing of other persons **due to loss of housing, economic hardship, or a similar reason**”
- Considerations:
 - Why did the parties move in together? Due to a crisis or by mutual choice as a plan for mutual benefit?
 - How permanent is the living arrangement intended to be?
 - Where would the party in crisis live if not sharing housing?
 - Is the living arrangement fixed, regular, and adequate?

Important Eligibility Considerations

- Reference the legislative wording
- Make determinations on a case-by-case basis based on the circumstances of each child
- Understand that some cases will be clear-cut; others will require further inquiry and a more nuanced analysis
- Use fixed, regular, and adequate as guiding principles
- Remember that the list of living arrangements included in the law describes common homeless situations, but is not exhaustive

- Do you know of children who may meet the eligibility requirements?

South Dakota Examples

- House fire
- Tornado
- Eviction
- Medical Bills
- Housing Condemned – holes in roof and ceiling
- Snow Caved in the Roof
- Flooded/Rainfall/2011 Missouri Flood
- Family Violence/Abuse
- Parent Abandonment
- Family Member Died – Child Alone
- Family Incarcerated
- Left Home and Unable to Return
- Parent Locked Child Out of Home
- Inadequate Housing – no plumbing/ heat/electricity
- Living in Tent, Car, Camper, Abandoned Building
- Sleeping in Park

Educational Rights

Under the McKinney-Vento Act, children in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there
- Attend either the local school or the school of origin, if this is in their best interest; the school of origin is the school the child attended when he/she was permanently housed or the school in which the child was last enrolled
- Receive transportation to and from the school of origin
- Enroll in school immediately, even if missing records and documents normally required for enrollment such as a birth certificate, proof of residence, previous school records, or immunization/medical records
- Enroll, attend classes, and participate fully in all school activities while the school arranges for the transfer of records
- Have access to the same programs and services that are available to all other students including transportation and supplemental educational services
- Attend school with children not experiencing homelessness; segregation based on a student's status as homeless is prohibited

Trauma

Children bear the brunt of homelessness.

- Homeless children are sick at twice the rate of other children. They suffer twice as many ear infections, have four times the rate of asthma, and have five times more diarrhea and stomach problems.
- Homeless children go hungry twice as often as non-homeless children.
- More than one-fifth of homeless preschoolers have emotional problems serious enough to require professional care, but less than one-third receive any treatment.
- Homeless children are twice as likely to repeat a grade compared to non-homeless children.
- Homeless children have twice the rate of learning disabilities and three times the rate of emotional and behavioral problems of non-homeless children.
- Half of school-age homeless children experience anxiety, depression, or withdrawal compared to 18 percent of non-homeless children.
- By the time homeless children are eight years old, one in three has a major mental disorder.

Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS).

Without stable housing, traumatic vulnerability occurs, which can result in assault, mental and physical health issues, and substance abuse. More than half of homeless children are under the age of 6, which is a critical time for brain development and resilience.

Cheryl Sharp, the senior advisor for trauma informed services at the National Council for Behavioral Health, warned that when children do not know if they are safe it impedes upon their development. Traumatized caregivers are more likely to pass adverse experiences onto children, and are less emotionally and physically available. This is compounded on the stressors of being homeless.

Foster Care

- As of December 2016, foster care children will no longer qualify as homeless students.
- A special category of students has been created in the Every Student Succeeds Act (ESSA) for foster care children.
- Foster care children will be afforded many of the same rights as homeless students including the right to remain in the school of origin, if that is in the best interest of the child.
- More information will be coming in the next several months as this new law and procedure is developed with SD Department of Social Services and SD Department of Education.
- School districts will be required to appoint a Point of Contact person in their district to ensure that foster students' rights are protected.

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SD Department of Education

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National Center for Homeless Education

<http://center.serve.org/nche/>

<http://center.serve.org/nche/helpline.php>

U.S. Department of Education released Non-Regulatory Guidance (NRG) for the federal Education for Homeless Children and Youth (EHCY) Program, available for downloading at

<http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>.

An accompanying fact sheet is available at

<http://www2.ed.gov/policy/elsec/leg/essa/160315ehcyfactsheet072716.pdf>