

Federal McKinney Vento Act & Kinship Care Washington

Subtitle VII-B of The McKinney-Vento Homeless Assistance Act authorizes the federal Education for Homeless Children and Youth (EHCY) Program and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness. It was reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act (ESSA).

The intent of the McKinney Vento Act is to ensure educational stability and access for students experiencing homelessness

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McKinney- Vento Definition of Homeless

Those who lack a fixed, regular and adequate nighttime residence, including children and youth:

- Sharing housing due to loss of housing, economic hardship, or a similar reason
- Living in motels, hotels, trailer parks, camping grounds due to a lack of alternative, adequate accommodations
- Living in emergency & transitional shelters
- Abandoned in hospitals
- Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings
- Living in cars, parks, public spaces, abandoned buildings, bus or train stations or similar situations
- Migratory children living in the above situations

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**Each child's situation is unique. Whether they qualify as experiencing homelessness should be determined on a case-by-case basis. U.S.C. §11434a(2)*



Educational Provisions of the McKinney Vento Act

McKinney-Vento students, including unaccompanied youth, have the right to:

- receive a free, appropriate public education;
- enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;
- enroll in school and attend classes while the school gathers needed documents;
- continue attending the school of origin, or enroll in the local attendance area school if attending the school of origin is not in the best interest of the student or is contrary to the request of the parent, guardian, or unaccompanied youth;
- receive transportation to and from the school of origin, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth; and
- have access to and receive educational services for which they are eligible, including services through Head Start programs, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the local educational agency



Educational Provisions of the McKinney Vento Act (continued)

- receive educational services comparable to those provided to other students, according to each student's need including:
 - Title I services or similar State or local programs
 - educational programs for children with disabilities
 - educational programs for English learners
 - career and technical education
 - programs for gifted and talented students
 - school nutrition programs
- removal of barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs for homeless students who meet relevant eligibility criteria
- Under the McKinney-Vento Act, every school district must appoint a local homeless education liaison to serve as the key homeless education contact in the district.

For more information, see NCHE's *Local Homeless Education Liaisons: Important Information for New Liaisons* brief at <https://nche.ed.gov/pr/briefs.php>.



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Educational Provisions of the McKinney Vento Act (continued again)

The McKinney-Vento Act includes specific local liaison responsibilities regarding unaccompanied youth. Because many of these youth have little or no support from a responsible, caring adult, the local liaison's interest and involvement in an unaccompanied youth's education is especially valuable and can be life-changing.

In addition, the McKinney-Vento Act includes the following provisions specific to unaccompanied youth:

- The right to immediate enrollment without proof of guardianship
- Assistance from the local homeless education liaison to select a school of attendance, whether the local attendance area school or the school of origin
- Ensure the prompt and fair resolution of any disputes in accordance with the Act (see the *Disputes under the McKinney-Vento Act* sidebar for more information)

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How Is Unaccompanied Defined?

The term *unaccompanied youth* is defined as a homeless child or youth not in the physical custody of a parent or guardian.

42 U.S.C. § 11434a(6)

The student must be both **homeless** (experiencing homelessness according to the McKinney-Vento definition) **and unaccompanied** (not in the physical custody of a parent or guardian) to be McKinney-Vento eligible.

A guardianship or custody issue alone does not qualify a student for McKinney-Vento services.

The McKinney-Vento Act includes no program-specific age requirements to qualify as an unaccompanied youth.

If a child or youth is eligible for K-12 public education in the State, he or she may be enrolled and served as an unaccompanied youth.

In many States, the upper age limit for eligibility for K-12 public education is 21; however, this limit may be lower in some States and/or may be extended in some States for students receiving special education services.

Informal Kinship Care

Children that live with a relative without any child welfare system involvement.

The kinship caregiver may have taken the child into their home to avoid any formal interventions from the child welfare system.

These caregivers may or may not have pursued legal custody arrangements through the courts; these can include adoption, guardianship and non-parental custody.

Scenarios

Let's Think About Aubry – A 5th Grader

- ▶ Aubry was 10 years old when CPS removed her from her mom's home and placed her with Grandma. Because her mom and grandma agreed that Aubry could remain with Grandma, DCYF closed the case under no guardianship. Aubry is turning 11 soon and is looking forward to attending middle school with her classmates in the fall, even though that's not her grandma's neighborhood school. Grandma is on a fixed income and struggles to provide her with basic necessities such as food and clothing.

Let's Think About Pablo and Olivia – 4th and 10th Graders

- ▶ Pablo (15 years old) and Olivia (9) lived with their mother in a small apartment in Rosalia. They were evicted last October after their mother lost their job, and they moved in with their grandmother in Malden. As they prepared to start this school year, they were still in their grandmother's home, and their mother was looking for work and housing in Rosalia.

Let's Think About Isaiah – A 9th Grader

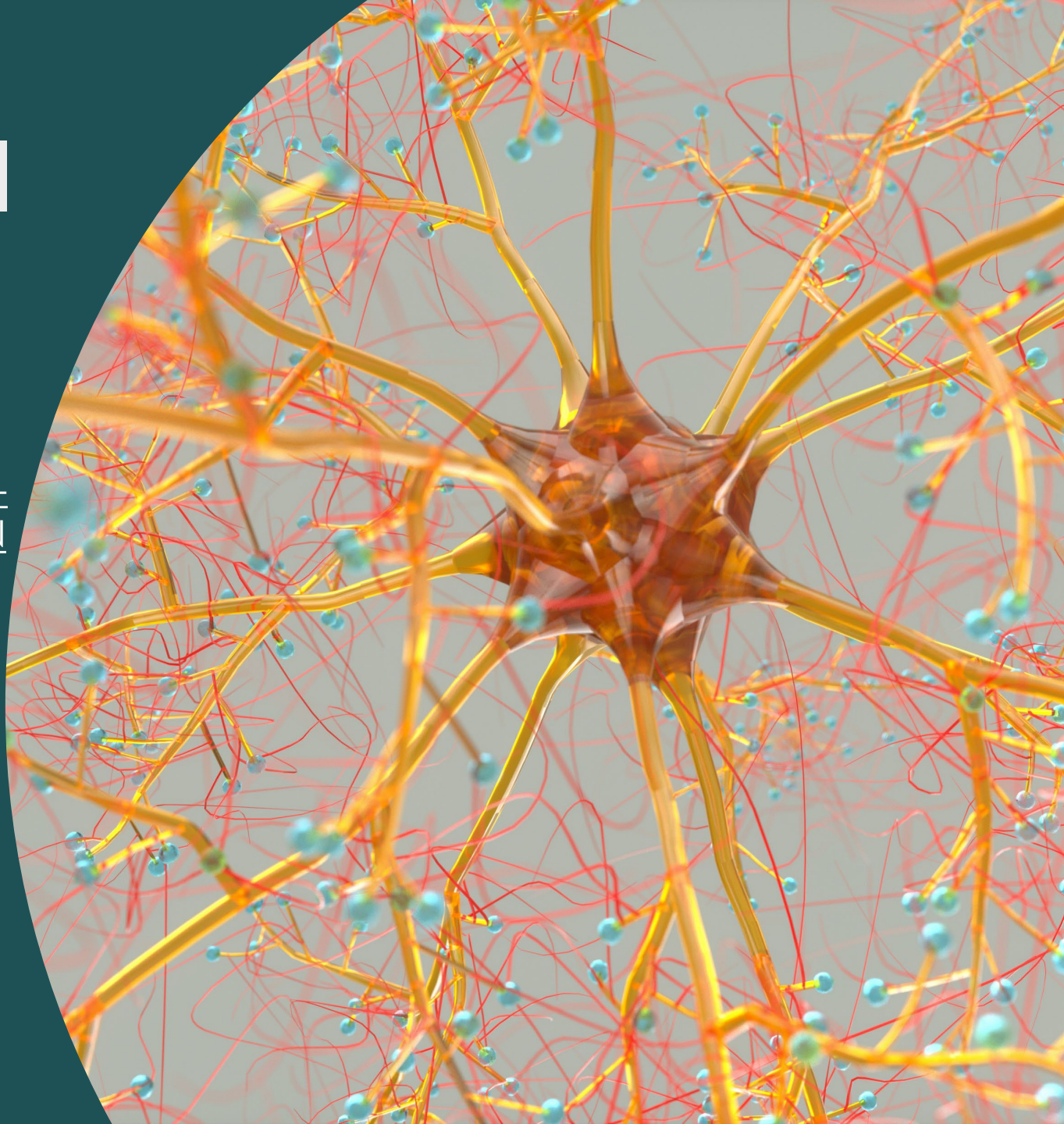
Isaiah is a 14 yr. old student who was removed from his home by CPS and was placed with his aunt who lives outside of the district. She's been driving him to school for the last few months, but with her new job, her schedule won't allow her keep doing that. Isaiah is in 9th grade and struggles academically. He loves soccer and is really looking forward to trying out for the team.

Let's Think About Jamie – A 12th Grader

- ▶ Jamie is 17 and a senior, attending the district's alternative high school program. They have come to stay with their adult brother while their mom gets back on her feet. Jamie is hoping to go to the community college after graduation but is worried about having enough credits to graduate on time and wondering how they will pay for it. In addition, Jamie is an insulin dependent diabetic and lost their birth certificate and social security card when mom's boyfriend kicked them out. Mom has signed a letter of temporary guardianship giving Alex (Jamie's brother) permission to make educational and medical decisions for Jamie.

State and National Resources

- ❖ WWW.K12.WA.US/STUDENT-SUCCESS/ACCESS-OPPORTUNITY-EDUCATION/HOMELESS-EDUCATION
- ❖ WWW.NCHE.ED.GOV
- ❖ WWW.SCHOOLHOUSECONNECTION.ORG
- ❖ WWW.NAEHCY.ORG
- ❖ [KINSHIP CARE | DSHS \(WA.GOV\)](http://KINSHIP.CARE | DSHS (WA.GOV))
- ❖ [SUPPORTING THE EDUCATION OF UNACCOMPANIED STUDENTS EXPERIENCING HOMELESSNESS](#)



Questions?

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