

# **Frequently Asked Questions: Homeless Children and Youth**

**(McKinney-Vento Homeless Education Assistance Act)**

Hampton City Schools School Social Work Services in  
Collaboration with  
Hampton City Schools Title I Family Engagement

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# Where can I find the definition of homeless children or youths?

- The McKinney-Vento Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) defines homeless children or youth (Virginia Code 22.1-3 conforms to the federal definition.).
- Most school divisions have adopted a written “Homeless Education Program” or “Admission of Homeless Students” policy or regulation that includes this definition.
- Homeless coordinators/liaisons and school admissions personnel should familiarize themselves with this policy. (HCS School Board Policy JECOA- Admission of Homeless Children)

**Are homeless children and youths  
subject to the same residency  
requirements as other students?**

No. Homelessness is an exception to the  
residency requirements.

# What is meant by “immediate” enrollment?

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

## **May a school district wait until a new semester begins to enroll a homeless child?**

- No. The McKinney-Vento Act supersedes division practice regarding enrollment.
- Division personnel should review HCS School Board Policy JECOA regarding the enrollment of homeless students.

**How does the school district determine if a student fits the definition of “awaiting foster care”?**

HCS Division recommends contacting the Children’s Division of the Department of Social Services for assistance in making a determination as to a student’s care status.

## **What is Hampton's policy on immunizations for homeless children and youths?**

- Once division officials have determined that an enrolling student is homeless, the division's homeless coordinator must assist the student in obtaining his/her education, immunization, medical, and other records.
- According to McKinney-Vento, the student must be enrolled in the interim.
- If the homeless coordinator is unable to obtain prior immunization records within thirty (30) days of enrolling and the student is still eligible for services under the homeless education program; the student must begin the immunization series and demonstrate that satisfactory progress has been accomplished within (90) days.
- If the homeless student maintains that he/she is exempted from receiving immunizations, then after thirty (30) days the student must provide documentation in accordance with the exemption requirements.

## **If a parent is incarcerated, is the child automatically considered a homeless student?**

- A review of the facts specific to the child should assist the division 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 isn't identified as homeless, she/he may be residing in the division as the result of hardship or good cause.

## **If a homeless coordinator suspects that a “homeless” child is not truly homeless, how would the division prove that a person is not homeless?**

- McKinney-Vento requires homeless children to be enrolled immediately even if the student can't provide education records.
- Until the division determines otherwise, the student should be enrolled.
- Most school divisions have a standard enrollment/registration form and/or a proof of residency waiver form that should provide the homeless coordinator enough information to make a determination as to the student's homeless status.
- If not, the homeless coordinator can continue to monitor the child's status throughout the school year if the form doesn't provide enough information for the coordinator to initially make an informed decision.

**At what age can divisions begin using grant funds to serve homeless children and youths? Do they need to only serve school-aged children as our state defines it?**

- McKinney-Vento addresses the needs of homeless children and youths from pre-school through grade 12 and requires comparable services for enrollment in preschool programs for which non-homeless preschool students are eligible.
- A school division that operates a pre-school program in one or more schools should be providing comparable services for children who are homeless.
- School divisions wanting to use grant funds for preschool may do so only for students who meet the age requirements of the division preschool program.

# **Does our school division need to provide transportation for detention?**

- A homeless student receiving an after-school detention would be treated comparably to other students who have been detained after school.
- In some cases, that may mean the school provides after hours transportation.

**May school divisions use transportation funds to transport a 19 year-old from a shelter to take GED classes? The student is not enrolled in the school division.**

- The use of federal funds would not be appropriate for this purpose since the student is not enrolled in high school.
- A homeless student participating in a division's GED Option Program would still be eligible for transportation since the student remains enrolled in high school.

**Are school divisions required to provide transportation to alternative schools for homeless students?**

If the student is assigned to an alternative school by the division, then transportation must be provided to the school.

## **Are school divisions required to provide transportation during summer school for homeless children and youth?**

- Transportation during summer school is only required when it is provided to non-homeless students.
- Transportation should be provided if summer school is required for the homeless student to advance to the next grade.

**Once a homeless child is permanently housed, are divisions required to provide transportation for the remainder of the school year?**

For the sake of educational continuity, the school division has to continue transporting the student for the remainder of the year.

**Is the school division required to transport a homeless student to the school of origin/best interest if the student disobeys the rules in a cab and the driver refuses to transport the child for safety reasons and the division has no other means to transport the child?**

- All students are subject to the school division's discipline policies, including those related to student transportation.
- Subject to the division's discipline policy, a homeless student may temporarily or permanently lose access to transportation if it's warranted under the circumstances.
- For a student with an IEP, the division must be in compliance with IDEA.
- The situation must be addressed as to what is appropriate for that child as dictated by the IEP .

## **Which school is the “school of origin”?**

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

**Is a school of origin required to enroll kindergarteners who are siblings of homeless students at the beginning of the new school year?**

- The division must determine the school of best interest for that child.
- If an entire family is homeless, the division can presume the kindergartener is too.

## **Once a child is homeless, who determines the “school of best interest”?**

- The school of origin shall comply, to the extent feasible, with the request of a parent or guardian regarding school selection.
- The school division ultimately determines the school of best interest.
- If the school division elects to send a child or youth to a school other than the school of origin or a school requested by the parent or guardian, division officials shall provide a written explanation, including the right to appeal the decision, and a copy of the standard complaint resolution to the parent or guardian or unaccompanied youth.
- While the school of best interest is being determined, the child must be enrolled in the school of the parents’ choice until a final decision is made.

**Which school division is responsible for providing transportation to the school of best interest?**

If the school of origin and the school of residence can not agree upon providing transportation, then McKinney-Vento requires the school divisions to share the responsibility and cost for transportation equally.

# Are migrant children considered homeless?

- The McKinney-Vento Act definition of homeless children and youths makes specific reference to “migratory children”.
- Migrant children’s circumstances should be reviewed with this definition in mind.
- Many migrant families share housing.
- Not all families who “double up” consider themselves homeless. Sometimes families choose to live together.
- Other families are forced to double up because they’ve been made homeless due to unforeseen circumstances or because the immediacy of a circumstance requires sharing a residence.
- Migrant children residing in a fixed, regular, and adequate nighttime residence may not appear to be homeless.
- By definition, migrant families/children are highly mobile and often resort to residing in substandard housing.
- The house they live in may not be fixed, regular or adequate.
- School divisions should review the McKinney-Vento definition of homeless and evaluate each situation on a case-by-case basis.

# **Are families living in Section 8 housing considered homeless? Are families living in transitional housing considered homeless?**

- The U.S. Department of Housing and Urban Development (HUD) Section 8 housing is considered as fixed, regular and part of a permanent housing plan.
- Other HUD housing is designed to serve as transitional housing for no more than two years at a time.
- School personnel will need to review the terms of housing contracts to determine if they are Section 8 (fixed, regular) or transitional (time limitations are imposed).
- For more information regarding HUD requirements go to <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/title4/index.cfm>

## **What if the student remains in transitional housing for four years, would they be considered homeless for all 4 years?**

- For HUD purposes, some transitional housing is defined as two years or less.
- In cases where transitional housing is not supplied by HUD, the division may have to review the student's circumstances to determine whether or not the student remains homeless.
- If a student continues to reside in a shelter or in some other housing that is not intended to be fixed and regular or is not adequate, the student is defined as homeless under the McKinney-Vento definition of homeless.
- Homelessness is not always temporary; sometimes it's chronic.

**A family is sharing the housing of other persons for one year. During the year the children were transported to their school of origin in another division. A new school year is about to begin. Is the school that transported/enrolled them last year required to do so again? Or should the family enroll in their school division of residence? How long is a school division required to transport/enroll doubled up extended situations?**

- Homelessness is not limited in time and can, over time, become chronic.
- The division of origin should review the family's current living situation for purposes of determining whether the family remains homeless.
- A family may have lost their home in a fire. If the home is being re-built, but is not yet finished, then the family may still be homeless.
- This question can only be answered by reviewing the McKinney-Vento definition of homeless and determining whether the family still falls within that definition.

**A district has a family that has been living in a hotel located in another division for three years. The children have been transported and enrolled each year in the non-resident division. Does the non-resident division have to continue to enroll and transport them for the fourth year since the once temporary situation now seems permanent?**

- While living temporarily in a hotel qualifies as homeless, the above situation may not be considered fixed, regular, and adequate enough to stop providing McKinney-Vento services to the students.
- The school must determine whether the living arrangement is due to the lack of an alternative adequate accommodation.

**What if a family is homeless during one school year and the next year they are still homeless? What does a school division have to do to provide services for that child?**

- If a child is homeless during one school year, they can receive services for the remainder of that school year as a homeless child.
- If the child returns to the school district the next school year claiming to be homeless, the homeless coordinator should reevaluate the situation prior to determining whether the child should remain in the division.

Some questions to consider are:

1. What is the family's current housing situation?
2. Does it continue to meet one of the definitions of homeless under McKinney-Vento?
3. Is the child staying in the same location or is it a different location from the previous school year?
4. What are the parents' plans?
5. How far is it between the school of origin and the division of residence?
6. Would it be in the child's best interest to enroll in the division of residence at the start of the new school year?

**A homeless student violates the Safe Schools Act and is suspended or expelled from the school of origin. Is the school of residence required to immediately enroll this student?**

- Any time the enrolling division knows that a student has been suspended or expelled from another school as the consequence of the Safe Schools Act, the division must review its written discipline policy to determine if it would have suspended or expelled the student for the same reason.
- If so, the division would not have to enroll the student until such time as the suspension or expulsion expires.
- **If the homeless student has an IEP, the school in which the student was enrolled must continue to provide a free and appropriate public education as required under the IDEA.**
- If the division does not know about the Safe Schools Act violation, the student should be enrolled until the division receives the student's disciplinary record from the school he/she previously attended.
- If the division has reason to suspect that a child poses an immediate danger to others, the superintendent may convene a hearing within five working days of the request to enroll to determine the appropriate course of action.

# Are there reliable web sources of information I can refer to when I have questions about educating homeless children and youth?

- HUD Virginia Resources - [www.hud.gov/local/index.cfm?state=va&topic=homeless](http://www.hud.gov/local/index.cfm?state=va&topic=homeless)
- NAEHCY – [www.naehcy.org](http://www.naehcy.org)
- NCHE - [www.serve.org/nche](http://www.serve.org/nche)
- NLCHP - [www.nlchp.org](http://www.nlchp.org)
- NLIHC – [www.nlihc.org](http://www.nlihc.org)
- Project HOPE-VA: [www.wm.edu/hope](http://www.wm.edu/hope)
- USDE - [www.ed.gov/programs/homeless/index.html](http://www.ed.gov/programs/homeless/index.html)

# REFERENCES

MISSOURI'S LIST OF MOST FREQUENTLY ASKED QUESTIONS

Nanci Reaves, Esq., Hampton City Schools School Board Attorney - Legal  
Documentation