

APPENDIX A: A GUIDE FOR DETERMINING MCKINNEY-VENTO ELIGIBILITY

When determining eligibility for McKinney-Vento rights and services, it helps to follow an orderly process. Once needed information about a student's circumstances has been gathered, consider whether the student would be considered homeless because the student's living arrangement fits into one of the specific examples listed in the McKinney-Vento Act's definition of *homeless*. If not, would the student be considered homeless because his or her living arrangement, although not mentioned explicitly in the law, is not fixed, regular, and adequate?

DOES THE STUDENT'S LIVING ARRANGEMENT FIT INTO ONE OF THE SPECIFIC EXAMPLES LISTED IN THE MCKINNEY-VENTO ACT'S DEFINITION OF HOMELESS?

To determine whether a student's living arrangement is mentioned specifically in the definition of homeless, it is helpful to consider the definition phrase by phrase.

Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason

Sharing the housing of other persons implies that the family or youth is staying in someone else's housing. Questions to help determine if this is the case include:

Is the family or youth living in someone else's residence as an urgent measure to avoid being on the street or in another precarious situation?

Where would the family or youth live if not sharing someone else's housing?

Does the family or youth have a legal right to be in the residence?

Can the family or youth be asked to leave at any time with no legal recourse?

Due to loss of housing implies that the family or youth has no personal housing available. Did the family or youth lose their previous housing due to

an eviction or an inability to pay the rent, mortgage, and/or other bills?

destruction of or damage to the previous housing?

abuse or neglect (such as in the case of a youth who leaves or is asked to leave the home)?

an inadequate or hazardous physical environment caused by infestations, drug or alcohol abuse, domestic violence, or some other unsafe or untenable circumstance?

the absence of a parent or guardian due to abandonment, death, incarceration, or a similar reason?

Economic hardship implies that limited financial resources have forced the family or youth to leave personal housing due to an inability to pay the rent, mortgage, and/or other bills, and share someone else's housing. The way that the shared housing came about and the intention of the residents are significant. Has the family or youth been forced to share someone else's housing due to economic hardship caused by an accident or illness, the loss of employment or public benefits, or a similar reason?

Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations

The phrase *due to the lack of alternative adequate accommodations* can help determine whether the named living situations would meet the definition of homeless.

Most families or youth living motels, hotels, or camping grounds are likely to be considered homeless, as these arrangements are rarely fixed, regular, and adequate, or intended to serve as a permanent residence; however considering whether alternative adequate accommodations are available can help identify possible exceptions.

Most trailers would be considered fixed, regular, and adequate residences; however asking questions about the condition and size of the trailer, the number of people living there, the intended length of stay, and whether the family or youth needs and has an adequate alternative accommodation available can help identify possible exceptions. For further consideration, see the discussion of substandard housing below.

Living in an emergency or transitional shelter

Children and youth living in emergency or transitional shelters are considered homeless. This includes children and youth living in youth shelters, family shelters, domestic violence shelters, and transitional living programs.

Abandoned in hospitals

This portion of the definition is largely self-explanatory.

Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings

This portion of the definition is largely self-explanatory.

Living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting

This portion of the definition also is largely self-explanatory, with the exception of “substandard housing”. While the law does not define this phrase, the U.S. Department of Education includes the following considerations for determining substandard housing in Question A-3 of its *Education for Homeless Children and Youths Program Non-Regulatory Guidance* (2017). In considering whether a living arrangement would be considered substandard, districts may consider whether the arrangement

lacks one of the fundamental utilities, such as water, electricity, or heat;

is infested with vermin or mold;

lacks a basic functional part, such as a working kitchen or toilet; or

may present unreasonable dangers to adults, children, or persons with disabilities.

Further, the *Guidance* states that standards for adequate housing may vary by locality, underscoring the need to consider housing within the context of broader community norms and local or state building codes.

Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)

Migrant children, as defined by the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act [20 U.S.C. § 6399(3)], are mentioned specifically in the definition of homeless, as migrant families often live in conditions of poverty and may not be able to afford fixed, regular, and adequate housing. Migrant children and youth, however, are not categorically McKinney-Vento eligible; rather they are eligible to the extent that their living arrangement is one described in the Act’s definition of *homeless*. For more information, download *Migrant Students Experiencing Homelessness: Rights and Services under the McKinney-Vento Act* at <http://nche.ed.gov/briefs.php>.

IF THE STUDENT'S LIVING ARRANGEMENT DOES NOT FIT INTO ONE OF THE SPECIFIC EXAMPLES LISTED IN THE MCKINNEY-VENTO ACT'S DEFINITION OF HOMELESS, IS IT ANOTHER TYPE OF HOUSING THAT IS NOT FIXED, REGULAR, AND ADEQUATE?

If the student's living arrangement does not fit any of the specific situations listed in the law, the student still might be considered McKinney-Vento eligible if he or she lives in housing that would not be considered fixed, regular, and adequate. While the statute does not define these terms, the following working definitions may be helpful.

Fixed

placed or attached in a way that does not move easily (Merriam-Webster.com)

securely placed or fastened (Merriam-Webster.com)

not subject to change or fluctuation (Merriam-Webster.com)

Inhabitant

one who, although he may not be a citizen, dwells or resides in a place permanently or has a *fixed* [emphasis added] residence therein, as distinguished from an occasional lodger or visitor (Ballentine's Law Dictionary)

Domicile

the place where a person has his true *fixed* [emphasis added] permanent home and principal establishment, and to which place he has, whenever he is absent, the intention of returning, and from which he has no present intention of moving (Ballentine's Law Dictionary)

Regular

happening over and over again at the same time or in the same way; occurring every day, week, month, etc. (Merriam-Webster.com)

recurring, attending, or functioning at fixed, uniform, or normal intervals (Merriam-Webster.com)

conforming to an established rule, principle, or custom (Ballentine's Law Dictionary)

consistent; following a fixed procedure or schedule; acting or happening at uniform intervals (Ballentine's Law Dictionary)

Adequate

sufficient for a specific requirement (Merriam-Webster.com)

fully sufficient; equal to what is required; lawfully and reasonably sufficient (Ballentine's Law Dictionary)

Intake Form - McKinney -Vento Program (Sample Form)

(Complete with Assistance from the District Liaison or Building Staff)

Student Name: _____ Student # _____ Grade ____ Gender ____ Age ____

Current School or Last Attended _____ Enrolled in School __yes__no Date of Birth _____

Current Address: _____ Parent/Guardian: _____ Phone: _____

Please list all siblings or other children in the home (use the reverse side, if necessary):

Name	Student #	Grade	Age	School (if not enrolled, please indicate)

Student's Living Situation – Check all that apply

<input type="checkbox"/>	In a Shelter – give the name of the shelter _____
<input type="checkbox"/>	Unsheltered – Living in a car, park, campsite, camper, abandoned building, or other location
<input type="checkbox"/>	Doubled – Up - living with others in their home or apartment because of loss of housing, economic hardship, or similar reason
<input type="checkbox"/>	Motel/Hotel – give the name of the hotel or motel _____
<input type="checkbox"/>	Unaccompanied Youth not living with a parent or guardian
<input type="checkbox"/>	Transitional Housing
<input type="checkbox"/>	Migrant – Has your family moved in the last 3 years to seek work as a laborer in any type of farming?
<input type="checkbox"/>	Child temporarily placed with relative or friend

Is your current residence a temporary living situation? ____Yes ____No

Is your living arrangement due to the loss of housing or economic hardship? ____Yes ____No

Please check the following services that are needed or desired at this time: Services may be requested later also.

<input type="checkbox"/>	Free Breakfast/Lunch	<input type="checkbox"/>	Tutoring or Mentoring
<input type="checkbox"/>	Transportation	<input type="checkbox"/>	After-School Programs
<input type="checkbox"/>	Clothing or Shoes/Uniform for School	<input type="checkbox"/>	Special Education
<input type="checkbox"/>	School Supplies	<input type="checkbox"/>	Gifted/Talented Services
<input type="checkbox"/>	Counseling	<input type="checkbox"/>	LEP/Bilingual Assistance/Program
<input type="checkbox"/>	Medical/Dental Referral	<input type="checkbox"/>	Community Resources – Food Pantry, Housing, Safety
<input type="checkbox"/>	Vision Referral	<input type="checkbox"/>	Missing Records (check the ones that apply)
<input type="checkbox"/>	Medicaid Assistance – Food Stamps	<input type="checkbox"/>	Birth Certificate
<input type="checkbox"/>	Preschool	<input type="checkbox"/>	Immunization/Medical Records
<input type="checkbox"/>	Head Start Referral	<input type="checkbox"/>	Prior Academic Records
<input type="checkbox"/>	Birth to 3 Referral	<input type="checkbox"/>	Guardianship Issues

Under penalty of perjury under the laws of this state, I declare that the information provided here is true and correct and of my own personal knowledge and that, if called upon to testify, I would be competent to do so. I confirm that I received a copy of my Rights.

Parent/Guardian/Unaccompanied Youth Signature: _____

Date: _____

Building/District Liaison Signature: _____

Date: _____

Additional Children/Siblings

Please list all siblings or other children in the home (continued):

Name	Student #	Grade	Age	School (if not enrolled please indicate)

Additional Information about Services or Additional Services:

Additional Information or Comments from Parent/Unaccompanied Youth:

Additional Information or Comments from District Staff:

Office Use		
Know Your Rights Brochure was Provided?	Yes	No
How was this Document sent to the District Liaison? (Must be Sent Immediately.)	Mail	Fax