

Determining McKinney-Vento Eligibility: Taking a Deeper Dive



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Meet Your Presenters



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Today's Roadmap

- Understanding the McKinney-Vento definition of homeless and the process of determining eligibility
- Understanding and applying the nuances of the McKinney-Vento definition of homeless
- Interacting and applying learning through polls and scenarios
- Resources for more information





Understanding the McKinney-Vento Definition of Homeless and the Process of Determining Eligibility

McKinney-Vento Basics



- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act
 - Was reauthorized by Title IX, Part A of the Every Student Succeeds Act
 - Establishes the definition of homeless used by U.S. public schools
 - Addresses the unique educational barriers and challenges faced by students experiencing homelessness
 - Requires state education departments to designate a State Coordinator for Homeless Education and school districts to designate a [local homeless education liaison](#)



What is Determining Eligibility?

Determining eligibility is

- the process of considering whether a student is eligible for McKinney-Vento rights and services
- based on whether the student's primary nighttime living arrangement meets the McKinney-Vento definition of homeless
- a decision made by the district's local homeless education liaison and, in some cases, trained liaison designees

McKinney-Vento Definition of Homeless

Children and 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, camping grounds *due to the lack of alternative adequate accommodations*
- Living in emergency or transitional shelters, or abandoned in hospitals
- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances

42 U.S.C. §11434a(2)

Unaccompanied Youth

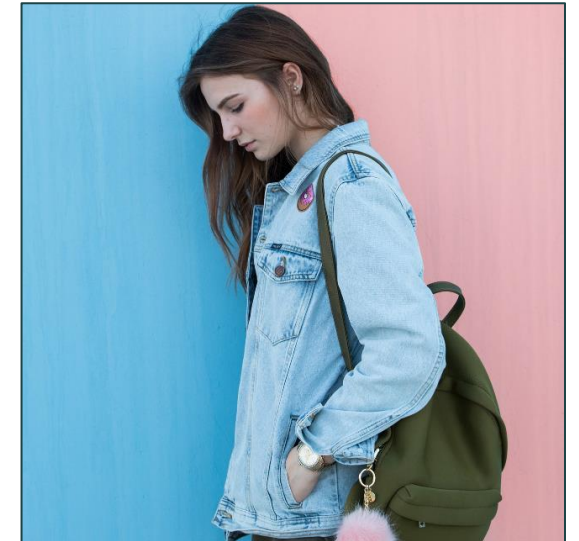
- The term “unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian

42 U.S.C. §11434a(6)

- For a student to be an unaccompanied youth, they must be
 1. Experiencing homelessness (in a living arrangement that meets the definition of homeless)

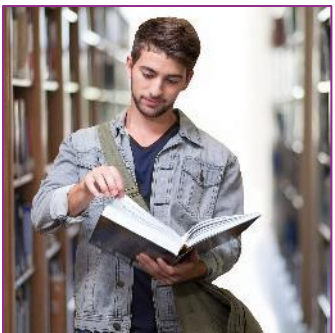
AND

2. Unaccompanied (not in the physical custody of a parent or guardian)



Note: An unusual or complex custody or guardianship situation alone is insufficient to qualify a student as an unaccompanied youth

Eligibility Helpful Hints



- The **local liaison** has the authority and responsibility to make determinations of eligibility
- Pay close attention to the **legislative wording**, as it may provide needed clarity
- Eligibility determinations should be made on a **case-by-case basis**, considering the circumstances of each student
- Some determinations will be **clear and self-evident**, while others may require a more **nuanced application** of the definition of homeless

Poll: What Do You Think?

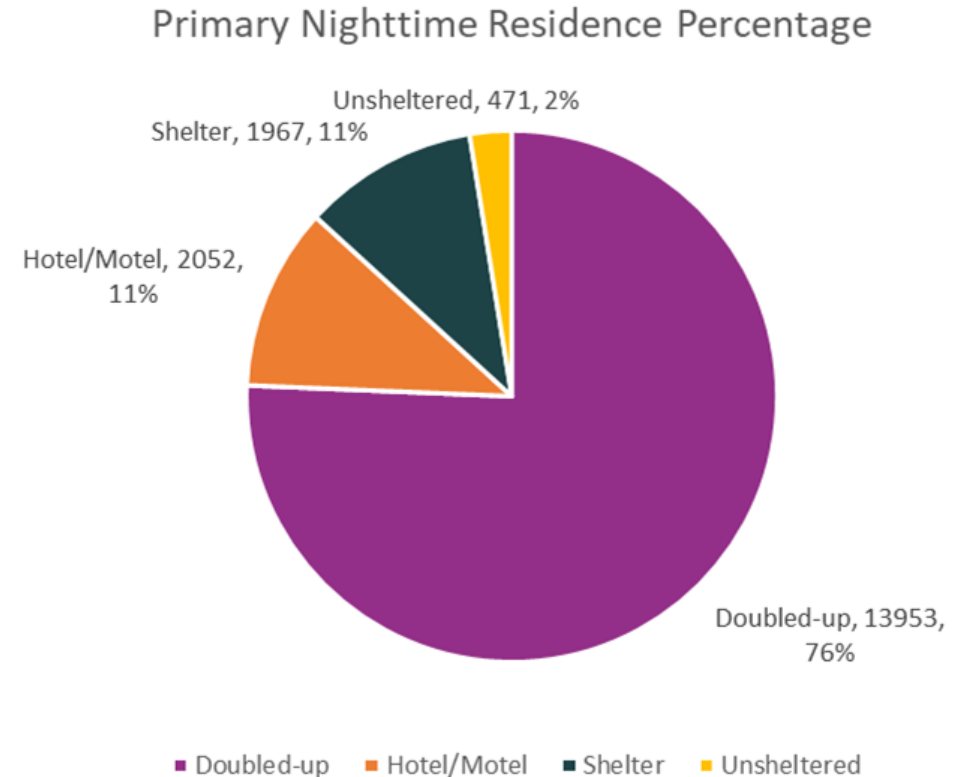
According to the U.S. Department of Education, most students experiencing homelessness are staying...

- A. In a shelter
- B. In an unsheltered location
- C. In a hotel or motel
- D. Doubled-up

Wisconsin Homeless Education Data

2022-2023 School Year

- Wisconsin public schools enrolled **18,443 children and youth experiencing homelessness**, including **2,111 unaccompanied youth** (11.4% of all students experiencing homelessness)



Source: Wisconsin Department of Public Instruction data (currently unpublished and uncertified)



Understanding and Applying the Nuances of the McKinney-Vento Definition of Homeless

The Dynamics of Doubling Up



- Staying in a shelter may not be an option
 - Not every community has a shelter
 - When shelters are present, they may be full or have stay limits
 - Parents and youth may have concerns about the shelter environment
 - Some shelters have policies that may create barriers
- Families and youth often avoid unsheltered locations and may not have the money to stay in a hotel/motel

Doubled-up arrangements often serve as temporary shelter,
but may be short-lived or unsafe

Breaking Down the Definition: “The Guiding Phrase”



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

Breaking Down the Definition: Doubled-up



- **“Sharing the housing of other persons...”**
 - Does the family or youth have a legal right to be in the home?
 - Can the family or youth be asked to leave at any time with no legal recourse?

- **“...due to loss of housing,...”**

Did the family or youth lose housing due to

- An eviction or foreclosure?
- Destruction of or damage to the previous home?
- Unhealthy or unsafe conditions?
- Domestic violence?
- Abuse or neglect?
- The absence of a parent or guardian due to abandonment, incarceration, or a similar reason?

Breaking Down the Definition: Doubled-up

- “...economic hardship”

Implies that limited financial resources have forced the family or youth to leave the personal residence and share housing due to an inability to pay the rent/mortgage and other bills

- Did economic hardship due to an accident or illness, loss of employment, loss of public benefits, or a similar reason force the family or youth to share the housing of others temporarily?



Additional Clarifying Questions: Doubled-up



- What circumstances led to the shared housing?
- What is the intention of the people sharing housing?
- What are the family's or youth's housing options if not sharing housing?
- Is the shared housing arrangement fixed, regular, and adequate?

Breaking Down the Definition:

Hotels, Motels, Trailer Parks, Camping Grounds

- **“Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations”**
- What are the family’s or youth’s housing options if not staying in the motel, hotel, or camping ground?
- What is the condition of the trailer?
- How many people are living in the trailer?



Breaking Down the Definition: Substandard Housing



- **“Living in substandard housing”**
 - Standards for adequate housing may vary by locality
 - Consider city, county, and state housing codes
 - Does the housing lack a fundamental utility?
 - Is the housing infested with vermin or mold?
 - Does the housing lack a basic functional part?
 - Does the housing present unreasonable danger to people staying there?

Establish guiding criteria for your area and apply them consistently



**Questions?
Comments?**



Scenarios and Knowledge Checks

Poll: True or False?

All people living in shared housing are considered homeless under the McKinney-Vento definition.

Poll: Finish This Sentence

Under the McKinney-Vento Act, children and youth are experiencing homelessness if they are sharing the housing of other persons due to...

- A. Loss of housing, loss of employment, or a similar reason
- B. Loss of housing, economic hardship, or a similar reason
- C. Loss of income, loss of public benefits, or a similar reason
- D. None of the above

Poll: True or False?

All youth who are not in the physical custody of a parent or guardian are considered homeless under the McKinney-Vento definition.

Sherry and Wayne: Share in the Chat

Sherry had been working as a waitress at a local bistro for three years when she was laid off due to a slowdown in business. Unable to continue paying the rent, she and her son, Wayne were evicted from their apartment. She scraped together enough money for two weeks in an extended stay motel, but isn't sure what she'll do after that. She's looking for work, but hasn't found anything yet.

Would you consider Wayne to be McKinney-Vento eligible?

Yes? No? Not sure?

If you said "yes" or "no", why?

If you said, "not sure", what additional information do you need?

Sherry and Wayne

Based on the information we have, Wayne would be considered McKinney-Vento eligible because his living arrangement meets the definition of homeless.

Wayne and his mom, Sherry, are staying in a hotel or motel due to the lack of alternative adequate accommodations. Hotels are not intended to serve as permanent residences. And we know that Sherry and Wayne are staying there because they were evicted from their apartment.

Eric and Sara: Share in the Chat

Eric and his daughter, Sara, show up to enroll Sara in middle school in your district. He says that he and Sara are staying with a family member who lives nearby, but their names aren't on the lease or any utility bills and so he's not sure how to prove they're living there.

Would you consider Sara to be McKinney-Vento eligible?

Yes? No? Not sure?

If you said "yes" or "no", why?

If you said, "not sure", what additional information do you need?

Eric and Sara

Based on the information we have, it would be difficult to make a determination of McKinney-Vento eligibility for Sara.

We know that Eric and Sara are sharing housing with a family member, but we don't know the surrounding circumstances. We need more information.

Darren and Audrey: Share in the Chat

Darren is a single dad with one daughter, Audrey. Darren recently entered a dual diagnosis rehabilitation center for a minimum of 90 days. In the meantime, Audrey is staying with her aunt in a neighboring community.

Is Audrey an unaccompanied youth? Yes? No? Not sure?

What did you consider to help you come to a conclusion?

Is Audrey still an unaccompanied youth if her dad is able to sign parental paperwork?

Darren and Audrey

While it is likely that Audrey would qualify as an unaccompanied youth, we may need more information to make a decision. Eligibility considerations might include

- Whether Darren was able to come to a planned agreement with Audrey's aunt for her to care for Audrey
- How long the aunt is willing to house and care for Audrey
- The condition of Audrey's living arrangement with the aunt



**Questions?
Comments?**

For More Information

- [Wisconsin Education for Homeless Children and Youth Program webpage](#)
- [SchoolHouse Connection website](#)
- [National Center for Homeless Education website](#)
- [U.S. Department of Education EHCY Program Non-Regulatory Guidance](#)
- [U.S. Department of Education ARP-HCY webpage](#)



Thanks for Joining!



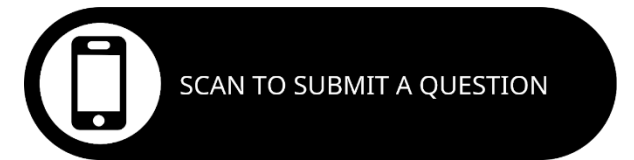
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Have a remaining question?



Your question may be shared
anonymously and answered in
tomorrow's live Q&A session.

