

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

School Legal Checklist for Compliance with the McKinney-Vento Act Education of Homeless Children and Youth

The purpose of the McKinney-Vento Act is to ensure that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, provided to other children and youth.

This checklist is arranged by obligation under the McKinney-Vento Act, to assist school districts (or in the terms of the McKinney-Vento Act, Local Education Agencies or “LEAs”) in ensuring they are doing all they can to facilitate the enrollment, attendance, and success in school of homeless children and youth.

Please use this checklist internally, and feel free to share the results with NLCHP, to help us in continuing to ensure the successful implementation of the McKinney-Vento Act’s educational rights.

This information is not offered as legal advice and should not be used as a substitute for seeking professional legal advice. It does not create an attorney-client relationship with you.

State or Local Education Agency:

Date:

Reviewer(s):

Please answer these questions on this sheet.

1. What is the margin between the total number of homeless children in the county, versus the number of homeless youth identified by the school district?
2. Which departments comply the best and the worst with McKinney-Vento requirements?
3. What procedures are in place to streamline identification and information dissemination in order to immediately and automatically implement appropriate procedures on behalf of this population?
4. Does this LEA receive a sub-grantee of the State McKinney-Vento grant to serve their homeless student population?

| If yes, what is the amount of the grant?

Identification & Data Collection	Guidance	Met	Not Met	Documentation	Comments
The Local Education Agency (LEA) collects and disseminates information on homeless children and youth, including their place of residence, and the State Coordinator for Education of Homeless Children and Youths gathers information on the nature and extent of problems facing homeless youth in accessing education. Section 11432(f)(1); Section 11434(h)(1).	Does the LEA have a policy on who qualifies as homeless consistent with federal and state law? Does this policy include youth awaiting foster care placement? Are residency questionnaires presented at the first point of contact? Are numbers cross-checked with other state agencies?				
The LEA ensures that homeless students are included in statewide assessments. Section 11432(g)(5)(B).	Are there data sharing agreements between agencies of the United States Department of Housing and Urban Development's (HUD), and Coalitions and other such entities? Is data considered relative to poverty, unemployment, foreclosures, and other indicators?				
The liaison ensures that homeless children and youth are identified by school personnel.	Are district-wide residency questionnaires given to all students seeking enrollment?				

Section 11432(g)(6)(A)(i).	Do identification policies and materials state the McKinney-Vento definition of homeless, (See 42 U.S.C. § 11434a2), rather than just saying “homeless”? Does the placement office keep logs that include residency information and barrier tracking? Is information shared between the district and local homeless task forces, homeless coalitions, or homeless Continuum of Care networks, allowing for partnering in order to identify homeless youth? Do front line personnel keep a list of addresses often given by homeless youth, such as shelters, transitional living programs and campgrounds, to assist in identification of homeless youth? How often are trainings conducted for front line/first contact personnel? Are trainings given to truancy officials, campus police and/or other attendance officers to assist in identification, and to ensure that students are not subjected to discipline in violation of McKinney-Vento?				
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Identification of homeless youth and must not stigmatize the family or youth. Section 11432(e)(3)(C)(i)(III)(dd).	Are guardians and youth treated with discretion and confidentiality within the identification process? Are there policies in place to ensure that communication with host families, landlords, etc. protect confidential information that could result in a student losing his or her home? Is confidentiality protected in communications with other school districts to ensure that fleers of domestic violence cannot be tracked? In cases of domestic violence, does school staff know who is authorized to pick up students? Are transportation routes developed to avoid stigmatization? Are programs named so as to avoid identifying the program as specifically for homeless individuals? Do teachers provide a basic needs kit, for example, including soap, toothbrushes and a change of socks or underwear?				
The LEA provides the State	What outcomes are documented?				

Education Agency (SEA) with academic achievement data showing improving performance for homeless students. Section 11431(4); Section 11432(f)(1); Section 11432(g)(6)(C).	What measures will reflect improvement in enrollment, retention, achievement, and success?				
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Collaboration & Frontline Policies	Guidance	Met	Not Met	Documentation	Comments
Liaisons must coordinate efforts between the LEA, the state coordinator, and with educators, service providers and community organizations. Section 11432(g)(6)(C); Section 11432(f)(5).	Does the LEA liaison coordinate and collaborate with: • Title I, Part A; • Educators, including ○ child development, ○ preschool; and ○ special education personnel; • Service providers for homeless and run away children, youths, and homeless families; and • Community organizations and groups representing homeless children, youths and their families?				
The Office of the Coordinator must coordinate efforts between the LEA, liaison and state, and	What percentage of time does the Office of the Coordinator devote to coordination and collaboration?				

collaborate with educators, service providers and community organizations. Section 11432(g)(4); Section 11432(g)(5). See also § 11432(f).	What systems are in place to share information between these entities?				
The state plan must indicate what technical assistance will be provided to the LEA, and how the state will coordinate efforts with liaisons to ensure compliance. Section 11432(g)(2)(B).	What evidence and documentation is required to ensure that adequate trainings have been provided?				

Immediate Enrollment	Guidance	Met	Not Met	Documentation	Comments
The LEA has provisions for immediate school enrollment of all age-eligible homeless children and youth, including provisions for public, preschool, and alternative school placement where available. Section 11432(d)(2); Section 11432(e)(3)(E)(i)(II).	Do front line personnel, such as school secretaries and registration office personnel, receive adequate training instructing them that they must immediately enroll a student even when question arises as to the student's eligibility under McKinney-Vento? Has the SEA created a steering committee to remove barriers arising from:				

	• Transportation policies; • Student records and record-transfer requirements; • Enrolling unaccompanied youth; • Guardianship requirements; • Procedures for resolving enrollment disputes; and • Barriers resulting from school-related fees or school uniform policies?				
The SEA and LEA reviews and revises policies and practices to ensure that these do not act as barriers to immediately enrolling homeless students and to the success of homeless students. Section 11432(g)(1)(I).	How often are state-level and district Board policies, regulations and practices reviewed?				
The LEA and the liaison must ensure that the designated school immediately enrolls the youth. Section 11432(e)(3)(E)(i)(II); Section 11432(g)(6)(A)(ii).	If a dispute arises, do the LEA and liaison ensure that the youth is enrolled pending resolution of the dispute? How are families referred to the liaison?				
The LEA must enroll the student in the school where the parent, guardian or unaccompanied youth seeks enrollment, pending resolution of the dispute.	Is the youth immediately enrolled in the school of origin or choice pending resolution of the dispute?				

Section 11432(g)(3)(E).					
If an LEA designates a school other than the school of origin or a school requested, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision. Section 11432(g)(3)(B)(ii).	Is the dispute resolution process immediately commenced, and the referral to the liaison made immediately?				
LEA assists youth in collecting and submitting documents necessary for enrollment. Section 11432(g)(3)(C)(iii).	When and how is the family or youth referred to the liaison? Is front line staff instructed to enroll the youth pending receipt of necessary documents?				

Dispute Resolution Process	Guidance	Met	Not Met	Documentation	Comments
If a dispute arises over the right of school selection, enrollment, transportation, or other protected services, then the dispute resolution process must be commenced. See Section 11432(g)(1)(C);	Are the family and youth notified of the liaison's role in assisting them with the dispute resolution process?				

Section 11432(g)(3)(E)(iii).					
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Notice of Rights	Guidance	Met	Not Met	Documentation	Comments
The liaison posts public notice of educational rights of homeless children and youth in each school and in places where families are likely to be present, including shelter providers, service providers, community agencies, grocery stores, churches, and food banks. Section 11432(g)(6)(A)(v).	Does each enrollment or placement office prominently display posters, brochures and/or other materials explaining the rights of homeless and unaccompanied youth? Does this information include the name and contact information for the liaison? Is information regarding homeless students' rights and the contact information for the homeless liaison easily available on the LEA's website? Where in the community has the liaison posted public notices of educational rights of homeless students? Which community organizations have the liaison contacted to ensure collaboration and identification of homeless students? Has notice been posted at public laundry facilities, public libraries, Head Start Centers, migrant housing developments, low-cost motels and				

	campgrounds, and public housing complexes? Have public service announcements on McKinney-Vento rights been placed in print and broadcast media?				
Schools must provide written notice of McKinney-Vento rights at the time the child or youth seeks enrollment. Section 11432(e)(3)(C)(i).	Have families and unaccompanied youth signed such written notifications at initial enrollment, signifying that they have received and understood the information? Does the information include an explanation of choice of school of origin or local attendance area school, and transportation rights? Does the information explain the definition of homeless? Do all students receive information on McKinney-Vento rights each year upon re-enrollment? Do all students receive such information at disenrollment? Are additional notices of rights included in school newsletters, newspapers, etc.?				
The LEA must designate a liaison to assist homeless students in enrolling and	Does this liaison complete the duties of the liaison, as opposed to another staff person or department that				

succeeding in school. Section 11432(g)(1)(J)(ii).	handles homeless student issues in practice, making the referral to the designated liaison perfunctory?				
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Unaccompanied Youth	Guidance	Met	Not Met	Documentation	Comments
The LEA must create provisions for immediate school enrollment of unaccompanied homeless students, despite lack of parent or legal guardian, supervision, or permission. Section 11432(g)(3)(B)(iii); Section 11432(g)(3)(E)(iv).	What documentation is kept to show that the LEA liaison assists unaccompanied youth with school placement decisions? Is there information on the appointment of temporary surrogates to assist unaccompanied youth with disabilities in evaluation and placement in special education programs?				

Inclusion	Guidance	Met	Not Met	Documentation	Comments
Homeless and unaccompanied youth must have access to all the programs and activities of other students. Section 11432(g)(4).	Do homeless families and youth receive information about educational and extracurricular programs and services and opportunities? Does the LEA ensure that transportation, uniforms, and other necessary components of participation are provided?				

The LEA policies, practices, and procedures must stipulate that homeless students will not be segregated or stigmatized by placing them in separate schools or in separate programs within schools. Section 11433(b)(5).	Are students placed in regular classrooms? Does the school offer tutorial services and other academic supports to meet the needs of homeless and unaccompanied youth?				
While collaboration with outside programs and services for homeless youth is important, it must not take the place of access to regular school programming and extracurricular activities. Section 11433(a)(2)(A)(iii).	Does the district collaborate with programs such as Head Start, Runaway/Homeless Youth, shelter providers and service providers at the state and local level? Does the LEA retain homeless youth in traditional academic programs, and only use such collaboration to supplement traditional programs?				

Records Transfer	Guidance	Met	Not Met	Documentation	Comments
The LEA must ensure expeditious transfer of homeless students' records between schools. Section 11432(g)(3)(C) & (D).	Does the absence of an ordinarily required record prevent enrollment? Does the district immediately request the necessary record? Are the policies to ensure a waiver of fees in appropriate cases?				

If the enrolling school requires enrollment documents, it must immediately refer the parent or guardian to the LEA homeless liaison, who must assist in obtaining the immunizations or records. Section 11432(g)(3)(C)(iii).	Does the liaison assist the family or youth in obtaining necessary records? Is the referral to the liaison given in a timely manner? Is the youth immediately enrolled pending obtaining the documents?				
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Eligibility for Other Services	Guidance	Met	Not Met	Documentation	Comments
Homeless youth are automatically eligible for Title I services, free lunch, and free textbooks, as well as any other comparable services offered to permanently housed students. Section 11432(g)(4)(B).	Does the LEA ensure immediate enrollment in free school meal programs for homeless students? Whether or not families or students are identified as homeless, they must be notified in writing of their eligibility for services, at the time of enrollment and twice per year. How does the school document that this is done? This notice must be signed to show that they have received and understood their rights. How are these records kept? Are policies in place to ensure that transportation departments are ready to provide immediate transportation				

	for these programs, while remaining sensitive to student's potential need for confidentiality? Are policies in place to ensure after-school activities, including inter-scholastic sports, are fully accessible to homeless students, including through the provision of transportation, uniforms, and eligibility for participation?				
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Comparable Services	Guidance	Met	Not Met	Documentation	Comments
Schools must provide written notice to homeless families and youth that they are eligible to receive services comparable to those offered to other students, including transportation services, Title I services, programs for children with disabilities, limited English proficiency, vocational or technical training, and gifted and talented students, and for school nutrition programs. Section 11432(e)(3)(C)(i)(III)(cc).	Has the LEA reserved the necessary funds for Title I comparable services, calculated according to needs data? Does the LEA Title I Coordinator collaborate with the LEA liaison to provide services to homeless children who do not attend participating schools? Are educational support services provided to children living in shelters or other locations? Is there a list of appropriate referrals, including referrals to legal, housing and mental health services? Does it include referrals to other community social services and LGBTQ services?				

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Fees	Guidance	Met	Not Met	Documentation	Comments
The LEA has procedures to waive fees for students experiencing homeless situations. Section 11432(g)(3)(C); See Section 11433(d)(9).	Is identification taking place early enough to prevent fees obstacles?				

Transportation	Guidance	Met	Not Met	Documentation	Comments
The State and the LEA ensures that transportation to the school of origin and all necessary transportation be accomplished. Section 11432(e)(3)(E)(i)(III); Section 11432(g)(1)(J)(iii); Section 11432(g)(4)(A).	Is there a policy that applies to homeless youth for authorizing immediate transportation and reimbursement for transportation? Does this policy explicitly allow for reimbursement to parents for transportation costs?				
Youth temporarily living in shelters and attending their school of origin in a different district from the shelter must receive free transportation to school.	Are shelter and service provider employees aware of the district's obligation to provide transportation to the school of origin?				

Section 11432(g)(1)(J)(iii).					
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Parent Involvement	Guidance	Met	Not Met	Documentation	Comments
The LEA ensures that parents of homeless students are informed about opportunities to participate in the education of their children. Section 11432(g)(6)(A)(iv).					