

Determining Eligibility for Rights and Services Under the McKinney-Vento Act A Step-by-Step Process to Determine if Family meets the Criteria for Homelessness

The McKinney-Vento Homeless Assistance Act (reauthorized under Title X, Part C of the No Child Left Behind Act of 2001, and subsequently referred to as the McKinney-Vento Act in this brief) defines “homeless children and youths” as “individuals who lack a fixed, regular, and adequate nighttime residence.”

However, because the circumstances of homelessness vary with each family’s or unaccompanied youth’s situation, determining the extent to which the family or youth fits the definition must occur on a case-by-case basis. The McKinney-Vento Liaison and/or enrollment staff must gather and analyze information from the family or youth and make an appropriate determination of eligibility.

Expedient determination of eligibility and immediate school enrollment are critical to the student’s educational continuity.

STEP 1: GET THE FACTS. WHAT IS THE FAMILY’S OR YOUTH’S SITUATION?

Use a standard enrollment form that asks about the family’s or youth’s living situation to gather initial information.

USE FORM MV80 - DECLARATION OF RESIDENCY

STEP 2: DOES THE STUDENT MEET ELIGIBLE TO MCKINNEY-VENTO?

To be eligible for services, the student must meet the Act’s definition of homeless. The McKinney-Vento Act defines “homeless children and youths” as “individuals who lack a fixed, regular, and adequate nighttime residence.”

Who is homeless?

The term “homeless children and youth”—

A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and

B. includes —

- children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care
- children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
- children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- migratory children who qualify as homeless

STUDENT DOES NOT MEET THE DEFINITION OF HOMELESSNESS

Student Must Enroll in School of Residence

No Further Action is Required

NO

STUDENT MEETS THE DEFINITION OF HOMELESSNESS

Student Has the Right to Immediate Enrollment in:

- School of Origin, or
- School of Residence

MUST BE ***IMMEDIATELY*** ENROLLED REGARDLESS OF MISSING DOCUMENTS. GIVE FAMILY 30 DAYS TO SUBMIT REQUIRED PAPERWORK.

DENYING ENROLLMENT

Must provide family or student with FORM MV40 - Notification to Dispute Resolution Process.

YES

STEP 3: DOES THE FAMILY WANT SERVICES?

- If YES, use form MV10 - Referral for Services
- If NO, tag student on aeries - There is no need to refer family to McKinney-Vento Office.

STEP 4: GET ADDITIONAL SUPPORT

If you are still not sure if a student is eligible for McKinney-Vento?

Adela Cruz, McKinney-Vento Liaison

cruz_ad@auhsd.us

Office#: 714-999-7734 Cell#: 714-404-9062