



# “10 IN 10”

## ORIENTATION TUTORIAL FOR NEW STATE COORDINATORS FOR THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

10 TEN-MINUTE MODULES

### MODULE 2: UNDERSTANDING THE DEFINITION OF HOMELESS IN THE MCKINNEY-VENTO ACT

# MODULE 2 OVERVIEW

In Module 2, State Coordinators will learn about

- The definition of homeless in the McKinney-Vento Act
- The definition of an unaccompanied youth experiencing homelessness
- Clarifications of parts of the definition
- Strategies for determining eligibility for McKinney-Vento services

*Abbreviations used in this module:*

*ED – U. S. Department of Education*

*EHCY – Education for Homeless Children and Youth*

*LEA – Local educational agency*

*Local liaison – LEA local homeless liaison*

*NCHE – National Center for Homeless Education*

*SEA – State educational agency*



# WHY SHOULD STATE COORDINATORS UNDERSTAND THE DEFINITION OF HOMELESS?

- To provide quality training and technical assistance to LEAs to build their capacity in making determinations of eligibility for McKinney-Vento services
- To determine if an LEA is compliant in its eligibility determinations
- To be able to fully understand disputes over eligibility and provide guidance or rulings as needed in the dispute process



# THE DEFINITION OF HOMELESS [42 U.S.C. § 11434a(2)]

The term “homeless children and youths” –

(A) Means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) Includes –

(i) 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; or are abandoned in hospitals;\*

*\*Text on the provisions in the law has been shortened for brevity; read the full text of the [McKinney-Vento Act](#) for exact language and details.*



## THE DEFINITION OF HOMELESS [42 U.S.C. § 11434a]

- (ii) 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;
- (iii) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).



# THE KEY DETERMINANTS OF HOMELESSNESS

- A child or youth who lives in a situation that is not fixed, regular, and adequate is considered homeless.
  - **Fixed** (stationary, permanent, not subject to change)
  - **Regular** (used on a nightly basis)
  - **Adequate** (sufficient for meeting the physical, psychological, and safety needs typically met in a home environment)
- If a child or youth lacks any one of these three conditions in a living situation, he or she is considered homeless.



# CLARIFICATION: SHARING THE HOUSING OF OTHERS (DOUBLED-UP)

- Not all doubled-up situations are considered homeless.
- Note the key phrase in the definition: “sharing the housing of others **due to loss of housing, economic hardship, or a similar reason.**”
- To be eligible for McKinney-Vento services, a child or youth living doubled-up must have lost housing or experienced a crisis.



# HELPFUL QUESTIONS TO ASK TO DETERMINE IF SHARING THE HOUSING OF OTHERS WOULD BE CONSIDERED HOMELESS

1. Why did the family or youth move in with another family?
2. Is this a long-term arrangement?
3. Is it a situation of mutual benefit or convenience to both parties or was it precipitated by a crisis?
4. Where would the doubled-up family or youth live if unable to stay with the host family or friend?



# WHICH OF THE FOLLOWING WOULD YOU CONSIDER HOMELESS?

- A. A single mother moved in with her mother because her mother can provide after-school care for her son and because her mother is getting older and needs some help.
- B. A family lost its housing due to a fire and moved in with relatives until the house is repaired.



## THE ANSWER

- If you selected B, you are correct. The family is living doubled up due to loss of housing, and the situation is temporary.
- The living situation in A was a choice for convenience and would not fit the definition of *homeless* based on the information provided. The family's situation appears to be fixed, regular, and adequate.



# CLARIFICATION ON UNACCOMPANIED HOMELESS YOUTH

- The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian. [42 U.S.C. § 11434a]
- To be eligible for McKinney-Vento services, an unaccompanied youth also must fit the definition of homeless in the McKinney-Vento Act.
- Note: not all unaccompanied youths are homeless; an unaccompanied youth is eligible for McKinney-Vento services only if he or she lacks a living situation that is fixed, regular, and adequate.

Unaccompanied + Homeless = Unaccompanied Youth Eligible for McKinney-Vento Services



## WHICH OF THE FOLLOWING WOULD YOU CONSIDER HOMELESS?

- A. A youth moved in with a friend's family when his parents kicked him out of their home after he disclosed that he is gay. The friend's parents said that he could only stay for a week.
- B. A youth has lived with her grandmother ever since her mother was incarcerated two years ago. The grandmother intends to allow the youth to remain with her until her mother is released from prison.



## THE ANSWER

- The youth in example A would be considered eligible as an unaccompanied homeless youth. He was kicked out of his home and his current living situation is temporary.
- The youth in example B, while unaccompanied, would most likely not be considered eligible since her living situation appears stable with her grandmother.



# PROCESS FOR DETERMINING ELIGIBILITY

1. Gather as much information about the family's or youth's living situation as can be accomplished reasonably and lawfully.
2. Analyze the information.
  - Determine if the living situation fits one of the specific living situations in the definition.
  - If not, use “fixed, regular, and adequate” as guiding principles.
3. Make a determination.
  - If unsure, discuss the situation with colleagues, local liaisons, another State Coordinator, or NCHE staff.



# QUESTIONS TO CONSIDER

1. What are the three main criteria for determining homelessness in the McKinney-Vento definition?
2. Under what circumstances would a student living doubled up be considered homeless according to the McKinney-Vento definition?
3. What two conditions must a student meet to be considered an unaccompanied homeless youth according to the McKinney-Vento Act?
4. Why is it important to gather as much information as possible to make an eligibility determination?
5. Who are the people you will consult when processing a complex situation for determining eligibility?



# RESOURCES

- [Education for Homeless Children and Youths Program: Non-regulatory Guidance](#)
- [NCHE Brief: Determining Eligibility for McKinney-Vento Rights and Services](#)
- [NCHE Brief: Confirming Eligibility](#)
- [The McKinney-Vento Act: Education for Homeless Children and Youths, Title IX, Part A of the Every Student Succeeds Act of 2015 \(42 U.S.C. Chapter 119, Subchapter VI, Part B: Education for Homeless Children and Youths §§ 11431-11435\)](#)

