

Running Head: MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Policy Analysis Paper

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POLICY OVERVIEW

The McKinney-Vento Homeless Assistance Act (McKinney-Vento) covers many aspects of homelessness. The original Act contained 15 different programs for people who were homeless (United States Department of Housing and Urban Development [HUD], 2007). I have chosen to focus on Title VII-B of this act. This section of McKinney-Vento is related to homeless children and their right to equal access to an appropriate public school education. This Act has been in existence since 1987. Due to school performance standards put in place by the No Child Left Behind Act of 2001, this specific section of the McKinney-Vento Act has been reauthorized to include new mandates (United States Department of Education [DE], 2004).

McKinney-Vento addresses the educational needs of children who meet the Act's definition of homeless. The National Association for the Education of Homeless Children and Youth (NAEHCY) offers a quick outline of this definition. The McKinney-Vento Act describes children that, "lack a fixed, regular, and adequate nighttime residence" (NAEHCY, 2008, p.4). This includes children who share the housing of other persons due to loss of housing, or live in motels, campgrounds and shelters. It encompasses children who are awaiting foster care placement, have a primary nighttime residence that is not usually designed for sleeping accommodations, or live in cars, parks, abandoned buildings, public spaces (NAEHCY). The act also includes migratory children (NAEHCY).

McKinney-Vento provides for special services for children who meet the policy's definition of homeless. The major provisions are immediate enrollment, comparable services, and supplemental services (NAEHCY, 2008). Each of these areas has been addressed at length in the McKinney-Vento Act.

HISTORICAL BACKGROUND

The McKinney Act was originally written in the 1980s as a result of an increase in the homeless population. The first version of this Act was signed into law in 1987 by President Ronald Reagan (HUD, 2007). It has since been revised and the name has been changed to the McKinney-Vento Act after the two Capitol Hill members that were active in its creation (National Law Center on Homelessness and Poverty [NLCHP], 2007).

Historically, homelessness had been associated with males during the Great Depression. In the 1980s there was an increase in the number of homeless women and children, as well as men (NLCHP, 2007). As there was little assistance offered by the federal government, many families were left without services or support. A woman named Maria Foscarinis worked with a coalition of advocates and stakeholders in Washington to encourage Congress to take action to create services for the homeless. As a result, the Homeless Person's Survival Act was introduced to Congress in 1986 (NLCHP). One portion of this act addressed emergency measures. Foscarinis and advocates pushed for the emergency measures to be addressed separately. Two Congressmen, Stewart McKinney and Bruce Vento were active in the efforts and subsequently the 1987 version of the Act was named after them (NLCHP). Foscarinis states "the Act was the first-and remains the only-major, coordinated federal response to homelessness" (NLCHP, p.2). Foscarinis continues to be a strong advocate for the homeless as the founder and executive director of the National Law Center on Homelessness and Poverty.

When Congress passed the Act in 1987, this was to be the first step in a progression of homeless policy development. The Act passed by a large bipartisan majority in both houses of Congress (HUD, 2007). It was the intention of the legislature to continue to find longer term solutions to the issue of homelessness, especially in the area of prevention (NLCHP, 2007).

There has been little change in policy that has shifted the focus to prevention. Gitterman states that policies "...are focused on emergency measures aimed at the outward symptoms of homelessness, rather than addressing its causes, specifically through employment, public benefits, and affordable permanent housing" (2001, p.639).

Even though legislators recognized the social issue as being complex, there has been little change over the past 20 years. Changes that have occurred in section VII-B have been related to definitions and instructions for compliance for states and school districts. There have been lawsuits filed against school districts challenging the specific school's interpretation of the Act. On the Office of Education of Children and Youth Experiencing Homelessness website there is a 2008 document with 12 different lawsuits related to violations of the McKinney-Vento Act (Julianelle). The only significant change that has occurred to this section of the Act was related to the performance standards set forth in the No Child Left Behind Act of 2001.

The policy was amended in 2001. Politicians and school administrators realized that children who do not have access to an adequate education did not do well on the standardized tests mandated by No Child Left Behind (NCLB). As school districts and states failed many of the benchmarks set by NCLB, legislators recognized a need to tighten up the policy related to the education of low performing students. Children who have unstable housing often move from district to district and miss more days of school than their peers with stable housing. As a result the Act was reauthorized in 2001 to allow children the right to remain in their school of origin, even if they no longer resided in the district. It also included provisions for transportation, school supplies, supportive services, and "enrollment on demand" without proper residency and immunization documents (Institute for Children and Poverty, 2003).

SOCIAL PROBLEM

The issue of homelessness touches many different facets of social institutions. People who are homeless often have service needs such as medical, mental health, alcohol and drug treatment, housing, and education, to name a few. These needs are addressed by many different sections of government. As the issue of homelessness cannot be alleviated with one policy, the Congress has taken little action for the past two decades. The United States government has difficulty partnering across different government branches to address common goals.

The focus on the “chronic homeless” has caused further division between conservatives and liberals. The arguments of deserving and undeserving poor continue to be bantered around in the media. Over the past 8 years, the Bush Administration has not addressed the issue of the growing gap between wages and housing costs. During the Bush administration, there has been little legislative reform to provide low-income housing for the working poor. According to the Children’s Defense Fund, families with children are 40% of the homeless population (2005). As incomes are not growing at the same pace as housing costs, there is a lack of affordable housing for low income families (Children’s Defense Fund [CDF], 2005). “In only four of the nation’s 3066 counties could a full-time worker making minimum wage afford a typical one-bedroom apartment” (CDF, 2005, p. 2). Housing-related health hazards include loss of wages for parents due to illness of their children and loss of learning days for children due to these health costs (CDF, 2005).

Kuo in his 1997 article, *Poverty 101: What Liberals and Conservatives Can Learn from Each Other* makes two important points. His first point is that liberals need to appreciate the importance of work, no matter what the job is. Liberals should not “belittle” the value of work, even if it pays a low wage. Conservatives need to take a look at this same point and acknowledge

the barriers of moving from welfare to work if the wage is not a living wage. His second point was directed toward conservatives. Kuo states, “Poverty in America is real. Some on the right seem to suggest that poverty is just an invention of the left, that it is mostly a matter of sloth and bad bookkeeping” (1997, p.3). I believe that these are the two primary reasons why significant preventive policies assisting the homeless have not been developed since McKinney-Vento.

POLICY DESCRIPTION

Title VII-B of the McKinney-Vento Act is intended to serve youth who lack a “fixed, regular, and adequate nighttime residence” (United States Department of Education [DE], 2004, p.2). Each state is required to hire a State Coordinator for the Education of Homeless Children and Youth. This person is responsible to develop and implement the plan within the state. S/he is responsible to gather data and information related to homeless youth, the progress of school districts to address these problems, and the success of McKinney-Vento to help children attain school achievement. Other duties include technical assistance to local school liaisons and providing data to the U.S. Department of Education upon request (DE, 2004).

The next level of the policy is to require local education agencies (school districts) to identify a staff member who will provide services to homeless students. This staff member is identified under the Act as the local liaison. The local liaison serves as the primary contact between families, school personnel, and community service providers. S/he coordinates services and is responsible to enroll students. The liaison’s job duties include identifying services and making sure that the children are offered a “full and equal opportunity” to succeed in school (DE, 2004, p. 10). Other duties include involving the parents in the child’s education, providing transportation services, resolving enrollment disputes, and informing the public about the educational rights of homeless children under the McKinney-Vento Act. A component of this

job requires the liaison to identify children that could be served under this policy, including children that are pre-school age.

McKinney-Vento is designed to assist homeless youth in maintaining connections with their school of origin. As homeless children are often uprooted, they may need to enroll in numerous schools over a school year. Under this act, the child is allowed to remain in his/her school of origin during a period of homelessness or enroll in any school in the area in which the child is currently residing. If a child and/or parent feel that it is in the best interest of the student to remain in his/her school of origin, this is allowed regardless of residency requirements.

Special services such as tutoring, transportation, school supplies, and special education must be provided. Services must be administered in a non-judgmental manner and homeless children cannot be separated from the general population unless there is a specific value to the child (DE, 2004). Academic enrichment programs should be provided to assist homeless youth in meeting state standards under the NCLB Act. There are specific expectations and goals outlined in the Act. In general, the liaison must provide educational services, as well as connect the child with any special services, that would allow the child to succeed in school academically and socially.

In 2001, a work group created by the National Center for Homeless Education (NCHE) created a standards and indicators of quality document to assist local agencies in program evaluation of the McKinney-Vento Act. This group of stakeholders and service providers created five standards that they felt should be covered under each local effort. The standards are as follows:

1. Within one full day of an attempt to enroll in a school, homeless children and youth will be in attendance.

2. Homeless pre-k to 12 children and youth will have stability in school.
3. Homeless children and youth will receive specialized services when eligible.
4. Parents or persons acting as parents of homeless children and youth will participate meaningfully in their children's education.
5. Homeless children and youth in grades 3-12 will meet their states' academic standards (DE, 2004, p. 33-36).

These are the short term and long term goals of the McKinney-Vento Act. One intended outcome of this Act is to give children the skills to pass the standardized test required by NCLB. By assisting children in obtaining these academic skills, there is a belief that the children will be able to experience success in school and avoid homelessness in the future.

Funding mechanisms include formula grants from the federal government, utilization of other federal funds such as Title I, and community organizations/local funding. Formula grants are given to the 50 states, the District of Columbia, Puerto Rico, and Bureau of Indian Affairs (United States Department of Education [DE], 2008b). The federal government awards money to each state. Each state requires local school districts to apply for subgrants to receive funds. The minimum that each state can receive on a yearly basis is \$150,000 (DE, 2008b). The state is required to distribute at least one half of the money to local districts but can retain the other portion for state activities under the Act (DE, 2008b). In 2008 there was \$64,066,851 available for formula grants from the federal government through this program (DE, 2008a).

The Act requires creative work on the part of school districts. According to a report from 2002 written by the U.S. Department of Education, only 4% of districts in the eligible population received subgrants. This means that 96% would need to meet the needs of homeless students as

required by McKinney-Vento without any additional funds from the state and federal government.

Until the past few years, there has not been a consistent effort to collect and analyze data regarding the impact of the McKinney-Vento. Many of the reports were estimated numbers that were provided by state or local school districts to the federal government. Since 2002, there has been an increase of subgrants that were awarded to local school districts. This has allowed a greater level of services for homeless youth (DE, 2008c). The Federal government changed its requirements to report “verifiable and school based” data (DE, 2008c, p.ii). Local school districts have needed to change their data collection techniques but the reports are more accurate than previous years.

The formal criterion used to assess the effectiveness of the policy are vague. Each report analyzes the barriers that continue to exist for homeless children. The reports discuss the increases in connecting homeless children with supplemental services. There are specific testing and academic requirements under the No Child Left Behind Act that will be evaluated by 2014. It appears that this most likely will be an ancillary method to evaluate the programming. At this time, there is not a projected date in which funding and programming will be discontinued under McKinney-Vento VII-B.

The majority of knowledge that has formed this policy is related to analyzing children’s performance in school. Children who are subject to frequent moves increase their chances of switching schools. According to a study completed by the Institute for Children and Poverty [ICP], from the year 2001 to 2002, 42% of homeless children transferred schools at least once (2003). Of these children, 51% transferred twice or more. It has been estimated by researchers that it takes a child four to six months to adjust academically to a school disruption (ICP, 2003).

A study of New York City's homeless and non-homeless children found significant differences between these populations. In this study it was found that homeless children were nine times more likely to be retained in a grade, four times more likely to quit school, three times more likely to be enrolled in special education services, and two times more likely to receive a lower score on standardized test than children that have a home (ICP, 1999).

POLICY ANALYSIS

The policy goals are not explicitly stated. They are implied throughout the Act and any subsequent reports that have been distributed. The goals of this Act are to increase the skills and education of children within school districts in order to meet societal expectations that all people must be contributing citizens to the society as a whole. It has been demonstrated through research that children who are homeless are less proficient in the skills that are required of students in standardized tests. As homeless children are more likely to drop out of school, they may never be able to receive the education and skills needed to obtain a job that earns a living wage.

According to the Institute for Children on Poverty, "fifty percent of heads-of-households who are homeless today grew up in families that spent time on welfare. Sixteen percent spent time in foster care, group homes, shelters or welfare hotels before they turned eighteen" (ICP, 1997, p. 1). This same report also states;

They never received guidance toward a quality education, adequate family counseling, or a job paying a living wage. They never learned to live independently. Instead they learned to accept the instability, displacement, and dependence on poverty while in the institutions of foster care, shelters, and welfare (ICP, p.2).

The goal is to provide all children equal access to a public education with the desire to support children so that they can become productive and self sufficient adults.

As children are considered the “worthy poor” in our country, there are very few people that would argue with this policy. The definition of homelessness is broad and encompasses many children that would otherwise be excluded from services. The Act allows for continued services throughout the school year even if the family secures adequate housing. This is different than many other government services that are available to homeless families only when they are dislocated. Services provided such as transportation, access to school supplies, and tutoring are necessary for the student’s success. This redistribution of resources to homeless children should not have a significant effect on the operation of the school in general. Children who are not receiving services through McKinney-Vento should not experience a difference in the education they receive.

This policy contains the social vision that all children should be able to receive an education regardless of family income. It attempts to remove the barriers to education for children who are homeless. It acknowledges that the “playing field” is not equal for all children and that schools must help some children more than others. This is similar to policies regarding special education and English as a second language services.

This policy improves the quality of life for children that are homeless as well as all students. If homeless students receive services such as tutoring, free meals, and access to special education services they will be able to participate in classes, have less behavioral outbursts, and be more engaged in their own education. It is in the best interests of all students and teachers that services are provided.

The target population is viewed as vulnerable in this policy. The policy is not designed to foster significant change yet does not seem to be created in order to placate a specific group. The homeless population in the United States is one of the most vulnerable. They are unlikely to lobby for political change in social policies. There are many grassroots groups that are committed to fighting for the rights of the homeless but they do not have large sums of money for their cause. The policy forces a social change in that school districts are required to become more educated regarding issues facing homeless children. They must provide education to all staff members and connect with children who are facing unstable living situations.

The policy does not address the causes of homelessness and poverty. It adds support and consistency for children who may not know where they are sleeping each night. As children are able to remain in their school of origin, they are able to keep social supports and schedules that are familiar to them.

This policy was originally proposed by a Republican and signed by a Republican President. It passed with a significant majority in the Congress with Democrats and Republicans. I believe that there would be very little dissent from either party regarding the goals and requirements within the Act. If made aware of the availability of special services for homeless children, parents whose children are not eligible for the services may complain about the policy. It is doubtful that this would be a significant number of parents. Most people would be supportive of the policy as they would see the services helping a child directly.

The political problem I foresee related to McKinney-Vento is the level of funding. Even though the allocation for this policy is large, when it is split between the states and other eligible parties, it does not provide significant money to school districts. It seems that the policy expectations are considerable for the amount of money available to provide the services.

There will be school administrators who oppose the policy. This is not due to the social vision and value basis of the policy but due to the unfunded mandates within the policy. *The Report to the President and Congress On the Implementation of the Education for Homeless Children and Youth Program Under the McKinney-Vento Homeless Assistance Act* outlines five challenges; local liaisons often have other professional duties in addition to services for homeless youth, the high cost of transporting children from outside the school districts, meeting the needs of homeless children requires cooperation with other service providers in the area who may not have similar definitions, identifying children eligible for services, and funding formulas for smaller states (2008c). The designated school liaison must act as a service provider, educator, team player, community organizer, and advocate for each child. This may be difficult to accomplish if the liaison has other job duties outside of the McKinney-Vento Act.

This act has been in place for over twenty years. Economically, it has made changes for a small amount of money when viewed in context of the entire federal budget. It is doubtful that appropriations will increase. According to budget numbers posted on the Department of Education website, the projected amount for 2009 is almost exactly the same as 2008. As the economy has been precarious for the past year, it is certain that there will be more children who will be eligible for services under this Act. School districts will have to choose whether to follow the requirements or pick and choose which ones they can afford to follow. Local liaisons will need to be creative and coordinate with community members and providers to meet children's needs. Due to the longevity of this Act, it will most likely survive the budget cuts. As it is drastically underfunded to begin with, this will continue to pose challenges for children, families, and schools.

Agencies cannot administer the policy as it is written. Many school districts do not receive any funds for this program. Yet they are required to have a local liaison who completes all the tasks as outlined in the policy. Many of the duties are time consuming and require services and supplies. The federal government requires reports and data regarding compliance. Gathering data and compiling reports is time consuming. Many communities are stretched to the maximum meeting citizens' basic needs and lack the capacity to fill the service gaps between the school and public sector. School personnel want to see their students succeed and meet the educational goals set forth in No Child Left Behind. In principle, they most likely see the value in McKinney-Vento yet cannot meet all the provisions of the Act. The policy would be more effective if there were corresponding funded policies to address many other facets of homelessness and poverty.

This policy has a level of efficiency in that it addresses many barriers to school success. Children can receive special services such as tutoring and special classes. Children receive transportation services and school supplies. They are able to receive assistance for school uniforms and free school lunches. The policy allows the child to bypass common hurdles to enrollment due to a lack of guardian, appropriate school records, or immunization schedules. It also directs the liaison to assist in locating any other services needed such as community based counseling or dental and medical care. As children have a difficult time advocating for their own needs, this policy is necessary.

Due to the vulnerability of children, McKinney-Vento is necessary. The larger issue that remains unaddressed by Congress is the lack of affordable housing. As this issue is so vast, many politicians choose to ignore the issue and put policy in place that addresses the results of the problem not the causes. According to a brief from the Urban Institute, there are approximately

200,000 homeless children in America on any given day (Burt, 2001). By only addressing the issues of those that are homeless on any given day, we do not prevent someone from becoming homeless tomorrow (Burt). Research and data has shown that providing housing and supportive services is the most effective way for people to leave homelessness (Burt). Policies to provide services on a preventative basis would be preferable and more effective in affecting long term change.

DISCUSSION

McKinney-Vento adequately addresses the problem of homeless children within the educational system. Unfortunately, it is unlikely that the provisions are implemented throughout all districts to the level required by the policy. Social justice principles require that our most vulnerable citizens are served when they cannot assist themselves. Although there are other students who would benefit from increased tutoring and special services, they do not have the same barriers and hurdles as children without an adequate nighttime residence. Transient families often lack a community support system and lack the resources to provide transportation and school supplies. There are equivalent services available to all students within the community and schools. School counselors will work with all children to help connect the family to services, regardless of socio-economic class. McKinney-Vento recognizes that the needs of homeless children are significantly higher than those of the population in general and special services must be provided.

The social problem of homelessness has not changed as a result of this policy. There is a greater knowledge of the extent of homelessness, especially affecting children, that has occurred as a result. Due to the data collected and analyzed as a result of the policy, people have acknowledged that this problem is even bigger than originally estimated. School districts have

identified specific school personnel to become the expert for the district on the issue of homelessness. As this position of local liaison for McKinney-Vento is new to school districts, this has forced school districts to address homelessness within the school, not just refer the problem to social service agencies.

One unintended consequence was found in urban areas such as New York. Many children in New York utilize public transportation. When a family becomes homeless, they often stay in a homeless shelter. The child and parent often decide to have the student remain in his/her school of origin. The time spent on public transportation often increases as the child travels from the shelter to the school of origin. An unforeseen consequence is children are overtired due to extended commutes (Institute for Children and Poverty, 2003). This affects school performance. Children often miss the special after school programs offered at the shelter to assist students with their unique needs due to this long commute (ICP).

I do not recommend any changes to this policy. It seems to be effective as written. The problem is the lack of appropriate funding. There may be a desire to help children but it may not be in the best fiscal interests of school districts to actively recruit all students that could be served by the policy. If a child is homeless but seems to be doing well academically, the district may not offer tutoring or transportation services. Only children that are disruptive in school or are failing academically may be served if there are limited funds.

The policy addresses many of the barriers that homeless children experience. The larger societal issue of homelessness needs to be addressed. This was the original intent of the McKinney Act. Although there have been some changes over the past twenty years, many more are needed. Everyone pays when a child does not receive an adequate education; Republicans, Democrats, and Independents. "Businesses pay when poor children grow up with less education

and become less productive workers- workers who require more training, cannot work as fast or learn new orders or valuable equipment. Everyone pays when a child grows up in poverty” (Children’s Defense Fund, 2008, p.3). Most of all, we pay as human beings when we do not protect and encourage our most vulnerable and precious commodity, our children.

References

Burt, M.R. (2001). *What will it take to end homelessness?* Washington, DC: Urban Institute.

Retrieved September 17, 2008 from [www.urban.org/UploadedPDF/
end_homelessness.pdf](http://www.urban.org/UploadedPDF/end_homelessness.pdf)

Children's Defense Fund. (2005). *Bush administration policies exacerbate growing housing crisis for families with children.* Retrieved September 19, 2008 from

http://www.childrensdefense.org/site/PageServer?pagename=research_family_income

Children's Defense Fund. (2008). *Child poverty in America.* Retrieved October 5, 2008 from

http://www.childrensdefense.org/site/DocServer/Child_Poverty_in_America_August_2008-.pdf

Gitterman, A. (2001). *Handbook of social work practice with vulnerable and resilient*

population [electronic]. New York: Columbia University Press. Retrieved September 30, 2008 from <http://www.netlibrary.com/>

Kuo, D. (1997). *Poverty 101: What liberals and conservatives can learn from each other.*

Retrieved October 6, 2008 from [http://www.brookings.edu/articles/1997/fall-poverty_](http://www.brookings.edu/articles/1997/fall-poverty_Kuo.aspx?p=1)
[Kuo.aspx?p=1](http://www.brookings.edu/articles/1997/fall-poverty_Kuo.aspx?p=1)

Institute for Children and Poverty. (1997). *For whom the bell tolls: the institutionalization of*

homeless families in America. Retrieved October 1, 2008 from [http://www.icpny.org/
index.asp?CID=4&PID=84](http://www.icpny.org/index.asp?CID=4&PID=84)

Institute for Children and Poverty. (1999). *Access to success.* Retrieved September 17, 2008

from <http://www.icpny.org/index.asp?CID=4&PID=105>

Institute for Children and Poverty. (2003). *Miles to go: The flip side of the McKinney-Vento*

homeless assistance act. Retrieved September 17, 2008 from <http://www.icpny.org/>

Julianelle, P. (2008). *Litigation related to the McKinney-Vento act*. Retrieved October 6, 2008 from <http://www.wm.edu/hope/homeless.php>

National Association for the Education of Homeless Children and Youth. (2008). *Questions and answers on special education and homelessness*. Retrieved October 6, 2008 from http://www.naehcy.org/dl/osers_qa.pdf

National Law Center on Homelessness & Poverty. (2007). *Testimony of Maria Foscarinis before the subcommittee on housing and community opportunities housing committee on financial services*. Washington, D.C.: Author. Retrieved October 6, 2008 from <http://www.nlchp.org>

United States Department of Education. (2002). *The education for homeless children and youth program: Learning to succeed*. Retrieved October 6, 2008 from http://www.ed.gov/offices/OUS_PES/ed_for_disadvantaged.htm

United States Department of Education. (2004). *Education for homeless children and youth Program. Title VII-B of the McKinney-Vento homeless assistance act*. Retrieved October 6, 2008 from <http://www.ed.gov/programs/homeless/guidance.pdf>

United States Department of Education. (2008a). *Education for homeless children and youth (data file)*. Retrieved October 1, 2008 from <http://www.ed.gov/about/overview/budget/statetables/09stbyprogram.pdf>

United States Department of Education. (2008b). *Education for homeless children and youth grants for state and local activities*. Retrieved October 1, 2008 from <http://www.ed.gov/programs/homeless/index.html>

United States Department of Education. (2008c). *Report to the president and congress on the implementation of the education for homeless children and youth program under the McKinney-Vento homeless assistance act*. Retrieved September 30, 2008 from <http://www.ed.gov/programs/homeless/performance.html>

United States Department of Housing and Urban Development. (2007). *McKinney-Vento act*. Retrieved October 9, 2008 from <http://www.hud.gov/offices/cpd/homeless/lawsandregs/mckv.cfm>