

McKinney-Vento Homelessness
Assistance Act &
Gender Diverse Sport Inclusion:
What States are Doing



What is McKinney-Vento?

The federal McKinney-Vento Education Assistance Act provides protections, services, and supports to children and youth experiencing homelessness in public education settings.

There is a broad definition of homelessness and a broad set of supports!

Why are athletics & activities involved?

Because they play a key role in keeping students engaged in school and providing a sense of community and belonging!



Athletic Associations and McKinney-Vento

US Supreme
Court,
Brentwood
Acad. V. Tenn.
Secondary Scho.
Athletic Ass'n.,
531 U.S. 288
(2001).

*The
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Justice Souter “The Association’s regulatory activity may and should be treated as State action owing to the pervasive entwinement of State school officials in the structure of the Association, there being no offsetting reason to see the Association’s acts in any other way”



Who is Responsible?

- The Act states that state and local education agencies must develop procedures to ensure that homeless students do not face barriers to accessing academic and extracurricular activities.

[McKinney-Vento Sec.722(g)(F)(3)]

- The **McKinney-Vento Liaison** and **Athletic Director** should work collaboratively to develop and implement systems and processes that encourage participation in athletics and activities for students experiencing homelessness within their district and school.

It is the legal responsibility of the school district McKinney-Vento liaison to determine whether a child or youth is homeless and therefore eligible for McKinney-Vento services, supports and protections.



Top Issues Student Experiencing Homelessness Face for Athletics & Activities

- Permission to Play
- Required Sports Physical
- Eligibility
- Transportation
- Equipment and Gear



Permission to Play

Concern: *If the student is under the age of 18 who can provide permission for the student to play, including signatures, if they are not living with their legal parent/guardian?*

Guidance: Lack of a parent/guardian signature cannot be a barrier to full participation in school activities. The athletic association and education agency must develop an alternate procedure for unaccompanied youth. This could include the youth signing, a caretaker signing, an athletic director, an administrator, or the McKinney-Vento Liaison



Required Sports Physical

Concern: *How does a student experiencing homelessness get a sports physical?*

Guidance: In 31 states and the District of Columbia have laws allowing minors who are living on their own to consent for routine health care. The McKinney-Vento liaison would be able to assist the youth in coordinating this care. One strategy is to collaborate with school nurses and local health care providers to have a clinic at the school for athletes to attend. Another strategy is to coordinate with your state's Medicaid or CHIP, to allow the youth access to free or low-cost health care.



Eligibility - Age

Concern: *I have a 5th year senior, 19 years old, who missed out of school and athletics last year because of issues related to his homelessness; are they eligible to play this year?*

Guidance: State and Local educational agencies must review and revise policies to remove barriers for enrollment and full participation. If the 19-year-old student's inability to participate in athletics was directly related to the student's homelessness, the student should be allowed to participate. The McKinney-Vento liaison is the person to make this determination and would be able to write a letter to the athletic director and eligibility board.



Eligibility - Residency

Concern: *I have a student that has suddenly moved to a new school right before the basketball season and wants to play varsity ball. The student reports they are staying with another family because they were kicked out of their home. Can they play? What do I do?*

Guidance: ESSA requires states to have procedures to ensure McKinney-Vento students who meet the relevant eligibility criteria (i.e. skill level, grades) do not face barriers to accessing extracurricular activities. State and Local Educational Agencies must review and revise policies to remove barriers for enrollment and full participation. If this student is identified as a homeless youth, and residency was the only concern, the student would be eligible to play varsity ball. The McKinney-Vento Liaison is the person to make this determination and would be able to write a letter verifying the housing status of the student.



Transportation

Concern: *I know that the McKinney-Vento law requires us to provide transportation to ensure that students can fully participate, but how do I do this?*

Guidance: Both McKinney-Vento and Title IA homeless set-aside funds may be used to defray the excess cost of transportation. Ideas include utilizing school buses, other district transportation vehicles, community-based transportation organizations, public transportation, school alumni or sponsor organizations, gas cards, other team parents, work with involved parties for scheduling to reduce impact.



Required Equipment & Gear

Concern: *How can I purchase equipment and other gear for my student who is experiencing homelessness?*

Guidance: ESSA requires states to have procedures to ensure McKinney-Vento students who meet the relevant eligibility criteria (i.e. skill level, grades) do not face barriers to accessing extracurricular activities. State and Local educational agencies must review and revise policies to remove barriers for enrollment and full participation. Title IA homeless set-aside funds can be utilized to assist this student in getting the needed equipment and gear to fully participate.



Gender Diverse Student Athlete Inclusion

As the presence of gender diverse students on gender segregated athletic teams, PE classes and other activities increase nationwide, continued efforts to better understand and implement inclusive practices are vital in creating an equitable playing field.

The WIAA was the first state activities association to enact successful policy & practices regarding the equitable inclusion of K-12 transgender students in sports and other activities. WIAA's groundbreaking policy and its subsequent inclusion in the official WIAA handbook in 2007, has served as a successful model for the rest of the nation.



WIAA Gender Identity Philosophy & Participation

PHILOSOPHY

The WIAA encourages participation for all students regardless of their gender identity or expression. Further, most local, state and federal rules and regulations require schools to provide transgender and other gender-diverse student-athletes with equal opportunities to participate in athletics. The purpose of this policy is to offer clarity with respect to the participation of trans and gender-diverse student-athletes. Additionally, this policy encourages a culture in which student-athletes can compete in a safe and supportive environment, free of discrimination.

PARTICIPATION

All students should have the opportunity to participate in WIAA athletics and/or activities in a manner that is consistent with their gender identity. Currently, most athletic programs are offered separately for boys and girls. Athletes will participate in programs consistent with their gender identity or the gender most consistently expressed. School personnel responsible for student eligibility will work collaboratively with the student-athlete to determine eligibility. Once the student has been granted eligibility to participate in the sport consistent with their gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year.



WIAA & Seattle Pro Sports Community: Gender Diverse Inclusion Toolkit



**TOGETHER, WE WILL MAKE WASHINGTON STATE
THE MOST INCLUSIVE PLACE FOR
YOUTH SPORTS PARTICIPATION IN THE COUNTRY.**

**Sounders FC and fellow Seattle pro sports
teams come together to support gender-
inclusive youth sports and local LGBTQ+-
owned small businesses**

June 1, 2021
1:15PM PDT

Sounders FC Communications

[< PREVIOUS](#)

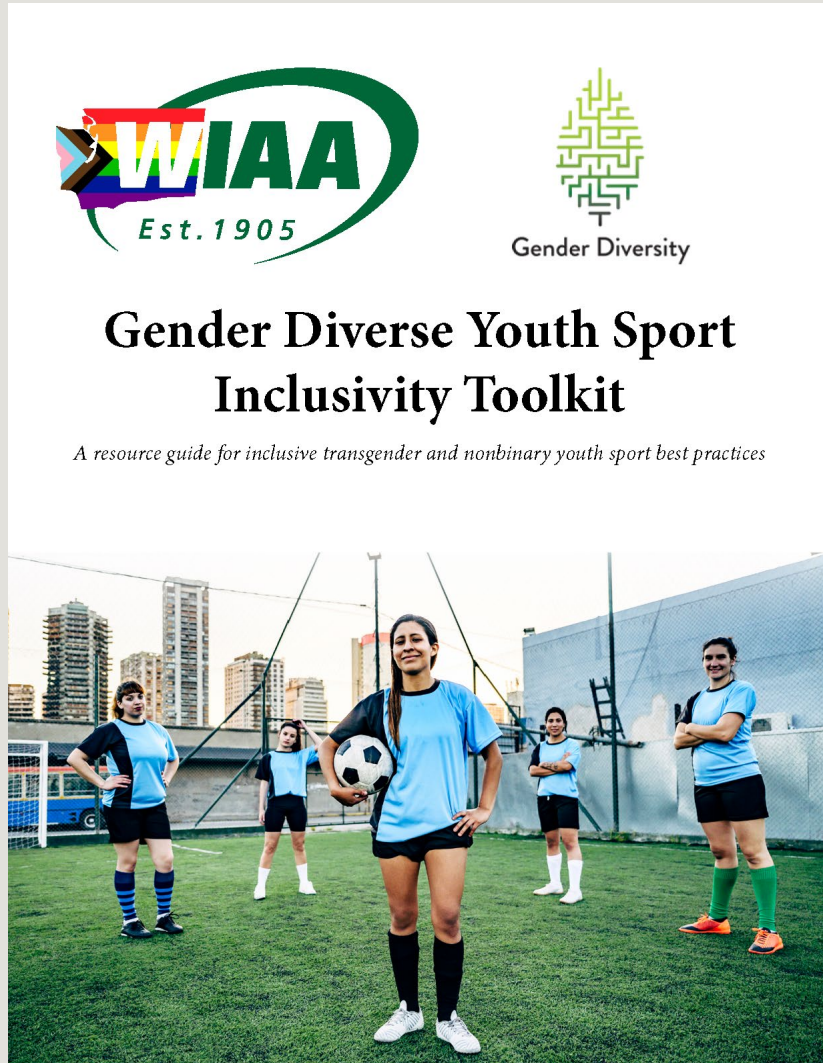
[NEXT >](#)



Seattle Sounders FC today announced, in conjunction with its fellow Seattle professional sports teams, public support for the **Washington Interscholastic Activities Association (WIAA)** and its newly released **gender-inclusive toolkit** for leaders who interact with youth athletes across the state. The teams are also partnering with **Intentionalist** in a month-long program to drive support for local LGBTQ+-owned small businesses.

[GENDER-INCLUSIVE TOOLKIT](#)

WIAA Gender Diverse Inclusion Toolkit



[WIAA.COM/DEI](https://www.wiaa.com/dei)

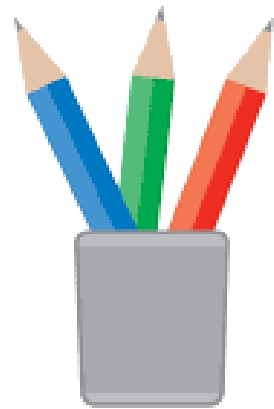


CONTACTS | ADDITIONAL INFORMATION

- Mick Hoffman | WIAA Executive Director | MHOFFMAN@WIAA.COM
- BJ Kuntz | WIAA Assistant Executive Director | BKUNTZ@WIAA.COM
- Sam Brown | WIAA Eligibility Coordinator | SBROWN@WIAA.COM



McKinney-Vento Student Athletics & Activities



helping
children
to succeed

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<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

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Links to Supporting Documents

1. Actual text of the McKinney-Vento Law:
<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>
2. Making the Case: Legal Language to Support Students – Issue #2 Extra-Curricular Activities:
<https://schoolhouseconnection.org/making-the-case-2-extra-curricular-activities/>
3. Getting to Graduation Series: Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness: <https://schoolhouseconnection.org/full-participation-in-extra-curricular-activities-for-students-experiencing-homelessness>
4. Minor Consent to Routine Medical Care (guide to state laws):
<https://schoolhouseconnection.org/state-laws-on-minor-consent-for-routine-medical-care/>
5. Extracurricular Activities and Transportation for Students Experiencing Homelessness:
<https://nche.ed.gov/wp-content/uploads/2018/12/extra-curr-trans.pdf>

Links to Resources

- You can find your state and local McKinney-Vento Liaisons here:
 - <https://docs.google.com/spreadsheets/d/1owoidQFPO5FS1P2Gk80SsXkyDNekXJlbw7F7Lc8YeeM/edit#gid=726447512>
- National Center for Homeless Education
 - The US Department of Education's technical assistance and information center for the federal Education for Homeless Children and Youth (EHCY) Program.
 - <https://nche.ed.gov/>
- SchoolHouse Connection
 - A national non-profit organization working to overcome homelessness through education. They provide strategic advocacy and practical assistance in partnership with educational agencies, families, and youth.
 - <https://schoolhouseconnection.org/>