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The idea that K-12 building leaders should be legally literate in the elements which encapsulate their professional obligations is widely accepted. The degree, however, in which this concept holds true in contemporary systems of education represents an opportunity for further research. While a concrete definition of legal literacy remains up for debate, it has been conceptualized for the better part of half a century when discussions began on its fundamental need (Dunklee & Shoop, 1986). This need has been exacerbated in recent years as we continue to live in an increasingly litigious society. This dissertation examines legal literacy K-12 building level administrators through the lens of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.) and is organized into three bodies of work.

Paper one provides an in-depth review of literature on legal literacy in K-12 systems of education in the United States. This includes, but is not limited to its history, conceptualization over time and current state. This paper will also include a historical review of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.). This review will identify, to a certain degree of specificity, the McKinney-Vento Act’s overall charge and purpose, the evolution of the Act in regards to what it addresses,
as well as some of its perceived shortcomings. Finally, paper one will intertwine both McKinney-Vento and the concept of legal literacy through the lens of Bandura’s theory of self-efficacy in an effort to understand how this theory can improve the legal literacy of *The Act*.

Paper two will use the information gleaned from paper one to continue with a study examining legal literacy and its impact on local education agency McKinney-Vento program effectiveness. In this multi-part study, we will first determine the degree of proficiency in which K-12 building administrators understand *The Act*. This is followed by a measurement of an LEA’s program effectiveness, using ISBE’s Monitoring Tool as a template. Finally, the study will examine the relationship between administrator characteristics, legal literacy and program effectiveness.

Paper three uses the data collected in this study to determine potential follow-up on increasing legal literacy of K-12 building level administrators. By examining the logical next steps, we can take the first steps in ensuring that all district and building level administrators are equipped with the knowledge skills and abilities to support one of our most vulnerable populations, McKinney-Vento eligible youth. It is my belief that through the execution of a high-quality professional learning program, such as an Illinois Administrator Academy, participants will gain the knowledge, skills and abilities to support this student group.
ADMINISTRATOR IMPACT: A SURVEY OF THE RELATIONSHIP BETWEEN
SELF-EFFICACY, MCKINNEY-VENTO LEGAL LITERACY, AND PROGRAM
EFFECTIVENESS IN ENSURING THE EDUCATIONAL STABILITY OF
HOMELESS YOUTH

BY

ANTHONY J. MARINELLO
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A DISSERTATION SUBMITTED TO THE GRADUATE SCHOOL
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE
DOCTOR OF EDUCATION

DEPARTMENT OF LEADERSHIP, EDUCATIONAL
PSYCHOLOGY AND FOUNDATIONS

Doctoral Director:
Kelly Summers
ACKNOWLEDGEMENTS

Through a thorough examination of all of the influences in my life that lead up to earning this degree, there are a few key players that I would like to acknowledge.

First, this work would not have been possible without the encouragement of Dr. Vanessa Kinder. From the time we first met, Dr. Kinder had always inspired me to pursue this endeavor, serving as a mentor, confidant and friend when needed. I will be forever indebted to her for this.

My committee has provided me with necessary tools to help this endeavor become a reality. A special thanks to my Chair, Dr. Kelly Summers. Under her guidance, I have evolved from a consumer of knowledge to a producer. I will miss our conversations and especially the laughs. To Dr. Doyle for always guiding me with a keen sense of pragmatism and always reminding me of what I am capable of. I encourage you to bill me for all the times you knocked the sense back into me when I was ready to lose my mind! Finally, to Dr. Creed who I credit as the architect behind the evolution of my writing and thought processes.

A very special thanks to my beautiful wife Michelle. Without her encouragement, support and love, this would not be possible. While it may not have been easy picking up the slack while I was entrenched in this process, you did so with class.

Finally, I want to thank my parents, Frank and Sandy Marinello. Without my parents instilling in me a strong work ethic and no-nonsense attitude when it comes to work, I would not have the capacity necessary to complete this.
DEDICATION

The entirety of this work is dedicated to my three beautiful children, Brody, Charlotte, and Tessa. It is my hope that one day you will understand and embody what it is that I have found to be true through this work and in life….

1. Focus on discipline, not motivation. Motivation comes and goes; discipline is the constant you can count on.

2. Embrace challenges. Do not avoid them. It is only through these challenges that you will find you are capable of so much more than ever imagined. Never let the determining factor in pursuing something great be the question of whether or not you can do it.

3. Never be a spectator in life. Be an active participant. Be the first one up in the morning and the last one off of the dance floor. When others as why, ask why not?

4. At some point, your brain will tell you to give up. Don’t. Keep going. If you think you have nothing more to give, you are almost always wrong.

5. Be humble. It is far greater to be a workhorse than a show horse.

6. If you want to go far in whatever you choose to do in life, you need two very basic things; a personality and a strong work ethic.

7. Pursue challenges that may be uncomfortable for your mind and/or body. The more you do so, the better prepared you are for the uncomfortable moments you could not have anticipated.

8. Do not complain. It takes up valuable time and serves no purpose for your end game. There are countless other ways to spend this time which benefit you.

9. The most powerful sense you have is your sense of humor.

10. If and when you find yourself leading others, always use “us” and “we,” unless something goes sideways, then it is “I” and “me.”
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INTRODUCTION TO THE OVERALL DISSERTATION

When considering the defining characteristics of a 21st century educator, one may consider the roles of facilitator, advocate, evaluator and lifelong learner, to name a few (Jukes et al., 2010). One concept, however, that often takes a backseat to these roles is that of a legally literate professional, especially when considered through the context of teacher or administrator preparation programs. While there are few comprehensive national studies examining the legal literacy of educators, there are several smaller-scale studies suggesting a growing trend of legal illiteracy in the United States.

Other studies have investigated various aspects of legal literacy (Summers et al., 2020; Decker & Brady, 2015; Gajda, 2008), however the focus of this dissertation is the legal literacy of K-12 building and district level administrators in ensuring the educational stability of homeless children and their caretakers, through the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.). With the growth of The Act over the course of the past three decades, and despite the well intentioned nature of this legislation, many teachers and administrators lack proficiency in how to properly implement it (Miller, 2011; Cermak, 2018). While there seems to be a logical connection between the legal literacy of K-12 administrators and the effectiveness of a local McKinney-Vento support program, there is a need for further research between understanding of the legislation and the implementation of the legislation. As such, the goal of my dissertation is to examine connections between administrator understanding of
McKinney-Vento and the quality of a Local Education Authority’s (LEA) homeless education program.

**Dissertation Structure and Purpose**

This dissertation addresses the impact a legally literate school or district administrator has on the district’s ability to mitigate any threats to a McKinney-Vento student’s educational stability. Additionally, my research will examine this relationship through the lens of Bandura’s theory of Self-Efficacy. To that end, the following research questions will guide my study:

1. How legally literate are building level administrators in regards to the McKinney-Vento Homeless Assistance Act of 1987?
2. What is the current level of quality in a local education agency’s McKinney-Vento programming?
3. What is the relationship between administrator characteristics, including McKinney-Vento legal literacy, and the quality of the LEA’s McKinney-Vento program quality?

This dissertation is structured in a three-part format. Paper one provides an in-depth review of literature on the legal literacy of K-12 educators in the United States. This includes, but is not limited to its history, conceptualization over time and current state of legal literacy in K-12 education. I end paper one with what I have come to accept as a working definition on what it means to be a legally literate 21st century educator. Additionally, paper one will include a historical review of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.). My review will identify, to
a certain degree of specificity, the McKinney-Vento Act’s overall charge and purpose, the evolution of the Act in regards to what it addresses, as well as some of its perceived shortcomings. Finally, paper one will intertwine both McKinney-Vento and the concept of legal literacy through the lens of Bandura’s theory of self-efficacy in an effort to understand how this theory can improve the legal literacy of The Act. The next product in my dissertation is Paper two, which will use the information gained from paper one to continue with a study of how legal literacy and self-efficacy impacts outcomes. In this multi-part study, we will first determine the degree of proficiency in which k-12 building administrators understand The Act. This is followed by a measurement of an LEA’s program effectiveness, using ISBE’s Monitoring Tool as a template.

As a result of data collected through this study, we shall examine the logical next steps in ensuring that all district and building level administrators are equipped with the knowledge skills and abilities to support one of our most vulnerable populations, McKinney-Vento eligible youth. It is my belief that through the execution of a high-quality professional learning program, such as an Illinois Administrator Academy, participants will gain the knowledge, skills and abilities to support this student group.

Purpose and Significance

The purpose of this dissertation is multi-faceted. The primary goal of my work is to draw attention to the academic challenges McKinney-Vento eligible students face, a historically underserved and marginalized population. While school districts across the country continue to refine and evolve in their support of the homeless children and youth in their districts, there may potentially be countless opportunities for growth in an overwhelming majority of settings. These opportunities for growth pertain not only to
district and building level leadership, but other educators and support staff who work with these children on a daily basis. The second goal of my dissertation is to assist in providing the information and tools necessary for educational administrators to continue to maximize the support provided for this special population. While the legislation itself determines the benchmark of support required, there are more opportunities to enhance not only the effectiveness of an LEA’s McKinney-Vento programming, but its efficiency as well.

**Researcher’s Positionality**

In all research, it is imperative that the author acknowledge their own positionality, and understand how their experience may manufacture a lens which may impact their perception of information gathered. The author of this study is a second-generation college graduate from a predominantly white middle class upbringing. The author’s own upbringing varies substantially from the experience of the group providing the impetus of this work, individuals experiencing a loss of housing. As a former K-12 building administrator and current McKinney-Vento Regional Liaison, the author has a history of exposure to the K-12 building administrator and homeless family experience. Understanding this prior experience and how it may impact the interpretation of the data, allows the author to be cognizant of the potentially harmful effects of incorporating first-hand experience into this study. As such, the author has made an effort to avoid bias through a thorough examination of potential assumptions that may arise from this data collection and analysis.
Theoretical Framework

The theoretical framework that guides this study is self-efficacy theory. Self-Efficacy, defined as the “beliefs in one’s capabilities to organize and execute the courses of action required to manage prospective situations” (Bandura, 1977, p. 2) asserts that the degree to which an individual believes in their ability to execute a task is directly correlated with the outcome.

My intent is two-fold in examining the extent to which self-efficacy theory (Bandura, 1977) can benefit the legal literacy of McKinney-Vento educators. The first is to identify how certain assertions in this theory can improve the legal-literacy of a k-12 building administrator when merged with high quality professional learning opportunities. The second is to understand how self-efficacy theory may support day-to-day mastery experiences in the k-12 building.
HISTORICAL CONTEXT OF LEGAL LITERACY AND THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Introduction

For decades, scholars have suggested the need for an increase in the legal training that K-12 teachers and administrators should receive (Nolte & Linn, 1963; as cited in Dunklee & Shoop, 1986; Reglin, 1992; McCarthy, 2008; Summers et al., 2020). Despite this well agreed upon notion, evidence continues to suggest that both teachers and educational leaders are not adequately prepared to analyze and appropriately address legal issues that arise in schools (Decker, 2014; Pazey & Cole, 2013; Schimmel & Militello, 2007). Throughout the past several decades, two themes continually appear as a result of the research into the legal literacy of educators. The first is the notion that educators should be more legally literate through pre-service training during teacher preparation programs or continuing education for in-service personnel (Schimmel & Militello, 2011; Summers et al., 2020; Decker & Brady, 2015; Gilbert, 2017). This contention most often is a result of an analysis of the second notion, summarized best by Schimmel and Militello (2007) who note that educators still maintain a degree of legal illiteracy.

In order to achieve a better understanding of the extent to which an educator who lacks legal literacy impacts student outcomes, it is important to identify how pervasive this opportunity for growth currently is. Identifying the components which may serve as the bridge between our current state and desired state, may have the ability not just to
improve student outcomes, but ensure that educators are fulfilling their professional obligations to the greatest extent possible. This process begins with an examination of both past and current practice, understanding the benefits associated with a greater proficiency in educational law and the shortcomings of remaining legally illiterate. Finally defining and contextualizing legal literacy itself while laying the foundation for future studies into the issue sets the tone in maximizing the unique potential of legally literate educators.

**Current State of Legal Literacy**

Before committing to understanding the relationship between legally literate educators and student outcomes, it is important to identify the importance of such a relationship, including understanding the current relationship between in-service educators and their understanding of the law. Currently, the most exposure to educational law for an aspiring educator comes in the form of content embedded into other teacher preparation courses yet there is inconsistency in the quality and type of content embedded (Summers et al., 2020). While one may assume positive intentions by teacher preparation programs, there are shortcomings associated with integrating these concepts into other content areas. This practice has the potential to diminish the importance of a certain level of legal literacy in the profession (Summers et al., 2020); a critical insight considering that educators may be held liable for violating student rights. In 1975, the United States Supreme Court ruled that personnel can be held personally liable for violating students’ constitutional rights if they “knew or reasonably should have known that the Action they took would violate the constitutional rights of the student affected” (*Wood v. Strickland*, 1975).
1975). This information begs the question, why aren’t more educators adequately versed in the legal literacy that is imperative to fulfilling their professional obligations?

As our society has grown more litigious, with schools and school districts being no exception (Berlin, 2009), it is more imperative that educators are prepared to protect their students’ rights, as well as their own. There are countless other benefits to educators becoming legally literate which safeguard the best interests of all stakeholders. One way schools can mitigate concerns over completely avoidable litigation is in ensuring that educators have a palatable level of educational legal literacy. Additionally, educators equipped with this may feel qualified to take action in their professional day-to-day, acting in the best interests of all stakeholders (Decker et al., 2019). With this empowerment, educators may have a reduced level of fear of making inaccurate decisions and entering into litigation. They may evolve the perception of their decision making from that of risk, to one of decreased liability (Decker, 2014). What's more is that strong legal literacy does not only benefit individual educators, but the systems as well. One of these specifically is the potential to better fulfill the district’s mission and vision (Gilbert, 2017).

Conversely, while all of these benefits are associated with an increase of outcomes centered on legal literacy, there remain equally strong risks associated with ignoring such a trait, albeit purposefully or through a lack of emphasis on adequate teacher preparation programs. Through the lens of teacher preparation programs we find insufficient amounts of adequate preparation for educators promotes turnover, thereby adding an unavoidable level of difficulty in improving schools (Gilbert, 2017) and exacerbating the potential for an unintended ripple effect. While educators and
administrators could spend their time concerning themselves with student growth, with a lack of legal literacy, educator’s run the risk of unnecessarily focusing on legal implications from decisions made that may or may not be valid.

In summation, knowledge of the law is important to school officials as they go through their day-to-day routines, and for good reason. Decker (2014) notes, “As educators become legally literate, they also develop the skills necessary to apply the law to their daily lives so that they can make better decisions” (p.3). This thought is not exclusive to teachers or building and district level administrators. As the local authority responsible for governing public schools, many school board members are also not required to receive any legal training (Decker, 2014). In fact, there are merely three mandated trainings in Illinois according to the Illinois Association of School Boards (2021). These trainings are not related to general concepts of legal literacy that may be found on a day-to-day basis in schools but relate to the Performance Evaluation Reform Act (PERA), Professional Development and Leadership, and the Open Meetings Act. Training which could hardly supplement the sheer amount of legal considerations facing a school district on a daily basis.

While legal literacy has been a part of academic conversations for the better part of the last sixty years, it continues to remain a somewhat obscure concept in American K-12 institutions. Studies have demonstrated up to this point that legal literacy remains an indeterminate concept that has had even more difficulty being defined and standardized.

**Legal Literacy Conceptualized**

While the concept of legal literacy continues to evolve, merely coming to a concrete definition of the term continues to be a struggle. Although many attempts have
been made, to date, the definition of legal literacy has not been formalized or standardized in the literature (Decker & Brady, 2015). What seems to take the place of a formal definition is the conceptualization of the term. In this respect, an overarching understanding of what the term legal literacy encompasses exists specifically when identifying the benefits, consequences and goals of educators becoming legally literate.

This understanding has been in development since 1975 when education law professor David Schimmel stated, “Teachers need to develop a greater understanding of their rights and those of their students. Without this understanding, they can be victimized by those with superior legal knowledge, and they will fail in their mission to develop respect for the law among their students” (Schimmel, 1975; as cited by Gajda, p. 15, 2008). Gajda (2008) echoed this concern by asserting that teachers possessing the knowledge, skills and understanding of educational law is critical to fulfilling their professional obligations. She continues to validate this assertion by noting the benefits of becoming legally literate including “avoiding costly litigation, addressing issues of child abuse and neglect, and by imparting the principles of a democratic society,” (Gajda, p. 15) to name a few. Schimmel and colleagues (2011) echoed this assertion by noting the many errors in critical decision making that are made in schools daily, based upon an educator’s legal illiteracy. Prior to this warning, Schimmel and Militello (2007) clarified that, “The goal of legal literacy is not to help teachers win in court. On the contrary, it is to avoid litigation whenever possible, since judicial resolution of an educational dispute is usually an expensive, distracting, polarizing, and time consuming experience” (p.274). Again, an example of advancing the conceptualization of legal literacy yet but lacking anything concrete in terms of defining the term.
Legal Literacy Defined

The definition of legal literacy has continued to develop since 1963 when Nolte and Linn asserted that “state legislature and state boards of education need to mandate law courses as part of the teacher certification process” (Decker et al., p.1). This work, however, could be considered incomplete by today’s standards. The idea that has evolved in the past five decades is that increasing the legal literacy of educators does not stop at merely participating in a law course. In theory and in practice, students should be both consumers and producers of knowledge when it comes to being legally literate.

While this contention advances the definition of legal literacy, it is worthwhile to note that it also lays the foundation for the need of legally literate educators. From this foundation, scholars are able to validate and confirm the risks associated with educators and administrators attempting to fulfill their professional responsibilities in a suspended state of legal literacy.

In 1988, Hillman summarized legal literacy as the knowledge of school law and cases affecting education. From this broad definition, we are able to ascertain that there has not only been a gap in the legal proficiency of school administrators, but see that this knowledge gap has the potential to impact educational outcomes. In a study by Gullat and Tollett (1995), legal literacy has been defined as “Being advised of the impact of law within the classroom”, the first expression of the need for legal proficiency amongst teachers specifically. A decade later, Schimmel and Militello (2007) make the case not just for appropriate legal literacy in the classroom, but the application of this understanding as well. The authors conceptualized legal literacy as the appropriate knowledge and application of law in the classroom. In recent work, there are vague
generalizations pertaining to the definition, all surrounding the idea of educator’s
developing a further understanding of legal issues that may impact their role in k-12
education. What is missing from an overwhelming majority of these definitions is the
idea of application. Only two studies in the past three decades had made mention of not
merely gaining appropriate legal insight into issues that may arise in the classroom, but
administering an appropriate response.

Most recently, Decker and Brady (2016) offered that legal literacy might best be
defined as “the legal knowledge, understanding, and skills that enable educators to apply
relevant legal rules to their everyday practice” (p. 233). What this understanding
accomplished was a legitimate summation of all previous definitions by addressing the
exposure, understanding and application all in one of legal literacy in the field of k-12
education.

Measuring Legal Literacy

Comparatively, the concept of legal literacy is relatively young when considering
other areas of education research. While one of the first mentions of legal literacy took
place in the mid 1960’s (Nolte & Linn, 1963), the majority of studies addressing the issue
begin in the late 1980’s. As time has progressed, the studies addressing legal literacy in
k-12 educators have expanded. A majority of the studies taking place in this time focus
on the legal literacy of educators in single states (McCarthy, 2008), and many prior to the
turn of the century are limited to specific areas such as special education or child abuse
(Crenshaw, 1996; Einsel, 1993; Thompson & Bethea, 1996; as cited in McCarthy, 2008
p. 59).
Despite the narrow approach of the early studies, they did note the common thread of educators being legally illiterate in certain areas including, but not limited to student records, the separation of church and state, student discipline, students with disabilities, or employment issues. Additionally it is worth noting that these gaps do not seem to be improving with the benefit of time (McCarthy, 2008).

Until 2007, both teachers and administrators had been surveyed to develop an understanding of both their experience and understanding of legal literacy in education. While these studies were conducted in individual states, all sought to answer the question of whether or not there was appropriate knowledge and application of school law principles.

The first national sample included in a study of the topic occurred when Schimmel and Militello (2007) surveyed 1,317 K-12 teachers in 17 states. The authors concluded that approximately half of those surveyed held little to no legal literacy (Schimmel & Militello, 207, p. 257). Two years later another study using a national sample sought to not only assess school principals' knowledge of the rights of teachers and students, but to understand how often principals are legally threatened and sued, how they adjust their behaviors in response, and how they obtain and disseminate legal information. What the authors found, mirrored earlier studies citing that "In a survey of nearly 500 school principals, 85% indicated that they would change their behavior if they knew the correct answer to the survey questions about the legal rights of students and teachers" (Militello et al., 2009, 27). At this point in time, these were the only two empirical studies with a national sample that documented principals and teachers lack
legal knowledge (Militello et al., 2009; Schimmel & Militello, 2007). This begs the question, are there similar findings pertinent to Illinois k-12 administrators?

Past studies have not systematically studied the school law training that exists to determine whether it affects attitudes and behaviors. Decker and colleagues most recently noted that, when legally illiterate educators receive the appropriate legal training, 88% reported an increase in their confidence levels and 85% reported a change to their behavior, in subsequent years (Decker et al., 2019).

While it is important to note that the legal illiteracy noted in K-12 educational personnel is often centered on perennial ‘hot-button’ issues such as special education law, student discipline, or students with disabilities, there are other populations that may be victims of the same legal illiteracy. While the Illinois State Board of Education estimated that in FY 2020, 49,596 students qualified as homeless, the Chicago Coalition for the Homeless notes that this may be a result of underreporting. With many reasons for this, one contributing factor could be that K-12 building administrators may not be adequately trained in the requirements for LEA’s in regards to homeless education.

**McKinney-Vento Homeless Education**

The McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.) was the first federal legislation of its kind to address homeless children and youth and their access to education. Its purpose is to provide for the educational stability of homeless children and those at risk of becoming homeless. At its inception, the Stewart B. McKinney Homeless Assistance Act only required states to review and revise policies to ensure the immediate enrollment of homeless children and youth. In 1990, *The Act* was amended requiring State Educational Authorities (SEAs) to remove barriers to enrollment
while providing school access and supplementary support pertaining to academic success. In 1994, The Act was reauthorized as part of the Improving America’s Schools Act. This reauthorization added attention to preschool services, parental input, and a focus on interagency collaboration to the education portion of The Act. Eight years later, The Act was again reauthorized under the No Child Left Behind Act (2002), requiring one of the most transformative measures to The Act by requiring all school districts to appoint a local liaison. This liaison would serve as an intermediary between the district and any potential or current McKinney-Vento eligible youth. Finally, in 2015, Title IX, Part A of the Every Student Succeeds Act (ESSA) expanded school of origin rights to include public schools and receiving schools (National Center for Homeless Education, 2021) while removing youth in care from those eligible for McKinney-Vento services. With the growth of The Act over the course of the past three decades, and despite the well intentioned nature of this legislation, many teachers and administrators lack proficiency in understanding and applying the demands of the legislation and are unaware of how to properly implement it (Miller, 2011; Cermak, 2018).

Considering the transient nature of families experiencing homelessness, and the incomprehensible living conditions that many students experiencing homelessness endure, ensuring access to educational opportunities is imperative. While facing homelessness, Local Educational Authorities (LEAs) have the legal and ethical obligation to ensure such youth have access to the safety, security and structure of a routine school day. The effectiveness of a district policy on the education of homeless children may directly affect quality of life for that student. Homelessness not only is a strong contributing factor to academic failure or dropout, but other complications including but
not limited to health and behavioral problems (Wood et al., 1993) as well.

Comprehensively aligning district policy with state and federal legislation ensures
districts are legally compliant in providing a free and appropriate public education to all
students they are required to service. At minimum, ensuring that educational personnel
and both building and district level administration are legally literate with respect to
McKinney-Vento and have the capacity to carry out the requirements of The Act
continues to be an opportunity for growth amongst districts in Illinois.

Homeless Children and Youth

According to the National Center for Homeless Education (NCHE), in the school
year 2018-2019, there were approximately 1,384,301 homeless children enrolled in
public schools. This includes youth living in shelters and transitional housing, those that
were doubled-up, unsheltered, and living in hotels and motels. The above categories all
fall under the umbrella of lacking a fixed, regular, or adequate abode, including multiple
families residing in one residence. This estimate drastically differs from the Department
of Housing and Urban Development (HUD).

In the Department of Housing and Urban Development’s 2021 Annual Homeless
Assessment Report (AHAR) to Congress, there were an estimated 580,466 people
experiencing homelessness in 2020, up 2% from the previous year (AHAR, 2021). This
marked the fourth year in a row, for an increase in homelessness nationwide. To compare
with the NCHE estimate, in 2019, HUD estimated that 568,000 were experiencing
homelessness as of January 2019.

The difference between these estimates serves as an example of just one source of
confusion amongst those dealing with homelessness on a regular basis at both the local,
state and federal levels. One potential explanation for the discrepancy amongst the numbers could be the difference in the definitions of what constitutes a homeless student.

**Homelessness Defined**

In order to identify what specifically is outlined at both the Federal and State level, it is important to understand how homelessness is defined by two of the leading agencies addressing homelessness at the federal level, the Department of Education (ED) and the Department of Housing and Urban Development (HUD). According to HUD, homelessness is categorized into four areas. This includes families and individuals who are literally homeless, those at risk of becoming homeless, individuals considered homeless under other statutes and those fleeing domestic violence (2016).

The McKinney-Vento Act expands upon that definition to include, with a degree of ambiguity, any individual lacking a fixed, regular or adequate abode. While there is no standard of calculation to quantify what constitutes lacking a fixed, regular, or adequate abode, there are guidelines outlined below which serve as a template for districts to use when considering eligibility. The McKinney-Vento Act defines a homeless child or youth to include those who;

“(A) lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); 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;
(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 (within the meaning of section 11302(a)(2)(C) of this title);
(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 (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii)” (42 U.S.C. §11434a.)

While the above definitions are careful not to create unnecessary restraints on who may or may not qualify for services under The Act, it is important to remember that each child must be considered on a case-by-case basis. Looking at each child through the lens of what their particular circumstance entails not only ensures that districts are supporting students in a manner in which they are legally obligated to, it attempts to ensure LEAs do not apply a one-size-fits-all approach to supporting homeless children.

Program Administrative Structure

Part B-Education for Homeless Children and Youth, of the McKinney-Vento Homeless Assistance Act, has the authority to allocate federal funding to SEAs, who in-turn, disperse these dollars annually to eligible LEAs within each state. In addition to the
fifty states, the District of Columbia, the Bureau of Indian Affairs and Puerto Rico are eligible for this funding. These grants are awarded competitively and based upon the need and quality of the subgrantee’s application. Each state must distribute at least 75 percent of its allocation to LEAs, however a few minimally funded states may reserve up to 50 percent of their allocation (42 U.S.C. §114342 et seq.).

These allocations are determined by a Federal Program Coordinator at the Department of Education’s Office of Elementary and Secondary Education based upon each subgrantee’s share of Title I, Part A funds. Disbursements of $106,500,000 were allocated in 2021 nationally, up from $65,296,146 in 2011. Each state receiving a portion of these funds is required to have a State Coordinator who oversees the implementation of The Act throughout the districts in their state. Finally, each LEA is required to designate an appropriate person to serve as the district’s McKinney-Vento Liaison (42 U.S.C. §11432(g)(1)(J)(ii)).

Federal Statute

While the main goal of The Act is to ensure educational stability for homeless children and youth, there are four major goals of the legislation, as it pertains to state educational agencies as outlined below.

“(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a
barrier to the identification of, or the enrollment, attendance, or success in
school of, homeless children and youths, the State educational agency and
local educational agencies in the State will review and undertake steps to
revise such laws, regulations, practices, or policies to ensure that homeless
children and youths are afforded the same free, appropriate public
education as provided to other children and youths.

(3) Homelessness is not a sufficient reason to separate students from the
mainstream school environment.

(4) Homeless children and youths should have access to the education and
other services that such children and youths need to ensure that such
children and youths have an opportunity to meet the same challenging
State academic standards to which all students are held” (42 U.S.C.
§11431.).

These goals serve as the umbrella for all activities carried out at the state and local level
and are not intended to restrict a state’s ability to adequately support this population.

**State Statute**

Each state, in order to receive funding, must submit a plan for the education of
homeless children and youths within that state. Each plan must include a specific set of
procedures including how the children will meet the same academic standards expected
of all students, how students will be identified with needs assessed as well as how the
resolution of any arising dispute between the family and the LEA will be addressed.
Additionally, SEAs must account for how eligible students will be placed in Federal,
State or local nutrition programs, have access to preschool programs and receive full or
partial credit for coursework completed at a prior school. Finally, SEAs must describe in their plan how students will not face barriers in accessing academic or extracurricular opportunities (42 U.S.C. §11432(g)(1)).

In Illinois, the Education for Homeless Children Act (105 ILCS 45/1-1) took effect January 1, 1996. This act outlines the requirements of the federal statute and provides a high degree of specificity in relation to the requirements of the LEA.

**LEA Requirements**

Specifically, there are certain rights of students under *The Act* that impact several areas within schools. These rights fall under the umbrella categories of immediate enrollment, school choice, transportation and academic support. Each of these particulars are defined at the state level yet originate at the federal level, and must be outlined in an SEAs plan. Furthermore, each LEA is responsible for upholding the stipulations outlined in the McKinney-Vento Act, at the district level.

**Immediate Enrollment**

Each plan submitted by an SEA must include strategies to address problems resulting from enrollment delays. One of the provisions of the McKinney-Vento Act is immediate enrollment in a school district which they are eligible to attend. During this period, a McKinney-Vento eligible student is not required to provide the documentation typically required of students who are not McKinney-Vento eligible. These documents include, but are not limited to, health records, proof of residency, student records, guardianship documents, birth certificates, etc.

While there is not a quantifiable time associated with *immediate* outlined at either the state or federal level, area liaisons in Illinois typically suggest a timeframe of within
48 hours of identification. This timeframe may serve as an obstacle for some districts struggling to find transportation solutions for children that may be residing out of district. Additionally, student records are not the most accessible in these instances, especially if a family was relocated without the appropriate interval of time to gather all of their belongings. In addition to not having to produce documentation typically required of other students that are not McKinney-Vento eligible, these students are categorically eligible for fee waivers.

**School Choice**

McKinney-Vento eligible youth have the right to attend any one of three choices as outlined by state statute (105 ILCS 45/1-10). The first two options are commonly referred to as the school of origin. This includes the school last attended, or the school attended when the child was last permanently housed. By this definition, students may have multiple schools of origin, and without limit, may attend any that are deemed in the best interest of the child. Additionally, students are eligible to attend the school that non-McK-V children who live in the same attendance area in which the McKinney-Vento child or youth lives, also referred to as the school of residency.

**Transportation**

LEAs must provide transportation to and from the school/preschool of origin, including until the end of the year when the student obtains permanent housing, at a parent’s or guardian’s request (or at the liaison’s request for unaccompanied youth). If staying in the same LEA, that LEA must provide or arrange transportation to the school of origin. If crossing LEA lines, both LEAs must determine how to divide the responsibility and share the cost, or they must share the cost equally ((42 U.S.C.
§11432(g)(1)(J)(iii); (105 ILCS 45/1-15)). LEAs must also provide students in homeless situations with transportation services comparable to those provided to other students (42 U.S.C. §11432(g)(4)(A)). Additionally, SEAs and LEAs must review and revise transportation policies that may act as barriers to identification, enrollment, attendance or success. (42 U.S.C. §11432(g)(1)(I)); Transportation must be arranged promptly to ensure immediate enrollment and not create barriers to attendance, retention or success.

Emerging Trends

In the near future, due to the upward trajectory of best-practice that has surrounded the McKinney-Act for the last decade, and as a result of the national pandemic, there are several opportunities for growth in the legal literacy of The Act, both locally and nationally. The trends we see are not limited to any one state or LEA, but are relevant to all entities supporting our McKinney-Vento youth. Additionally, as these trends are examined, the door may be opened to consider other areas that have historically been given less attention.

Remote Learning

Remote learning during the pandemic has been both a blessing and a curse when it comes to McKinney-Vento education. This platform offers the opportunity for families that may be transient in nature or find it difficult to send their children to school, to participate in a manner that, up until this point, has been rather unprecedented. With the benefit of accessing educational opportunities from anywhere, come other potentially negative aspects. One would be in gaining the technological materials to participate in such coursework. As families are staying in shelters, doubled up, or literally homeless,
the upkeep of such materials, as well as providing for internet access may be challenging.

While remote learning may only be implemented as a result of an emergency day and limited to five days total, there may be future discussion on how to make this option a more viable and effective option for the homeless population.

**Transportation/Housing**

In Illinois, Public Act 100-0332, commonly referred to as House Bill 261, provides the opportunity to districts to allocate funds from their transportation budgets to provide families temporary housing. In many instances, local districts are incurring transportation costs that far exceed the cost of a modest abode in the region. As districts are struggling to find transportation for both McKinney-Vento students and others, securing an abode within the boundaries of the district of origin proves to make more financial and academic sense. The problem with House Bill 261, is there is an extensive list of criteria that must be met before being implemented. I believe in the future, discussion will open about relaxing some of the constraints of this law to allow more families to take advantage of it. Additionally, as transportation issues are affecting both McKinney-Vento students and non- McK-V students, state boards of education may be required to think outside the box to address the current demands of our educational landscape, exacerbated by the pandemic.

**Social-Emotional Support**

While one of the allowable expenses of the McKinney-Vento act is for the provision of referral services for medical, dental, mental, and other health services, the social-emotional component may require more of an emphasis in the future, than it had in
the past. The emotional toll the Covid-19 pandemic has brought to all students has been unprecedented and requires thoughtful consideration on how to address children impacted by trauma. McKinney-Vento students, already exposed to adverse childhood experiences are more likely to suffer severe academic, health, and emotional consequences brought about by the pandemic.

In the future, one may reasonably expect special initiatives to replace some of the constraints McKinney-Vento students face when accessing social-emotional support including access and funding.

While these emerging trends all serve as the foundation to improve services provided to McKinney-Vento students, the onus of support lies not only with state and federal legislation, but with the local districts as well. “By becoming more apprised of the current research and findings, practitioners will become better able to address the needs of students who are homeless in their schools” (Wisehart, Whatly, & Briihl, 2013; as cited in Cermak, 2018).

**Self-Efficacy**

Throughout the last several decades, research has illustrated the impact self-efficacy has on student achievement. In Visible Learning, the meta-analyses of more than 100,000 studies and over 300 million students, Hattie shows self-efficacy with an effect size of .63 (DeWitt, 2016). To put this in perspective, anything above a .40 represents student growth equivalent to one year, over the course of a year’s worth of input. Hattie defines self-efficacy as “The confidence or strength of belief that we have in ourselves that make our learning happen” (Hattie, 2012, p. 41).

Although Hattie’s work has been widely disseminated amongst educators in the last several years, self-efficacy is not a new concept. Social cognitive psychologist Albert
Bandura, introduced the concept in his 1977 article, *Self-Efficacy: Toward a Unifying Theory of Behavioral Change* (Bandura, 1977). As a key component in Social Cognitive Theory, self-efficacy is defined as the “beliefs in one’s capabilities to organize and execute the courses of action required to manage prospective situations” (Bandura, 1977, p. 2). Bandura later refined this definition to include “people's beliefs about their capabilities to produce designated levels of performance that exercise influence over events that affect their lives” (Bandura, 1994, p. 1). In essence, Bandura hypothesized that while this trait is not something that is necessarily innate, it may be developed through four sources of influence; mastery experiences, vicarious experiences, social persuasion, and physiological arousal. Through these sources of influence, and the subsequent development of perceived self-efficacy, individuals are able to enhance their accomplishments and personal well-being (Bandura, 1994). That is not to say, however, that individuals can, without a degree of uncertainty, accomplish any task, even when the capability or skills to do so is not present, just because they believe they can (Pajares, 1997). When pursuing any activity, the capability to complete the Activity using the skills required to do so, must be present. Conversely, if an individual possesses the skill and capacity to complete a certain task coupled with an appropriate level of self-efficacy, there is no guarantee that the task will be completed. For this to occur, the appropriate incentive must be present.

Motivation and self-regulation may be influenced by self-efficacy in several ways. The feeling an individual has about their ability to perform the necessary functions required of a given task influences not only how much effort they will expend on that
activity, but how long they will persist and how resilient they are when faced with a challenge.

Self-efficacy theory assumes that psychological procedures serve as the “means to create and strengthen expectations of personal efficacy” (Bandura, 1977, p. 193). This theory incorporates an additional variable in the behavior-outcome relationship. In this new understanding, perceived self-efficacy, also referred to as efficacy expectations, are taken into consideration between the individual and the behavior. This, however, is not to be confused with outcome expectations, as Bandura has made a distinction between the two in influencing motivation and behavior (Pajares, 1997). Outcome expectations are estimates by an individual, that a certain behavior will elicit specific outcomes. Efficacy expectations, on the other hand, is the belief in one’s abilities towards a given behavior to elicit a specific outcome (Bandura, 1977).

**Efficacy Expectations**

Efficacy expectations, to some degree, help determine outcome expectations. These efficacy expectations may create a ripple effect in various components of an individual’s life. In particular, they have the potential to influence which situations individuals allow themselves to engage with, especially situations that may challenge their ability to cope. When presented with dynamic situations which may challenge a person’s ability to successfully produce desired results, individuals may preemptively avoid said situation and settle for the alternative that presents less of a demand on their own coping skills. That is to say that perceived self-efficacy has the ability to not only influence activities, but the settings and situations we find ourselves in.
Conversely, with the understanding that not all situations presented to an individual can be curated to present the highest degree of success, efficacy expectations lay the groundwork for an individual’s ability to manage their own behavior during such tasks. Those with high degrees of self-efficacy in a particular domain will expend more time and energy completing a given task, whereas those who do not prescribe to the same sense of efficacy, may avoid that subjectively threatening activity altogether.

That is not to say, however, that efficacy expectations are the lone determinant of outcomes. A given task must be accompanied by the incentives deemed appropriate by the individual as well as the appropriate skills by the person completing the task. Additionally, outcome expectations are not to be confused with subjective personal desires in the effort to produce a desired result such as hope or wishful thinking (Bandura, 1977). “Outcome expectations of this type have little relation to magnitude of behavioral change” (Davison & Wilson, 1973; Lick & Bootzin, 1975; as cited in Bandura, 1977, p. 194). What efficacy expectations relate more to are the accurate self-analysis on a person’s ability to master a certain task.

These efficacy expectations are not a one-dimensional, static, binary phenomena, but a variable that differs by individual and event in magnitude, generality and strength. The magnitude of an efficacy expectation refers to the size or degree of difficulty the task requires to complete. The generality refers to the degree of specificity required to complete a given task. Some tasks may require a sense of efficacy related to a distinct task, whereas others may require a more general response. Finally, strength refers to the degree of confidence an individual has in their ability to complete an activity in order to attain a specific outcome. The same experience may solicit a strong or weak response...
from the individual based upon the magnitude of their belief in their ability to complete activities designed to address that experience.

The evolution of one’s sense of efficacy fluctuates by the experience provided by any given activity. These activities have the potential to assist the individual in the strengthening, or weakening of their own sense of self-efficacy. Consider the same challenge for two individuals, one which views the experience as merely a challenge to be overcome, and the other that views the challenge with a sense of debilitating fear. The individual that persists through the experience will gain corrective experiences, reinforcing their sense of efficacy. Those lacking a sense of mastery for that given experience, may surrender their coping mechanisms to the experience if the perception of the experience as ‘too challenging’. It is in this manner that the individual will “retain their debilitating expectations and fears,” for quite some time (Bandura, 1977, p. 194).

If individuals are able to persist and work through given experience, thereby enhancing their sense of self-efficacy to a given task, may benefit from other functions, a high-level of self-efficacy may lead to. “Perceived self-efficacy influences performance both directly and through its strong effects on goal setting and analytical thinking. Personal goals, in turn, enhance performance attainments through analytical strategies” (Bandura, 1993, p. 128).

**Influences on Self-Efficacy**

Self-efficacy is constructed through four principal sources of information; mastery experiences, vicarious experiences, verbal persuasion, and physiological and affective states. Through the process of reflection, information gleaned from these
experiences has the ability to build an individual’s perception on their capability of performing a certain task.

Performance Accomplishments

Otherwise known as mastery experiences, this source of efficacy information is responsible for both raising and lowering mastery expectations based upon the individual’s success, or lack-thereof, at completing a given task. Repeated failures have the potential to drastically lower mastery expectations, if attempts at success are unsuccessful. This level of self-efficacy, however, can be raised if initial attempts are successful and/or, after repeated attempts, the individual is able to overcome the occasional failure; A pattern which has the ability to strengthen one’s persistence in the face of potential failure. It is worth noting too that as individuals perform difficult tasks, there is new information to be gleaned from the task. In this sense, individual’s experiencing repeated success at a repeated activity, strengthen their efficacy beliefs as they begin to master the experience. Additionally, we see that the effects of failure are determined in part by the timing and pattern of experiences. (Bandura, 1977). If a high-level of self-efficacy is experienced with an associated behavior, this perception can easily transfer to other like-activities. There is evidence that shows this level of heightened self-efficacy to activities which are substantially different from the original activity, however, outcomes are more easily predictable to those most similar to the original activity (Bandura, 1977). These mastery experiences “produces stronger and more generalized efficacy beliefs than do modes of influence relying solely on vicarious experiences, cognitive simulations, or verbal instruction (Bandura, 1997, p. 80).
Modes of induction associated with these performance accomplishments include participant modeling, performance desensitization, performance exposure, and self-instructed performance.

**Participant Modeling**

When individuals are exposed to the support provided with modeling and guided performance, they are given access to coping mechanisms to guide them through a given task. This support allows the individual to work through an otherwise stressful situation with relative ease by providing the resources necessary to assist an individual in completing a task. These supports include, but are not limited to the modeling of the Activity and gradually introducing the task as well as dual performance with another individual (Bandura et al., 1974). As time progresses, the aids are gradually reduced until the individual is able to cope successfully unassisted, ultimately leading to the mitigation of the individual’s avoidance behavior.

Modeled performances, designed to change coping behaviors focus on two factors, predictability and controllability (Bandura, 1977). Individuals modeling predictability support the individual by providing a template for how to behave in particularly threatening situations. This practice has the ability to reduce stress and enhance preparedness for the coping mechanisms essential to the threatening activity. Additionally, by modeling controllability, the model is able to exhibit behaviors, useful with handling various threats that may be encountered during an activity.

**Performance Desensitization**

Individuals who are gradually exposed to adverse situations not too overwhelming to the individual may assist in the building of an individual’s self-efficacy. Coping
mechanisms are able to be employed in this fashion in small helpings, until the cumulative successes of many activities lays the foundation for an overall success to an experience. It is also worth noting that desensitizations may be split into two different camps, each with its own set of benefits. In the first, as described above, the Actual performance of a given task is gradual. The second, symbolic desensitization, “reduces autonomic responses to imagined, but not actual threats” (Bandura, 1977, p. 196).

Another approach to performance desensitization does not involve the gradual exposure to threatening events, but exposure more abrupt and intense. The prolonged exposure to these intense situations gradually extinguishes emotional reactions. Additionally, it is worth noting that findings have show, performance desensitization elicits greater behavioral change than symbolic desensitization (LoPicollo, 1970; Sherman, 1972; Strahley, 1966).

**Performance Exposure**

As individuals are exposed, be it gradually or abruptly, to the experiences responsible for a sense of low-self efficacy, they are provided opportunities to practice and refine their skills associated with that experience. Through this process, coping skills are built, enhanced and refined, instilling in the individual a sense of positive outcome expectations, increasing their efficacious feelings.

**Self-Instructed Performance**

This form of treatment reinforces behaviors acquired through performance exposure or participant modeling. As the individual increases their own self-efficacy through the use of these supports, the supports are removed and replaced with an
experience that is entirely self-directed, aimed at reinforcing an individual’s sense of personal efficacy.

**Vicarious Experiences**

Strengthening one’s own beliefs through the observation of others’ successes and failures is another source by which self-efficacy is influenced. For many activities, there are limited means to measure adequacy. In these situations, appraising one’s capabilities against the performance of others is necessary. This influence, however, subscribes to a particular set of standards that must be in place in order to influence our own perceived self-efficacy. The first is that the model being viewed must be considered to have similar capabilities to the observer. This social comparison has the ability to influence the individual both positively and negatively. When the model is perceived to have capabilities far less superior to the observer, and that model fails, failure of the model does not have as negative an effect as it would if capabilities between the model and observer were considered similar (Brown & Inouye, 1978). While these experiences are not as dependable as self-directed mastery experiences, they leave the individual with a sense of relief and the thought of “If they can do it, I can do it.” Observing others completing difficult tasks while remaining relatively unscathed, increases the confidence of the observer. The temporary distress an individual may experience when completing a challenging exercise is minimized when seeing others complete the same task without distress. This is exacerbated by the practice of witnessing multiple models, complete the same task, with similar outcomes.
Verbal/Social Persuasion

Verbal persuasion is the most readily available in its ability to impact human behavior. Through convincing suggestions, individuals are led to believe that they have the ability to accomplish tasks they traditionally believed to be beyond their capacity. While this tactic is the simplest to engage, it also yields the weakest results. (Bandura, 1977). Research has shown that individuals are more likely to increase their perceived self-efficacy of a given task through performance, than through suggestion. “Simply telling a participant that they will or will not benefit from a treatment does not necessarily mean they will believe what they are told” (Bandura, 1977, p. 198). Furthermore, the verbal persuasion offered from others must subscribe to a specific formula in order to be considered effective. “Effective persuasions should not be confused with knee-jerk praise or empty inspirational homilies” (Bandura, 1997; as cited in Parajes, 1997, p. 4). Those persuading individuals must ensure that they foster the individual’s beliefs while ensuring that a required outcome is attainable. These persuasions have the ability to both positively and negatively impact the individual. When encouragement is specific and accurate, it has the ability to empower and encourage the individual that they have the capacity to execute a specific function. A negative persuasion, however, can leave the individual feeling defeated and works to weaken their self-belief (Bandura, 1986). Furthermore, there are specific characteristics an individual may possess that serve to enhance, or bolster the efficacious effects of verbal persuasion. Verbal persuasions have the greatest impact on those having reason to believe that they hold the capacity or skill to execute a specific task.
The persuasive nature of this brand of efficacy information is “conveyed in the evaluative information given to performers” (Bandura, 1997, p. 101). This feedback has the potential to help or hinder performance. Evaluative feedback which calls attention to personal capabilities as well as speaks to the effort of the individual enhances perceived self-efficacy. The latter, however, has been shown to produce a lower sense of self-efficacy, than speaking to the progress, void of the effort involved in completing the task (Schunk, 1983).

**Emotional Arousal**

“Physiological states such as anxiety, stress, arousal, fatigue, and mood, also provide information about efficacy beliefs” (Pajeras, 1997, p. 8) and are both somatic and autonomic in nature (Bandura, 1997). Somatic indicators are most pertinent to domains centered on physical exertion, health functioning and coping with stress. As individuals read these indicators of exhaustion and fatigue, they are likely to be perceived as signs of inefficacy. Some activities, however, draw up involuntary feelings of stress and anxiety. Both provide indicators to the individual, which help in shaping their perceived self-efficacy.

While self-efficacy beliefs have the ability to regulate physiological states, these emotions certainly provide information about one’s own confidence in their ability to perform a certain task. Individuals in a heightened state of emotional arousal tend to sacrifice performance in the face of an adverse challenge. Additionally, when presented with a taxing situation, an individual may have the propensity to elevate their level of distress through self-arousal. The emotional state an individual finds themselves in as they contemplate performing a certain task, will often be an indication of their perceived
self-efficacy related to that task. Furthermore, it is during this state of physiological arousal that participants are provided cues which suggest performance will decrease as tension increases (Bandura, 1977). On the other hand, “Treatments that eliminate emotional reactions to subjective threats through mastery experiences, heighten beliefs in coping efficacy with corresponding improvements in performance (Bandura, 1988; as cited in Bandura, 1997, p. 106). One such treatment is to purposefully raise an individual’s stress level above what they would actually experience in a particular activity. In doing so, as the individual completes an exercise that is less taxing physiologically than the treatment activity, individuals, in essence, are building their stress equity. Through this practice, one can build their capacity to function in a stressful situation. Similar to what is being accomplished through desensitization and mass exposure, as individuals are able to control their emotional arousal, they are less likely to partake in avoidance behavior. Additionally, these efficacy beliefs may be altered by enhancing physical status, reducing stress levels, and accurately interpreting bodily states (Bandura, 1991; Cioffi, 1991).

**Domain Specificity**

A distinction must be made between generalized self-efficacy and self-efficacy related to a particular domain. As noted, a strong sense of self-efficacy does not necessarily translate from one activity to the next. Self-efficacy is sensitive to the specific context of a domain. Judgements about one’s self-efficacy are more task and situation specific. Bandura (1997) cautioned others about assessing self-efficacy without taking into consideration multiple variables exclusive to that domain. Given the conditional nature of human behavior, such measures sacrifice explanatory and predictive power
(Bandura, 1997, 2012). "Self-efficacy beliefs should be measured in terms of particularized judgments of capability that may vary across realms of activity, different levels of task demands within a given activity domain, and under different situational circumstances" (Bandura, 1997, p. 42). Pajeras (1997) echoes this contention by stating, "findings on self-efficacy coincide on two points: When efficacy beliefs are globally assessed and/or do not correspond with the criterial tasks with which they are compared, their predictive value is diminished or even nullified (p. 3). Bandura (1986, 1997) also noted that general self-efficacy assessments create problems when examining the reliability in their ability to predict certain outcomes and are vague when analyzing what is actually being assessed. To achieve the greatest level of predictability, self-efficacy assessments should include an indication of the task necessary to obtain the desired outcome. While Bandura (1997) acknowledges that efficacy beliefs are “multifaceted and contextual,” he argues against analyzing self-efficacy within a particular domain that is so specific, it diminishes all practicality of the assessment. When efficacy assessments are tailored to the criterial task, prediction is enhanced. In general, there is ample reason to believe that self-efficacy is a powerful motivation construct that works well to predict academic self-beliefs and performances at varying levels but works best when theoretical guidelines and procedures regarding specificity and correspondence are adhered to.

Knowledge and Self-Efficacy

Bandura (1977) posits that through the performance of various experiences, individuals collect information which help determine their level of self-efficacy when performing certain tasks. As these tasks are completed, “successes raise mastery
expectations, while repeated failures lower them” (Bandura, 1977, p. 195). Thus, the knowledge of past performance that one has acquired in completing a specific activity in order to achieve a desired outcome, greatly impacts an individual’s personal belief that they can accomplish specific endeavors. While repeated failures have the ability to keep the self-efficacy of an individual completing them at a baseline, they also have the potential to strengthen their self-efficacy through persistence and eventual success. “Occasional failures that are later overcome by determined effort can strengthen self-motivated persistence, if one finds through experience that even the most difficult obstacles can be mastered” (Bandura, 1977, p. 195).

Knowledge of one’s own past performance is not the only information that may impact an individual's self-efficacy. Observing others perform also has the potential to impact the personal efficacy of an individual. As noted earlier, "Seeing others perform threatening activities without adverse consequences can generate expectations in observers that they too will improve if they intensify and persist in their efforts" (Bandura, 1977, p. 197), thereby increasing the likelihood that the observer will elect to participate in the Activity, rather than reject it. Consequently, this can have an adverse effect if the individual modeling the Activity is not successful at the given experience or faces challenges perceived to be threatening. This is especially true if the model is judged to have skills far superior to the observers.

While the prior experience of individuals plays a pivotal role in helping develop one's perception of their belief to accomplish a certain task, this knowledge has the potential to impact action taken. In short, prior knowledge is a key determinant of one’s own course of action. Moreover, perceived efficacy plays a key role in human
functioning because it affects behavior not only directly, but by its impact on other
determinants such as goals and aspirations, outcome expectations, etc.” (Bandura, 2000,
p. 75). Additionally Bandura notes that

“these beliefs influence whether people think erratically or strategically,
optimistically or pessimistically, what courses of action they choose to
pursue; the goals they set for themselves and their commitment to them;
how much effort they put forth in given endeavors; the outcomes they
expect their efforts to produce; how long they persevere in the face of
obstacles; their resilience to adversity; how much stress and depression
they experience in coping with environmental demands; and the
accomplishments they realize” (Bandura, 2000, p. 75).

In summation, knowledge influences action indirectly through the perceived efficacy an
individual has as it relates to a particular task. As Bandura (1977) notes, efficacy
expectations are a major determinant of people’s choice of activities. Efficacy beliefs are
both products and constructors of experience which inevitably lead to action or inaction.

Through experience, one develops self-knowledge, a self-schemata of personal
efficacy. This influences how people “look for, interpret, and organize the efficacy
information within their environment” (Bandura, 1977, p. 81). Some transactions of
information are redundant and do not alter an individual's appraisal of their efficacy
beliefs while others do.

It is worth noting, however, that efficacy expectations are not the sole source of
whether or not a given task will be performed. Individuals must possess the capability to
perform that task, the incentive to do so, and the specific coping mechanisms to support their pursuit of a given endeavor.

**Legal Literacy and Self-Efficacy**

For the last several decades studies have indicated that educational professionals are not equipped with the legal literacy adequate to fulfill their professional responsibilities (Littleton, 2008, p. 3). Furthermore, as Militello and Schimmel note, “a majority of teachers indicated they would change their behavior if they knew more about school law” (2007, p. 238). This behavior refers to both the Action and inaction educators choose to take while fulfilling their professional responsibilities. With this demonstrated need for legally literate educators, there are several insights gained from self-efficacy theory, that when incorporated appropriately into the planning and design of training programs, can lead to the efficacy of educators. Ensuring a high level of self-efficacy in the domain specific to legal literacy, ensures all decisions are made within the limits of the law and in the best interest of all stakeholders.

In order to build upon the limited opportunities present today to improve the legal literacy of teachers and administrators, it is important to analyze the status quo and measure that against outcome on the scale of best practice. While there is no shortage in teacher preparation programs educating future teachers and administrators on the legal ins and outs of special education law, first amendment rights, and student privacy, to name a few, educators are not adequately prepared or well versed in understanding the behaviors which may impact decision making. Given the fact that the most effective assessment of self-efficacy is domain specific, (Bandura, 1977; Bandura 1997) and general self-efficacy has less bearing on an administrator’s ability to support legally
appropriate behavior (Bandura, 1977; Bandura 1997), both pre-service and in-service opportunities should be provided which give the participant an opportunity to learn this craft in a manner that is relatively specific to the situations they will encounter. To this end, coursework should be centered on the issues which are most likely to be encountered in the classroom, i.e., special education law, first amendment rights, student discipline, etc.. The same would apply to aspiring administrators with principles that are most common occurrences in the building or district office. These may include, but are not limited to issues surrounding due process, in loco parentis, suspension and expulsion, student searches, sexual harassment, and disabled students to name a few (Cunniff, 2007).

**Content into Practice**

While the legal foundation for educators is set, there are methods related to self-efficacy theory which may reinforce the content learned during pre-service instruction. While a pre-service teacher or aspiring administrator may have exposure to many of the issues presented above in their coursework, there may be little opportunity to address these situations as mastery experiences or through others, vicariously. While considering the four sources of self-efficacy, it should be understood that these sources are not created equally. That is to say that the effectiveness of one source may be more effective and efficient than others, especially when considered through the context of domain specificity.

Using what we understand to be true about the four sources of information, incorporating opportunities for mastery experience may offer the most impactful of the four. This sentiment is echoed by Pajeras, noting, “The most influential source of these
beliefs is the interpreted result of one’s purposive performance, or mastery experience” (Parajas, 1997, p. 14). As individuals undertake activities, they are able to gauge their own ability to carry out that specific process effectively. These performance based experiences “not only promote behavioral accomplishments, but also extinguish fear arousal, thus authenticating self-efficacy through enactive and arousal sources of information” (Bandura, 1977, p. 195).

Considerations on when and how to create these mastery experiences for the teacher candidate should be taken into account as well. Understanding what we know about teacher preparation programs, a logical place to account for these mastery experiences would be during the student teaching experience. During this time, a student teacher has exposure to a mentor in the form of a cooperating teacher, as well as their program leader.

**Social Persuasion**

Through these two resources, verbal persuasion is readily available, however, this source of information would not be considered the most effective. While this method “serves as a further means of strengthening people’s beliefs that they possess the capabilities to achieve what they see,” (Bandura, 1997, p. 101) it does not necessarily translate into action. Furthermore, Bandura notes that this source of information alone may not have the power to create “enduring increases in perceived efficacy” (1997, p. 101). It does, however, have the potential to impact change if the feedback given is set within realistic boundaries. These improvements have the potential, however, to lead individuals to try harder at succeeding, ultimately leading to affirmations of their own capabilities.
Vicarious Experiences

Teacher candidates and aspiring administrators have access to a variety of models in their coursework experiences, their student-teaching experience, and as an in-service teacher, looking to refine and/or build their capacity to promote their legal literacy. Through the appropriate modeling of an activity, the behavior of the model has the capacity to increase the sense of personal efficacy in the observer (Bandura, 1977; Bandura, 1997; Pajares, 1997), especially if their skills are considered equal to the observer. Through this practice, individuals are constantly making judgements about their own self-efficacy. These self-efficacy appraisals are dependent, however, on certain factors which dictate the degree in which these vicarious experiences through modeling are impacted. With regards specifically to pre-service teachers completing their student teaching experience, we know a candidate’s perceived efficacy is impacted to a higher degree with little prior knowledge than with a great deal of prior knowledge. If an individual does hold prior experience which had been traditionally unsuccessful, modeling that conveys effective coping strategies can boost their self-efficacy (Bandura, 1977). This same concept applies to those, to a certain degree, with an already established high sense of self-efficacy.

In certain situations, while generally weaker than direct experiences, vicarious experiences have the potential to exceed those gained with direct experience. When successful modeling results in an improvement in self-efficacy, experiences resulting from direct failure are likely to be diminished.
**Mastery Experience**

Enactive mastery experiences are the most significant source of efficacy information. These experiences are able to provide authentic experiences, validating or invalidating an individual’s perceived self-efficacy in accomplishing a specific task. These mastery experiences are ripe in the Activity of student teaching and could benefit both the pre-service candidate and the profession in general if taken advantage of properly. When paired with the appropriate coping strategies, or a model to guide one's actions, a candidate’s self-efficacy has the potential to grow in a variety of domains and has the potential to be sustained as an in-service teacher. In order to build a sustainable sense of self-efficacy pertaining to a particular activity, however, such activities and resulting successes must be developed and enhanced repeatedly through the benefit of time (Bandura, 1977; 1997). This opportunity to build efficacious educators extends beyond the Activities which prove successful. Even the most challenging activities, resulting in periodic failure, provide the individual with useful information about their own capabilities. Through these failures, individuals, who remain persistent, are able to hone their own capacity for executing an activity and learn the benefit of sustained effort if success is the eventual outcome.

The benefits of enactive mastery experiences are more likely to lead to a stronger, yet more generalized efficacy beliefs. These beliefs have the potential to create a ripple effect, impacting other similar activities, provided that these activities are “governed by similar sub skills” (Bandura; as cited in Urdan & Parajes, 2006, p. 308). Additionally, the enhancement of self-efficacy skills through these experiences have the ability to build generative skills resulting in the effective use of prior knowledge to build new learning.
This form of learning is able to serve a great benefit to the pre-service teacher, as they encounter situations previously only understood in theory. Especially when combined with strategies provided by the cooperating teacher or program mentor, individuals are provided the opportunity to build their self-efficacy by successfully applying appropriate coping mechanisms to navigate a given activity.

**Professional Development**

“Professional development workshops done through an LEA represent one of the primary ways teachers and other educational professionals become exposed to changes in the law, new intervention techniques, or updated best practices in education (Kennedy, 2014; Wells, 2014; as cited in Cermak, 2018, p. 8). Through high quality professional development, practitioners will engage in material they find relevant to their professional practice, while bridging the gap between current state and desired state. In order to begin to consider this practice, it is important to identify some of the defining characteristics of what constitutes “high-quality” professional development.

In *Professional Learning in the Learning Profession: A Status Report on Teacher Development in the United States and Abroad*, Darling-Hammond and others have identified 4 core components of high quality professional learning. According to the authors, professional learning should be on-going, focus on student learning, align with school goals, and assist teachers in building relationships (Darling-Hammond et al., 2009). Assuming it is possible to create a system that mirrors these components as a start, there are still other considerations to be taken into account, primarily, how is this practice adapted specifically for students that are McKinney-Vento eligible.
While almost all teachers participate in some form of professional development (Darling-Hammond et al., 2009), these sessions typically focus on content and do not provide much depth. As a result, few American teachers are satisfied with these opportunities and little support or funding is available to them (Darling-Hammond et al., 2009). In south Cook County, all LEAs, as mandated by the McKinney-Vento Act, must provide some form of professional development for their teachers. Districts can use their Title I, Part A set aside funds to help defray the cost of such opportunities. Additionally, through the federal grant, Area Liaisons housed at the Regional Offices of Education can provide such opportunities, free of charge.

There are other considerations to take into account as well when considering McKinney-Vento centered professional development. Darling-Hammond et al., (2009), concluded that opportunities for such growth are not always available vary greatly based on the provider and location. One of the more alarming findings of this study was the report that “much of the professional development made available to them is not useful” (Darling-Hammond et al., 2009, p. 5). To exacerbate this, the same study noted that American teachers participate in short-term workshops or professional development but are limited in access to extended learning opportunities (Darling-Hammond et al., 2009). Moving forward with professional development as it pertains to homeless students, it is important to cater the training to the particular needs of the district, and avoid generalities when possible. This, coupled with persistent, annual training, should improve the proficiency levels of educators in supporting their homeless students.

When practitioners are provided the opportunity to engage themselves in relevant, high quality professional development opportunities related to McKinney-Vento
education, they are not only building their self-efficacy, but improving their legal literacy as well. With continued efforts to engage in mastery experiences, educators are ensuring that they are laying the best possible foundation to continue to support these students.

**Legal Literacy and Self-Efficacy**

The marriage of the concepts surrounding self-efficacy theory with the notion of legally literate educators begins in the teacher preparation programs and extends to in-service opportunities presented to the educator. Both would require a combination of the three sources presented above, to provide the most effective experience in providing the skills educators need to make informed decisions within the limits of the law.

By providing intentional experiences related to the sources above, educators are provided with the opportunity to build efficacious behavior, utilizing a diverse set of coping mechanisms, depending upon the particular situation presented to them. Additionally, using these three sources does not limit the individual to opportunities, such as mastery experiences, that may, or conversely, may not happen depending upon variables beyond the individual’s control. The opportunity to build one’s self-efficacy through verbal persuasion or vicarious experiences are not bound by the component of chance, but can be instilled throughout any pre-service teaching opportunity.

While all of the resources and strategies mentioned above must be provided to the educator, the foundation of strong legal literacy must happen within the schools of education. The appropriate template does not limit opportunities for legal education to areas limited by current ‘hot-button’ issues, but provides a survey of all components of the law, pertinent to ensuring educators are able to fulfill their professional obligations.
Finally, this obligation should not be confused with one’s ability to defend themselves in court, but is concerned with one’s ability in avoiding litigation (Decker & Brady, 2015).

**Conclusion**

In an era where time is truly the commodity of education, how educators spend time preparing for the demands of such a litigious society, should be prioritized for both pre-service and in-service educators. One way to advance this thought is through reimagining the emphasis that is placed on the legal education of educators. Research has historically demonstrated that there is a need for legally literate educators to support not just the students they serve, but their districts and communities as well. Additionally, proficiency in legal issues related to school law can have profound impact on school improvement (Davis, Darling-Hammond, LaPointe & Meyerson, 2005), underscoring the need for more legally literate educators. This advancement in this field, has the potential to create a ripple effect across schools and districts where the advancement of students’ own unique potential is limited only by an educator’s ability to cultivate meaningful learning opportunities in the classroom. It is in this manner that removing the potentially harmful impact of legal illiteracy gives way to a space spent on activities designed to mirror the original intent of contemporary systems of education. A space where students develop and fine tune their critical thinking and analytical abilities, attain the skills to become functional citizens, and take advantage of the tools necessary to evolve from consumers of knowledge to producers of knowledge.

In the absence of the prescribed landscape, recommended above, educators risk the possibility of making ill or un-informed decisions that could impact the sanctity of not just a robust learning environment for students but for building and district level
leadership as well (McCarthy, 2012; Horner, et. al., 2016). This holds true to the personnel legally delegated to handle students living some of the most precarious environments to exist, McKinney-Vento eligible youth. For these students in particular, the harmful effects of legal illiteracy has the potential to be exacerbated at a level most students from traditional living situations may never encounter. At the most severe level, they may lose access to support that may find them medical care, housing, food, shelter and clothing. At the most basic level, they may be denied legally afforded opportunities to make their learning experience more equitable.

There are a limited number of studies (Tanabe, 2009; Cermak, 2018) available which show legal proficiency through the lens of the McKinney-Vento Homeless Assistance Act. While a reasonable person may ascertain that the legal illiteracy identified amongst educators in these studies may plague a majority of LEAs, this is not known to be an absolute truth. Further research must be conducted which examines the extent of legal literacy of McKinney-Vento education, while analyzing any potential correlation between this level and program effectiveness at the local level. If the hypothesized contention that McKinney-Vento legal illiteracy is true for an overwhelming majority of Illinois schools, a seemingly pragmatic remedy may lay within the professional development opportunities offered to in-service educators.

While there is a logical three way intersection between self-efficacy theory, the McKinney-Vento legislation and the legal literacy of all educators, intentional efforts should be made to improve the legal literacy of educators to impact student outcomes. This begins with providing high quality professional development opportunities for inservice educators as well as reforming pre-service teacher preparation programs. By
improving the legal literacy of educators, McKinney-Vento students may enjoy the benefit of avoiding costly and to some degree, emotionally harmful actions by the LEA. In addition, with this practice, school districts and educators alike can benefit in protecting themselves from avoidable litigation, while providing the best possible support for students. While improving teacher preparation programs and ensuring high quality, relevant, professional learning opportunities, it is important to present actionable experiences to the professionals on the frontline of education. These experiences shall serve to fine tune and strengthen an educator’s capacity to navigate convoluted legal situations while building their self-efficacy.
References


For decades, scholars have suggested the need for an increase in the legal training that K-12 teachers and administrators should receive (Nolte & Linn, 1963; as cited in Dunklee & Shoop, 1986; Reglin, 1992; McCarthy, 2008; Summers et al., 2020). Despite this well-accepted notion, evidence continues to suggest that educators are not adequately prepared to analyze and appropriately address legal issues that arise in schools (Decker, 2014; Pazey & Cole, 2013; Schimmel & Militello, 2007) yet proficiency in issues related to school law can have profound impact on school improvement (Davis, Darling-Hammond, LaPointe & Meyerson, 2005). Educators who lack legal literacy risk the possibility of making ill or un-informed decisions that could impact the sanctity of not just a robust learning environment for students, but for building and district level leadership as well (McCarthy, 2012; Horner, et. al., 2016). This holds true to the personnel legally delegated to handle students living some of the most precarious environments known, McKinney-Vento eligible youth. For these students in particular, the harmful effects of legal illiteracy has the potential to be exacerbated at a level most students from traditional living situations may never encounter. At the most basic level, they may be denied legally afforded opportunities to make their learning experience more equitable. To that end, the purpose of my study is to examine the relationship between
McKinney-Vento legal literacy, and the quality of local LEA programming that is available to this student group. The specific research questions guiding my study are:

1. How legally literate are building level administrators in regards to the McKinney-Vento Homeless Assistance Act of 1987?
2. What is the current level of the quality in a local education agency’s McKinney-Vento programming?
3. What is the relationship between administrator characteristics, including McKinney-Vento legal literacy, and the quality of the LEA’s McKinney-Vento program quality?

**The Problem of Legal Literacy**

Comparatively, with its first mention in literature appearing roughly 50 years ago, (Nolte and Limm, 1963), the concept of legal literacy is relatively young when considering other areas of separation of church and state, student first amendment rights, and special education to name a few. This concept, however, has gained some recent momentum. As recently as 2007, both teachers and administrators had been surveyed to develop an understanding of both their experience and understanding of legal literacy in education. While these studies were conducted in individual states, all sought to answer the question of whether or not there was appropriate knowledge and application of school law principles.

The first national sample included in a study of the topic occurred when Schimmel and Militello (2007) surveyed 1,317 K-12 teachers in 17 states. The authors concluded that approximately half of those surveyed held little to no legal literacy (Schimmel & Militello, 207, p. 257). Two years later another study using a national
sample sought to not only assess school principals' knowledge of the rights of teachers and students, but to understand how often principals are legally threatened and sued, how they adjust their behaviors in response, and how they obtain and disseminate legal information. What the authors found, mirrored earlier studies citing that "In a survey of nearly 500 school principals, 85% indicated that they would change their behavior if they knew the correct answer to the survey questions about the legal rights of students and teachers" (Militello et al., 2009, p. 27). At this point in time, these were the only two empirical studies with a national sample that documented principals and teachers lack legal knowledge (Militello et al., 2009; Schimmel & Militello, 2007). Additionally, this research as it pertains to Illinois and it’s educators is somewhat outdated with the most recent studies occurring in the early 1980’s (Menacker & Pascarella, 1983; Ogletree & Garrett, 1981).

Past studies have not systematically studied the school law training that exists to determine whether it affects attitudes and behaviors. Decker and colleagues most recently noted that, when legally illiterate educators receive the appropriate legal training, 88% reported an increase in their confidence levels and 85% reported a change to their behavior, in subsequent years (Decker et al., 2019).

While it is important to note that the legal illiteracy noted in K-12 educational personnel is often centered on perennial ‘hot-button’ issues such as special education law, student discipline, or students with disabilities, there are other populations that may be victims of the same legal illiteracy. While the Illinois State Board of Education estimated that in FY 2020, 49,596 students qualified as homeless, the Chicago Coalition for the Homeless notes that this may be a result of underreporting. With many reasons for this,
one contributing factor could be that K-12 building administrators may not be adequately trained in the requirements for LEA’s in regards to homeless education.

While the concept of legal literacy continues to evolve, merely coming to a concrete definition of the term continues to be a struggle. Although many attempts have been made, to date, the definition of legal literacy has not been formalized or standardized in the literature (Decker & Brady, 2015). What seems to take the place of a formal definition is the conceptualization of the term. In this respect, an overarching understanding of what the term legal literacy encompasses exists specifically when identifying the benefits, consequences and goals of educators becoming legally literate.

This understanding has been in development since 1975 when education law professor David Schimmel stated, “Teachers need to develop a greater understanding of their rights and those of their students. Without this understanding, they can be victimized by those with superior legal knowledge, and they will fail in their mission to develop respect for the law among their students” (Schimmel, p. 10, 1975). Gajda (2008) echoed this concern by asserting that teachers possessing the knowledge, skills and understanding of educational law are critical to fulfilling their professional obligations. She continues to validate this assertion by noting the benefits of becoming legally literate including “avoiding costly litigation, addressing issues of child abuse and neglect, and by imparting the principles of a democratic society,” (Gajda, p. 15) to name a few. Schimmel and colleagues (2011) echoed this assertion by noting the many errors in critical decision making that are made in schools daily, based upon an educator’s legal illiteracy. Prior to this warning, Schimmel and Militello (2007) clarified that, “The goal of legal literacy is not to help teachers win in court. On the contrary, it is to avoid
litigation whenever possible, since judicial resolution of an educational dispute is usually an expensive, distracting, polarizing, and time consuming experience” (p.274).

**McKinney-Vento Homeless Education**

One area of particular concern in the realm of legal literacy centers on the educational stability of students experiencing homelessness. The McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.) was the first federal legislation of its kind to address homeless children and youth and their access to education. Its purpose is to provide for the educational stability of homeless children and those at risk of becoming homeless. What exacerbates this issue is the continual evolution of the legislation’s requirements. At its inception, the Stewart B. McKinney Homeless Assistance Act only required states to review and revise policies to ensure the immediate enrollment of homeless children and youth. In 1990, *The Act* was amended requiring State Educational Authorities (SEAs) to remove barriers to enrollment while providing school access and supplementary support pertaining to academic success. In 1994, *The Act* was reauthorized as part of the Improving America’s Schools Act. This reauthorization added attention to preschool services, parental input, and a focus on interagency collaboration to the education portion of *The Act*. Eight years later, *The Act* was again reauthorized under the No Child Left Behind Act (2002), requiring one of the most transformative measures to *The Act* by requiring all school districts to appoint a local liaison. This liaison would serve as an intermediary between the district and any potential or current McKinney-Vento eligible youth. Finally, in 2015, Title IX, Part A of the Every Student Succeeds Act (ESSA) expanded school of origin rights to include public schools and receiving schools (National Center for Homeless Education, 2021).
while removing youth in care from those eligible for McKinney-Vento services. With the growth of The Act over the course of the past three decades, and despite the well intentioned nature of this legislation, many teachers and administrators lack proficiency in both understanding and applying the demands of the legislation and are unaware of how to properly implement it (Miller, 2011; Cermak, 2018).

This fact is not only an area of concern for LEA’s and the student’s they serve, but for all of the educator’s charged with ensuring equitable learning opportunities for students experiencing homelessness. Considering the transient nature of families experiencing homelessness, and the incomprehensible living conditions that many students experiencing homelessness endure, ensuring access to educational opportunities is imperative. While facing homelessness, Local Educational Authorities (LEAs) have the legal and ethical obligation to ensure such youth have access to the safety, security and structure of a routine school day. The effectiveness of a district policy on the education of homeless children may directly affect quality of life for that student. Homelessness not only is a strong contributing factor to academic failure or dropout, but other complications including but not limited to health and behavioral problems (Wood et al., 1993) as well. Comprehensively aligning district policy with state and federal legislation ensures districts are legally compliant in providing a free and appropriate public education to all students they are required to service. At minimum, ensuring that educational personnel and both building and district level administration are legally literate with respect to McKinney-Vento and have the capacity to carry out the requirements of The Act continues to be an opportunity for growth amongst districts in Illinois.
There are a limited number of studies (Tanabe, 2009; Cermak, 2018) available which show legal proficiency through the lens of the McKinney-Vento Homeless Assistance Act. While a reasonable person may ascertain that the legal illiteracy identified amongst educators in these studies may plague a majority of LEAs, this is not known to be an absolute truth. Further research must be conducted which examines the extent of legal literacy of McKinney-Vento education, while analyzing any potential correlation between this level and program effectiveness at the local level. This research should address the issue of McKinney-Vento legal literacy as well as LEA McKinney-Vento program effectiveness as variables exclusive of one another. From here, logical next steps would be to examine the presence of any correlation between both variables. While it may be assumed that legal illiteracy could lead to programming ineffectiveness, we do not know this to be an absolute truth. Furthermore, studies beyond this foundational examination may wish to examine the countless variables that vary from LEA to LEA that may lead to local programming effectiveness. If my contention that a LEA’s program effectiveness is a function of a k-12 administrator’s legal literacy, one step in ensuring all districts exhibit a high degree of legal proficiency in McKinney-Vento knowledge would be through professional development.

The effort to improve the educational stability of students experiencing homelessness begins with providing high quality professional development opportunities for in-service educators. By improving the legal literacy of educators, McKinney-Vento students may enjoy the benefit of avoiding costly and to some degree, emotionally harmful actions by the LEA, unintentional or otherwise. Additionally, with this practice, school districts and educators alike can benefit in protecting themselves from avoidable
litigation, while providing the best possible support for students. These experiences shall serve to fine tune and strengthen an educator’s capacity to navigate convoluted legal situations while building their self-efficacy.

**Professional Development: An Anecdote to Chaos**

The professional development an LEA provides, is one of the best opportunities for LEA’s to seize which allows teachers and other educational professionals to become exposed to changes in the law, new intervention techniques, or updated best practices in education (Kennedy, 2014; Wells, 2014; Cermak, 2018). Through high quality professional development, practitioners will engage in material they find relevant to their professional practice, while bridging the gap between current state and desired state. In order to begin to consider this practice, it is important to identify some of the defining characteristics of what constitutes “high-quality” professional development.

In *Professional Learning in the Learning Profession: A Status Report on Teacher Development in the United States and Abroad*, Darling-Hammond et al., have identified 4 core components of high quality professional learning. According to the authors, professional learning should be on-going, focus on student learning, align with school goals, and assist teachers in building relationships (Darling-Hammond et al., 2009). Assuming it is possible to create a system that mirrors these components as a start, there are still other considerations to be taken into account, primarily, how is this practice adapted specifically for students that are McKinney-Vento eligible.

While almost all teachers participate in some form of professional development, these sessions typically focus on content and do not provide much depth. As a result, few American teachers are satisfied with these opportunities and little support or funding is
available to them (Darling-Hammond et al., 2009). To examine this from a local perspective, all districts in south Cook County, as mandated by the McKinney-Vento Act, must provide some form of professional development for their teachers on homeless education. Districts can use their Title I, Part A set aside funds to help defray the cost of such opportunities. Additionally, through the federal grant, Area Liaisons housed at the Regional Offices of Education can provide such opportunities, cost free.

There are other considerations to take into account as well when considering McKinney-Vento centered professional development. Darling-Hammond et al., (2009), concluded that opportunities for such growth are not always available vary greatly based on the provider and location. One of the more alarming findings of this study was the report that “much of the professional development made available to them is not useful” (Darling-Hammond et al., 2009, p. 5). To exacerbate this, the same study noted that American teachers participate in short-term workshops or professional development but are limited in access to extended learning opportunities (Darling-Hammond et al., 2009).

Moving forward with professional development as it pertains to homeless students, it is important to cater the training to the particular needs of the district, and avoid generalities when possible. This, coupled with persistent, annual training, should improve the proficiency levels of educators in supporting their homeless students.

When practitioners are provided the opportunity to engage themselves in relevant, high quality professional development opportunities related to McKinney-Vento education, they are not only building their self-efficacy, but improving their legal literacy as well. With continued efforts to engage in mastery experiences, educators are ensuring that they are laying the best possible foundation to continue to support these students.
Conclusion

While a logical connection between McKinney-Vento legal illiteracy and the broader topic of general k-12 legal illiteracy may exist, it has not yet been examined in the research. The purpose of this study is multifold. The first is to examine the extent to which k-12 building level administrators are legally literate in regards to the McKinney-Vento Homeless Assistance Act of 1987. The second, is an examination of the relationship between a building administrator’s McKinney-Vento legal literacy and the quality of their local McKinney-Vento programming. Finally, through this study, my hope is to use Bandura’s self-efficacy theory in a professional development setting to help equip educators to increase their McKinney-Vento legal literacy, while improving their local McKinney-Vento programming through high quality professional learning opportunities.

Methodology

Participants

A Qualtrics survey was distributed via e-mail to 805 individuals with 35% completing it. A total of 285 people participated in the survey, with 108 (37.9%) women and 177 (62.1%) men participating. The vast majority of participants were school principals (189, 66.3%), followed by 65 (22.8%) assistant principals, 2 (.7%) deans, and 29 (10.2%) indicating they were in “other” roles. It was unclear whether any of these participants were district McKinney-Vento liaisons. With respect to highest degree earned, 92 (32.3%) had Master’s degrees, 137 (48.1%) had Master’s degrees plus an additional 30 credit hours of schoolwork, and 56 (19.6%) held doctoral degrees. With respect to location of the school where participants worked, 202 (70.9%) indicated they
worked in a suburban school, 55 (19.3%) worked in a rural school, and 28 (9.8%) worked in an urban school. Participants were also asked how many education law courses they had taken throughout their educational career, including during their undergraduate studies. The vast majority of participants (103; 36.1%) had taken two courses, followed by 90 (31.6%) who took one class, 51 (17.9%) who took three classes, 17 (6%) who took four classes, followed by a smattering of other numbers of courses taken. Participants were also asked to indicate the length of time since they took their most recent law course. The majority of participants (118; 41.4%) took their most recent law course nine or more years ago. For 52 (18.2%) participants, it was 6-8 years ago, for 64 (22.5%) it was 3-5 years ago, and for 51 (17.9%) it was within the last two years.

**Surveys**

The surveys included in Appendix A were developed by using the Illinois State Board of Education district monitoring tool and language pulled directly from the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.). These resources helped to lay the foundation for two distinct sections of the survey, one assessing participant knowledge through true/false questions and the other through multiple choice questions.

The district monitoring tool is utilized by Regional Offices of Education and Intermediate Service Centers in Illinois every three years to ensure that a district is offering a program that is aligned with the requirements set forth by *The Act*. It also acts as a guidance document that many districts choose to employ on an annual basis. It is with this tool that districts identify areas of strength in their program, as well as identify opportunities for improvement.
A section of the survey speaking to the legal literacy of administrators was created using the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.) as reference. The Act, while lengthy, provided key highlights that were identified, including LEA responsibilities and assurances provided to families under The Act. The questions crafted in the survey centered on each of these two highlights. Additionally, the answer for each question designed to measure the level of legal literacy of an administrator, can be found directly in the legislation.

**Procedures**

Contact of participants and distribution of surveys commenced once IRB approval had been obtained. As part of the consent process, participants were notified of the benefit and any potential risks associated with the study. They were also notified that participation was voluntary and were asked to provide informed consent electronically through a conditionally formatted survey question. Prior to providing participation consent, each participant was provided with an overview of the interview procedures and data collection process.

The participants were selected from a list of K-12 administrators, provided by the North, West, and South Cook County Intermediate Service Centers. These individuals were administered a survey via Qualtrics. The first part includes general background information. The second and third parts addressed each individual’s McKinney-Vento legal literacy as well as their LEA’s McKinney-Vento program effectiveness.

**Researcher Role**

As the researcher, I have some characteristics in common with the participants in my study. As a regional educational leader, I have served as the Regional McKinney-
Vento Educational liaison for South Cook Intermediate Service Center. Through this work, I have developed a strong understanding of both federal and state legislation, as it relates to the education of homeless children and youth. Additionally, I have monitored these districts in accordance with state mandates to ensure regulatory compliance.

My educational journey has led me to currently hold a bachelor of arts as well as two advanced degrees. Additionally, I have held leadership roles at both the local, regional and state level, with an understanding of both the strengths and opportunities for growth many Illinois school districts currently possess.

Having such an intimate understanding of these strengths and opportunities through the McKinney-Vento arena, forces me, as the researcher, to be cognizant of and exclude any bias that may accompany this research.

**Results**

The survey was broken into three distinct sections related to the McKinney-Vento Act. The first part of the survey asked a series of questions where respondents had to select amongst one or more correct answers followed by participants being asked to rate their level of confidence in their answer (Not at all, Somewhat, Very) after each question. The second part of the survey asked several true-false questions followed by participants being asked to rate their level of confidence in their answer (Not at all, Somewhat, Very) after each question. The third and final section of the survey asked participants to rate the level of implementation of McKinney-Vento programming in their building.

**Legal Literacy**

Research Question One asked: How legally literate are building level administrators in regards to the McKinney-Vento Homeless Assistance Act of
1987? Several pieces of data can be used to answer this question. First, as indicated in Table 1, there were a variety of incorrect and correct answers on each of the questions. These questions were all multiple choice in nature, and while some of the questions sought multiple responses, an overwhelming majority of respondents answered inaccurately. Each question centered on key components in *The Act*, particularly those surrounding the removal of barriers as they relate to school success, transportation, and enrollment/eligibility.

**School Enrollment**

There were five questions that related to the enrollment of McKinney-Vento eligible students. The first centered on a time limit for eligibility, essentially asking the question of “how long can a student be considered homeless once identified?” Out of the five possible responses, 185 out of a possible 278 (84%) respondents answered correctly. The second question as it related to eligibility centered on the requirements under *The Act* to be considered homeless. Of those who answered that students who lacked a “fixed, regular, and adequate” nighttime abode 118 (42%), correctly answered this question. While those choosing any other combination of multiple choice answers, 138 (58%), did not. Another question related to enrollment/eligibility asked for what documentation students considered McKinney-Vento eligible would need to provide to be provided with immediate enrollment. Roughly 60% (166) of responses were correct and noted that students may be enrolled “without the documentation otherwise required from non-McKinney-Vento students.” The largest discrepancy amongst these questions was the question asking which children “may not be considered homeless” with the majority of responses (54%) answering incorrectly. The final question as it relates to
enrollment/eligibility centered on the event in which an LEA disagrees that a student presented qualifies as McKinney-Vento eligible under the provisions provided in *The Act*. When responding to “what must happen if a local liaison does not agree that a student is eligible under *The Act*,” 53%(146) of respondents answered correctly.

In total, of the questions related to eligibility/enrollment, 49%(678) of respondents answered incorrectly while 50%(685) answered each question correctly.

**Transportation**

While not directly related to the obligations of the LEA in terms of methods and means of transportation, one question in the set of multiple choice questions, asked about school choice. When asked to indicate which school a McKinney-Vento eligible student may attend, 77%(213) of respondents answered incorrectly. This accounts for the largest misinterpretation of the law for any of the questions represented in Table 1.

**Student Success**

The final set of questions from Table 1 related to the third barrier that *The Act* is legislated to remove. The first question relates to the overall age limit of a student that can be covered under *The Act*. Of the five choices, 32%(87) respondents indicated the correct answer. The next question under this subset asked participants to identify the roles of a homeless liaison. Of the eligible responses, 25%(70) answered correctly, accounting for the largest variation between a correct and incorrect answer from the eight questions reflected in Table 1.
Table 1. Multiple Choice Legal Literacy Responses

<table>
<thead>
<tr>
<th>Question</th>
<th>Incorrect</th>
<th>Not at All Sure</th>
<th>Someewhat Sure</th>
<th>Very Sure</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the time limit for eligibility?</td>
<td>Incorrect</td>
<td>34</td>
<td>53</td>
<td>6</td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>60</td>
<td>108</td>
<td>47</td>
<td>185</td>
</tr>
<tr>
<td>Who may not be considered homeless?</td>
<td>Incorrect</td>
<td>6</td>
<td>84</td>
<td>48</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>4</td>
<td>79</td>
<td>35</td>
<td>118</td>
</tr>
<tr>
<td>What do children need in order to enroll?</td>
<td>Incorrect</td>
<td>10</td>
<td>61</td>
<td>40</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>12</td>
<td>76</td>
<td>78</td>
<td>166</td>
</tr>
<tr>
<td>Homeless students can attend the following schools:</td>
<td>Incorrect</td>
<td>20</td>
<td>133</td>
<td>60</td>
<td>213</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>2</td>
<td>43</td>
<td>19</td>
<td>64</td>
</tr>
<tr>
<td>McKinney Vento limits the age of student support to:</td>
<td>Incorrect</td>
<td>98</td>
<td>79</td>
<td>9</td>
<td>186</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>29</td>
<td>51</td>
<td>7</td>
<td>87</td>
</tr>
<tr>
<td>The following are duties of a homeless liaison:</td>
<td>Incorrect</td>
<td>58</td>
<td>133</td>
<td>15</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>5</td>
<td>56</td>
<td>6</td>
<td>67</td>
</tr>
<tr>
<td>The definition of homelessness includes “children and youth who lack a ______, ______, and ______ nighttime residence.”</td>
<td>Incorrect</td>
<td>32</td>
<td>156</td>
<td>19</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>2</td>
<td>38</td>
<td>30</td>
<td>70</td>
</tr>
<tr>
<td>If a local liaison does not agree that a student is eligible for McKinney-Vento services, what must happen?</td>
<td>Incorrect</td>
<td>35</td>
<td>85</td>
<td>9</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>Correct</td>
<td>38</td>
<td>94</td>
<td>14</td>
<td>146</td>
</tr>
</tbody>
</table>

Next, data presented in Table 2 can also be used to answer this research question.

Overall, there were some questions with answers heavily skewed towards incorrect. For example, the question that asked participants to answer true or false to the question “In Illinois, school choice (school of origin or school of residency) for a McKinney-Vento student is determined by the “parent” indicates that the majority of participants (143) got
that question incorrect. This trend was echoed in the question posed about “food being an allowable expense” with a majority of responses, 83%(223), answering incorrectly.

In the remaining nine questions, the majority of responses were answered correctly. Of these responses, one-third were answered correct at a rate above 90%. Districts requiring a written policy, McKinney-Vento students being considered categorically eligible for free and reduced lunch and defining the overall goal of The Act were answered correctly by 93%(254), 95%(259), and 96% (261) of participants respectively. All other responses were answered correctly by between 70% and 88% of participants. These questions varied in terms of the context of the question and covered issues related to transportation, state versus local policy, training requirements, guardianship, and unaccompanied youth.

Table 2 True/False Legal Literacy Responses

<table>
<thead>
<tr>
<th>Number Who answered</th>
<th>Not at All Sure</th>
<th>Somewhat Sure</th>
<th>Very Sure</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Illinois, school choice (school of origin or school of residency) for a McKinney-Vento student is determined by the parent.</td>
<td>Incorrect 20</td>
<td>102</td>
<td>21</td>
<td>143</td>
</tr>
<tr>
<td>Correct 24</td>
<td>84</td>
<td>20</td>
<td>128</td>
<td></td>
</tr>
<tr>
<td>Transportation must be provided for all McKinney-Vento students to the school or origin.</td>
<td>Incorrect 7</td>
<td>19</td>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Correct 31</td>
<td>96</td>
<td>115</td>
<td>242</td>
<td></td>
</tr>
<tr>
<td>Migratory children automatically qualify as homeless.</td>
<td>Incorrect 29</td>
<td>57</td>
<td>22</td>
<td>108</td>
</tr>
<tr>
<td>Correct 52</td>
<td>103</td>
<td>9</td>
<td>164</td>
<td></td>
</tr>
<tr>
<td>Local district McKinney-Vento policy may supersede state or federal policy.</td>
<td>Incorrect 12</td>
<td>51</td>
<td>8</td>
<td>71</td>
</tr>
<tr>
<td>Correct 51</td>
<td>99</td>
<td>49</td>
<td>199</td>
<td></td>
</tr>
<tr>
<td>Training must be provided to all staff on McKinney-Vento.</td>
<td>Incorrect 21</td>
<td>46</td>
<td>9</td>
<td>76</td>
</tr>
<tr>
<td>Correct 36</td>
<td>82</td>
<td>76</td>
<td>194</td>
<td></td>
</tr>
</tbody>
</table>
Table 2 continued

<table>
<thead>
<tr>
<th>Policy</th>
<th>Incorrect</th>
<th>Correct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts must have a written policy on how to deal with disputes related to McKinney-Vento.</td>
<td>5 12 2 19</td>
<td>49 129 76 254</td>
</tr>
<tr>
<td>McKinney-Vento students are categorically eligible for free lunch.</td>
<td>4 10 0 14</td>
<td>51 88 120 259</td>
</tr>
<tr>
<td>Food is an allowable expense under McKinney-Vento.</td>
<td>45 110 68 223</td>
<td>12 29 5 46</td>
</tr>
<tr>
<td>The goal of McKinney-Vento is to remove barriers to enrollment, attendance and success.</td>
<td>2 4 4 10</td>
<td>61 81 119 261</td>
</tr>
<tr>
<td>Guardianship is required for enrollment under McKinney-Vento.</td>
<td>13 42 15 70</td>
<td>35 126 40 201</td>
</tr>
<tr>
<td>Unaccompanied McKinney-Vento youth are not considered independent students for the purpose of FAFSA.</td>
<td>29 39 14 82</td>
<td>66 88 34 188</td>
</tr>
</tbody>
</table>

In total, the questions and correct responses indicated by Table 2, greatly outnumbered the correct answers indicated by Table 1. In total, of the questions represented by Table 1, 59% (1283) of responses were incorrect while 41% (903) or responses were correct. In comparison, responses indicated in Table 2 were answered correctly 72% (2136) of the time and incorrectly 28%(848) of the time, suggesting that the true false format is potentially less reliable than the multiple choice.

**Program Quality**

The second research question in my study asked: What is the current level of the quality in local education agency’s McKinney-Vento programming? The questions represented in Table 3 represent those posed in a district monitoring tool, completed by each LEA in Illinois every three years. This sampling of questions allows each district to
assess the current quality of their McKinney-Vento programming by providing a
baseline standard of best practice by which to compare their current state. Each of the
nine questions reflected in Table 3, represent a requirement by the LEA that ideally
should be exercised 100% of the time by the district. The participants were given four
options by which to respond to each question, Never, Sometimes, Always or Unsure. In a
perfect world, the answers indicated would accurately reflect current district
performance, and would be indicated by the answer “Always.”

Of the answers to these nine questions, exclusive of the “unsure” option, an
overwhelming majority of responses, 74% (1578), indicated that their district “Always”
exercises the requirements outlined by these select questions from the monitoring tool.
Including the responses that indicated they were “unsure,” this number drops to 65%. Of
the questions that solicited the largest number of “unsure” responses, “public notice of
homeless students’ rights being disseminated in location frequented by homeless parents,
guardians, and unaccompanied youth,” and “enrollment disputes being mediated prior to
involving the Regional Office of Education,” garnered the highest percentage with 21%
and 33% respectively.

Several of the questions solicited a higher percentage of “Always” answers than
the others. Four questions in particular, all aligned with school success including, but not
limited to enrollment, school choice and transportation were answered with “Always” by
between 78% and 91% of participants. These four questions were also answered with the
lowest percentage of “unsure” answers accounting for between 0% and 8% of total
responses.
Table 3. Implementation and Programming Responses

<table>
<thead>
<tr>
<th>Question</th>
<th>Never</th>
<th>Some-times</th>
<th>Always</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless children and youth are identified by school personnel through outreach and coordination with other entities and agencies.</td>
<td>12</td>
<td>127</td>
<td>104</td>
<td>28</td>
</tr>
<tr>
<td>Homeless children and youth are enrolled and have full and equal opportunity to succeed in school.</td>
<td>5</td>
<td>17</td>
<td>247</td>
<td>2</td>
</tr>
<tr>
<td>Homeless families, children and youth receive educational services for which they are eligible, including Head Start, early intervention (IDEA Part C), and preschool programs administered by the LEA.</td>
<td>7</td>
<td>23</td>
<td>217</td>
<td>24</td>
</tr>
<tr>
<td>Homeless families, children, and youth receive referrals to health, dental, mental health, housing, substance abuse, and other appropriate services.</td>
<td>6</td>
<td>56</td>
<td>174</td>
<td>35</td>
</tr>
<tr>
<td>Parents and guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate.</td>
<td>5</td>
<td>41</td>
<td>213</td>
<td>12</td>
</tr>
<tr>
<td>Public notice of homeless students’ rights is disseminated in locations frequented by parents, guardians and unaccompanied youth, including schools, shelters, libraries and soup kitchens, in an understandable manner and form.</td>
<td>15</td>
<td>67</td>
<td>131</td>
<td>58</td>
</tr>
<tr>
<td>Enrollment disputes are mediated prior to involving the Regional Office of Education.</td>
<td>4</td>
<td>51</td>
<td>124</td>
<td>90</td>
</tr>
<tr>
<td>Parents, guardians and unaccompanied youth are informed of and assisted in accessing transportation services, including transportation to the school of origin.</td>
<td>5</td>
<td>34</td>
<td>211</td>
<td>21</td>
</tr>
<tr>
<td>School personnel providing McKinney-Vento services receive professional development and other support.</td>
<td>12</td>
<td>73</td>
<td>157</td>
<td>29</td>
</tr>
</tbody>
</table>
Legal Literacy and Program Quality

The third and final research question in my study asked: What is the relationship between administrator characteristics, including McKinney-Vento legal literacy, and the quality of the LEA’s McKinney-Vento program quality? The combination of several pieces of data can be used to interpret this answer. Using a correlation table, represented by Table 4, I examined the relationship between several components identified through the survey data. Table 2, representative of the quality of implementation of a local McKinney-Vento program, can be compared with items such as years of experience, length of time since your most recent law class, and number of school law professional development opportunities. Additionally, the total number of multiple choice and true-false questions correctly answered can be leveraged against implementation scores to find key variables which may influence program effectiveness.

In terms of statistically significant correlational findings, years of experience as an administrator was significantly associated with both the number of multiple choice questions answered correctly \( r = .223 \) and total true-false questions answered correctly \( r = .247 \). In combining these two question types into a grand total of questions answered correctly, there is also a significant relationship \( r = .247 \) between years of experience and total number of questions, represented by Table 2 and Table 3, correctly. In summation, the longer a participant had been a school administrator, the higher their level of McKinney-Vento legal literacy.

Length of time since an administrator’s most recent law class was not related to the total number of correct responses \( r = .087 \). Additionally, this variable has the least association with McKinney-Vento legal literacy when compared to years of experience and
school law professional development opportunities which are represented by a correlation coefficient of \( r = .247 \) and \( r = .205 \), respectively. Length of time since an administrator’s most recent law class was statistically significant, however, only when associated with implementation scores \( r = .123 \).

The relationship of the number of school law professional development workshops attended over the last five years showed a positive correlation between the total number of multiple choice questions answered correctly as well as the grand total number of questions answered correctly, but was not related to the total number of true-false questions answered correctly \( r = .08 \).

In looking at the relationship of these factors with implementation scores, the only statistically significant finding was in the length of time since the most recent law class \( r = .123 \). While this number is slight, it represents the only one of the three administrator characteristics studied having a significant correlation with implementation. The level of legal literacy represented by the number of multiple choice questions, true-false questions and grand total answered correctly, had no significant bearing on LEA program quality.

**Discussion**

The purpose of this study was to examine the legal literacy of K-12 building and district level administrators as it pertains to McKinney-Vento homeless education. Additionally, several insights were gleaned from the survey, however, some of the most insightful data stems from the result of the blending of this information to develop further understandings. With this information future considerations could be made to help contribute to the continuous improvement of K-12 administrator McKinney-Vento legal literacy and program quality.
### Table 4. Correlation Table

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Years of experience as an administrator.</td>
<td>---</td>
<td>.319**</td>
<td>.291**</td>
<td>.177**</td>
<td>.223**</td>
<td>.247**</td>
<td>.022</td>
</tr>
<tr>
<td>2. Length of time since most recent law class</td>
<td>---</td>
<td>---</td>
<td>.010</td>
<td>.059</td>
<td>.094</td>
<td>.087</td>
<td>.123*</td>
</tr>
<tr>
<td>3. Number of school law professional development workshops attended over the last five years.</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>.240**</td>
<td>.080</td>
<td>.205**</td>
<td>-.105</td>
</tr>
<tr>
<td>4. Total Multiple Choice Correct</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>.241**</td>
<td>.828**</td>
<td>.061</td>
</tr>
<tr>
<td>5. Total True-False Correct</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>.744**</td>
<td>.052</td>
</tr>
<tr>
<td>6. Grand Total Correct</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>.089</td>
</tr>
<tr>
<td>7. Implementation Score</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Note. **Correlation is significant at the 0.01 level (2-tailed).

### Legal Literacy

Mirroring the contentions of previous research (Militello et al., 2009; Schimmel & Militello, 2007), we can see from my study that there is a tremendous opportunity for growth in the field of McKinney-Vento legal literacy. Furthermore, there seems to be a disconnect between the number of correct versus incorrect answers when assed by either a multiple choice or true/false format. While the assumption here may be that the multiple choice
responses may lead to a more accurate assessment of knowledge, we see trends in each assessment which mirror each other. In particular, the areas of school choice and eligibility both represent a correct response rate of less than 50%. With over half of the administrators surveyed answering incorrectly on the issue of school choice and eligibility, one can only assume the detrimental ripple effect this may have on McKinney-Vento eligible students attempting to access legitimate educational opportunities.

The overarching goals of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11431 et seq.), are to remove barriers to education, student success and transportation. The inability to appropriately identify those eligible for support under *The Act*, coupled with a lack of understanding of school choice, can have potentially harmful consequences for the children and youth experiencing this extraordinary experience. These detrimental outcomes hold true for the local McKinney-Vento educational liaison finding themselves ill-prepared to deal with the intricacies of *The Act*. With only 33%(67) of respondents correctly identifying the appropriate duties of a homeless liaison, several implications can be made.

This position, although mandated by law, is often one that is appointed as opposed to one that is filled on a voluntary basis. In doing so, the district risks fulfilling this federal requirement out of compliance as opposed to best practice. In these scenarios, local liaisons may find themselves struggling to understand the specific requirements of *The Act*, a key component to proper implementation. Consequently, students eligible under *The Act*, may find themselves without access to resources and support, essential to school success, or worse, to escaping the cycle of generational poverty.
Program Effectiveness

The findings represented by Table 3, indicate a high level of program effectiveness amongst the LEA’s represented by the survey respondents. Ideally, all requirements of The Act would always be implemented to the highest degree possible. This includes enrollment, access to educational opportunities, and the dissemination of rights afforded to homeless children and youth under The Act. For the purpose of this study, responses were not required to be supported by evidence, and answers were taken at the word of the participant. While the quality of programming seems promising with 73%(1578) of all responses answering “always” to questions posed about appropriate implementation, there is a contrast between this data set, and those answered by the legal literacy questions. Furthermore, it should be noted that 12%(299) of all responses were answered as “unsure.” While this may be due to the aforementioned fact that not all participants were appointed liaisons, in an ideal world, the result should be closer to zero.

When delving deeper into the data, we see that many of the prompts answered by “sometimes” or “always” centered on the theme of identification, student rights, and professional development. There may be multiple reasons that these were answered with an “always” far less frequently than the other prompts. Among these are issues centered on training, communication at the building and district level, or inadequate legal literacy, all considerations to take into account for future research. The prompt answered with the lowest number of “always” responses as compared with the others was “Homeless children and youth are identified by school personnel through outreach and coordination with other entities and agencies” with 51%(167) of responses answering never, sometimes, or unsure.
This could be considered somewhat alarming, considering that this often underrepresented demographic should be identified through varied and multiple outreach opportunities.

**Legal Literacy and Implementation**

The relationship between McKinney-Vento legal literacy and program implementation was not statistically significant ($r = .089$). The disconnect between the legal literacy of educators and program implementation may be the result of multiple factors. The first could be that those demonstrating high levels of legal literacy, may not have the decision making opportunities available to them to enact any sort of improvement in program implementation, if necessary. In situations such as this, communication at the building or district level with key McKinney-Vento stakeholders could be considered essential to improving the experience of eligible children and youth. The second may be an inaccurate assessment of current practice based upon a lack of evidence. If this were the case, respondents were left to answer with a degree of subjectivity.

With no logical, statistically significant, connection between implementation and legal literacy, it is imperative that researchers look further into the root cause behind this disconnect in an effort to either validate, or invalidate the significance of this connection.

**Future Research Considerations**

There are several key takeaways from this study that are worth examining on a closer basis. In doing so, the practice may validate the findings of this study while also potentially identifying a root cause for some of the issues presented by the results of this survey. While all K-12 administrators should be well versed in the legal issues that surround K-12 education, having a deep understanding of every element of these issues is not plausible. With each district being required to appoint a McKinney-Vento educational liaison, this
person, in theory, should be well versed enough in *The Act* to ensure that there is a high level of legal literacy amongst those dealing with homeless youth on a day-to-day basis. In future research, identifying if the respondent is indeed the liaison, will glean further insight into if any lack of McKinney-Vento legal literacy is a training issue, or a professional issue. This will also help validate the accuracy of the respondent’s assessment of their current program. As a building level administrator, it is entirely plausible that the contentions made by the questions addressing program effectiveness, do not reflect the current state of a district's program. Regardless of whether or not these results would lean in a more positive or negative direction, supporting these contentions with evidence presents a clearer, more accurate, picture of a district’s current state.

Additionally, while the survey itself provided a nice overview of the legal literacy and program effectiveness of each building represented, further insight can be attained by breaking each topic down into smaller components. In questions related to program effectiveness with enrollment, for example, questions can be broken down into number of days to enroll, number of instances where records retrieval delayed enrollment, and how quickly transportation has been set up for newly identified students.

In looking at these factors, as well as identifying more specifically the respondents’ prior experience with McKinney-Vento homeless education, we can further identify the root cause of the gap between legal literacy and program effectiveness. Additionally, it should be noted that this study is a small part of the larger domain of legal literacy. Future considerations should be made into how this topic can be intertwined with other topics in legal literacy education.
Recommendations and Conclusion

District level leadership has the ability to impact powerful change in multiple areas of K-12 education. Understanding the appropriate delegation that is required to adequately address all student groups is essential in ensuring that proper attention is given to each student, especially those historically marginalized and underserved. One way to accomplish this is to specifically examine the McKinney-Vento legal literacy of district and building level administrators with those of the LEA liaison. Further understanding of the key role legal literacy plays on program implementation has the potential to maximize program effectiveness while identifying specific areas for growth. From here, administrators can build the capacity of staff who directly deal with McKinney-Vento eligible students to support them through professional learning opportunities.

These opportunities can lead to improved outcomes for this student demographic as result of the improved literacy of *The Act* if they are high in quality. This professional learning should focus on student learning, align with school goals, assist in relationship building, and more importantly, be on-going (Darling-Hammond et al., 2009). Currently, McKinney-Vento training is not mandated through either federal or state statute for all employees of an LEA. In Illinois, new liaisons are required to be trained through the ROE, and for most, this is where the continual, formal, professional learning ends. Incorporating McKinney-Vento literacy into the fabric of the building through continuous improvement, may be the first step in ensuring all support necessary is provided to these students.
References


The intent of paper three is to provide the content and structure by which LEA administrators may enhance the legal literacy of their staff in terms of McKinney-Vento awareness. Providing a high-quality Illinois Administrator Academy, centered on the legal intertwining’s of McKinney-Vento education, ensures the best possible foundation for supporting the unique needs of this often marginalized student group. The framework for this professional learning will utilize the understandings prescribed in Bandura’s Self-Efficacy Theory, highlighting logical opportunities to solicit growth through mastery and vicarious experiences.

This professional learning will be presented to administrators as a formal Administrator Academy with the intent to deliver new strategies designed to increase legal literacy of staff. In this professional development, opportunities to examine the particulars of the McKinney-Vento Homeless Education Assistance Act will be provided, however, the emphasis will be placed on methods and strategies to improve the legal literacy of educators. Participants will leave this academy with an understanding of what tools and methods must be provided to ensure their educators are able to gain a deep and sustained understanding of the McKinney-Vento Act and all of its idiosyncrasies.

Administrator Academy

Each school administrator in Illinois, statutorily, is required to complete an approved Illinois Administrator Academy each fiscal year to maintain their licensure.
While two Administrator Academies already exist centered on McKinney-Vento eligible youth, none address legal literacy. The first, *McKinney-Vento Homeless Act Advanced Training* AA:3733, walks participants through completing the steps necessary to complete a project of your choosing for your LEA that supports homeless youth. Previous projects include creating a supply closet, establishing a robust CTE program for this student group, and programs designed to promote and retain McKinney-Vento youth in school. The second, AA:1050, *Recognizing and Assisting Homeless Students: What Administrators Need to Know*, focuses on foundational knowledge taught through a six hour overview session. This training covers the topics of eligibility, transportation, dispute resolution and family rights.

**Proposal**

The current application that will be submitted to ISBE will summarize the outline of the course, identify participant outcomes, aligned with the Learning Forward Standards and School Leader Standards. Additionally, ISBE requires an explanation of how outcomes of the course are intended to increase the knowledge or skills of school and/or district leaders.

**Course Summary**

This course will provide participants with the knowledge, skills and abilities, to increase the effectiveness of their local McKinney-Vento programming. Each participant will understand the working definition of legal literacy and how this definition is applicable to their own LEA. As a result of this new understanding, participants will begin to apply this knowledge specifically to the area of McKinney-Vento legal literacy. The key activity of this component will be a self-assessment of their current level of
McKinney-Vento legal literacy which will gradually evolve into an overview on the key legal requirements of The Act. After a working understanding of these requirements is established, participants will be able to assess the programmatic quality of their program. Each participant will leave with an understanding of how to address opportunities for growth amongst staff within their LEA’s, responsible for supporting the needs of homeless children and youth.

**Outcomes**

1. Participants will understand the history of legal literacy as it pertains to K-12 education.

2. Participants will indicate key components of the McKinney-Vento Homeless Assistance Act.

3. Participants will analyze the relationship between Bandura’s Theory of Self-Efficacy and improving legal literacy.

4. Participants will examine the defining characteristics of a high quality LEA McKinney-Vento program.

5. Participants will construct a professional learning plan designed to increase McKinney-Vento legal literacy.

6. Participant’s will understand how to maximize the role of district liaison to ensure building level administrators are proficient in the law.

**Syllabus**

The proposed syllabus, represented by Table 5, is composed of 5 sections, each aligned with one of the outcomes listed above. Within each section, activities will be conducted to enhance the mastery experience of the participants. Additionally, activities will be conducted with the intent to provide added supplement to the participants’ current level of self-efficacy through vicarious learning, social persuasion, and emotional arousal.
<table>
<thead>
<tr>
<th>Objective</th>
<th>Subtopic</th>
<th>Application (Yes/No)</th>
<th>Hours/Minutes</th>
<th>Learning Forward Standard</th>
<th>Delivery Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Historical Overview of Legal Literacy in K-12 Education</td>
<td>No</td>
<td>1 Hour</td>
<td>1, 4</td>
<td>Large Group Lecture</td>
</tr>
<tr>
<td>2</td>
<td>Understanding Educator Obligations of the McKinney-Vento Act</td>
<td>No</td>
<td>1.5 Hours</td>
<td>2, 3</td>
<td>Small Group Activity, Large Group Lecture</td>
</tr>
<tr>
<td>3</td>
<td>How Self-Efficacy Theory Contributes to High-Quality Professional Learning</td>
<td>No</td>
<td>1.5 Hours</td>
<td>4, 6</td>
<td>Group Activity, PPT Presentation</td>
</tr>
<tr>
<td>4</td>
<td>Understanding what Constitutes a High-Quality McKinney-Vento Program</td>
<td>No</td>
<td>1 Hour</td>
<td>4</td>
<td>Individual Reading Activity, Large Group Discussion</td>
</tr>
<tr>
<td>5</td>
<td>Application to District Practices</td>
<td>Yes</td>
<td>1 Hour</td>
<td>6, 7</td>
<td>Individual Activity</td>
</tr>
</tbody>
</table>
McKinney-Vento Law Survey

I. Background Information

1. Please indicate your gender
   a. Male
   b. Female
2. Level of Administration
   a. K-5
   b. 6-8
   c. 9-12
3. Academic Attainment
   a. Bachelors
   b. Bachelors+Masters
   c. Bachelors + Masters+30
   d. Doctorate
4. Please mark any of the following
   a. I took a course on school law during my pre-service teaching experience
   b. I took a course on school law during my in-service teaching experience
   c. I took a course on school law during my masters/doctorate experience
   d. None of the above
5. Years of experience in current positions _______.
6. Do you consider your school:
   a. Urban
   b. Suburban
   c. Rural

II. McKinney-Vento Legal Literacy
   Please select all that apply.
1. Who may not considered homeless
   a. Foster Children
   b. Students living doubled up
   c. Children lacking a fixed regular or adequate abode
   d. All of the above.
2. The following is the time limit for eligibility.
   a. 0-1 year
   b. 1-5 years
   c. 5-10 years
   d. No limit
3. What do homeless children need to bring with them to enroll?
   a. Birth certificate
   b. Proof of residency
   c. Vaccination records
   d. **None of the above.**

4. Homeless children have the choice of which school below
   a. **School of origin**
   b. **School of residency**
   c. Any school within a reasonable distance.

5. McKinney Vento limits the age of student support to
   a. 18
   b. 21
   c. 22
   d. It does not address this.

6. Which of the following are NOT duties of a homeless liaison?
   a. Enroll homeless students in their school of origin even without required documents
   b. **Sole person responsible for identification of all students in LEA.**
   c. Mediate disputes regarding school placements or homeless eligibility
   d. Unaccompanied homeless youth advocacy.

7. The definition of homelessness includes “children and youth who lack a ______, ______, and ______ nighttime residence. (Choose all that apply).
   a. **Fixed**
   b. Seasonal
   c. Permanent
   d. Safe
   e. **Regular**
   f. Furnished
   g. **Adequate**
   h. Supportive

8. If you as the liaison do not agree that a student is eligible for McKinney-Vento services, what must happen?
   a. The student must enroll in the local school of residence.
   b. The student must enroll in their school of choice.
   c. **I, as the liaison, must put in writing why I do not believe they are eligible.**
   d. Tell the student to tell their parents to apply again.

9. In Illinois, school choice is determined by the parent.
   a. **True**
   b. False
   c. Unsure

10. Transportation must be provided for all McKinney-Vento students to the school of origin.
    a. **True**
    b. False
    c. Unsure
11. Migratory children automatically qualify as homeless.  
   a. True  
   b. **False**  
   c. Unsure
12. Local district policy may supersede state or federal policy.  
   a. True  
   b. **False**  
   c. Unsure
13. Training must be provided to all staff on McKinney-Vento.  
   a. **True**  
   b. False  
   c. Unsure
14. Districts must have a written policy on how to deal with disputes.  
   a. **True**  
   b. False  
   c. Unsure
15. McKinney-Vento students are categorically eligible for free lunch.  
   a. **True**  
   b. False  
   c. **Untrue**
16. Food is an allowable expense under McKinney-Vento.  
   a. True  
   b. **False**  
   c. Unsure
17. The goal of McKinney-Vento is to remove barriers to enrollment, attendance and success.  
   a. **True**  
   b. False  
   c. Untrue
18. Guardianship is required for enrollment under McKinney-Vento  
   a. True  
   b. **False**  
   c. Unsure
19. Unaccompanied McKinney-Vento youth, are not considered independent students for the purpose of FAFSA  
   a. True  
   b. **False**  
   c. Unsure

**III. Program Effectiveness**

*Please rate the degree to which the following are addressed 0-Not at All 5- Always*

1. Homeless children and youth are identified by school personnel through outreach and coordination with other entities and agencies.
2. Homeless children and youth are enrolled and have full and equal opportunity to succeed in school.
3. Homeless families, children and youth receive educational services for which they are eligible, including Head Start, early intervention (IDEA Part C), and preschool programs administered by the LEA.
4. Homeless families, children, and youth receive referrals to health, dental, mental health, housing, substance abuse, and other appropriate services.
5. Parents and guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate
6. Public notice of homeless students’ rights is disseminated in locations frequented by parents, guardians and unaccompanied youth, including schools, shelters, libraries and soup kitchens, in an understandable manner and form.
7. Enrollment disputes are mediated prior to involving the Regional Office of Education.
8. Parents, guardians and unaccompanied youth are informed of and assisted in accessing transportation services, including transportation to the school of origin
9. School personnel providing McKinney-Vento services receive professional development and other support.