

EDUCATION FOR HOMELESS CHILDREN AND YOUTH 101

LOCATION: Texas Homeless Network
Statewide Conference on Ending Homelessness

DATE: October 9, 2019

TIME: 8:30 a.m.

PRESENTERS: Tim Stahlke
Education Consultant

www.theotx.org Slide 1

1

Presenter

Tim Stahlke
Education Consultant

tstahlke@utexas.edu

512-970-2629

www.theotx.org Slide 2

2

Overview

- Awareness
- Local Homeless Education Liaison
- Definition of Homelessness
- Unaccompanied Youth
- Discipline
- Identification
- Enrollment and School Selection
- Transportation and Other Services
- Academic Support
- FAFSA
- New Legislation

www.theotx.org Slide 3

3

Awareness

Slide 4

4

Texas Student Data

2016-2017

Number of homeless students identified:	116,103 **
Percent of students identified as homeless:	2.1% **
Number of unaccompanied youth identified as homeless:	18,089 **

**Texas Education Agency 2016-2017 Consolidated State Performance Report

www.theotx.org Slide 5

5

Texas Student Data

2017-2018

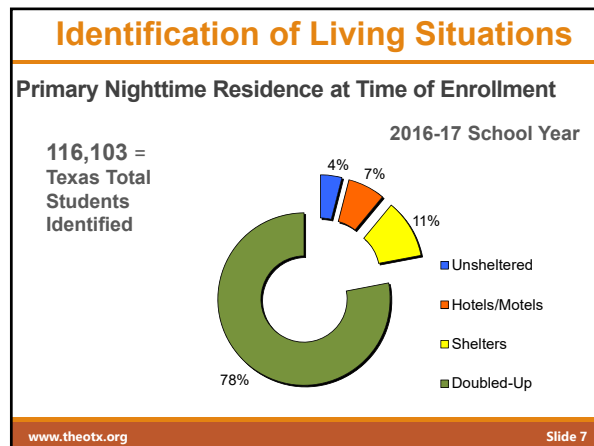
Total number of enrolled students:	5,399,682*
Number of homeless students identified:	231,205 **
Percent of students identified as homeless:	4.28% **

*2017-2018 TEA PEIMS Standard Statewide Reports

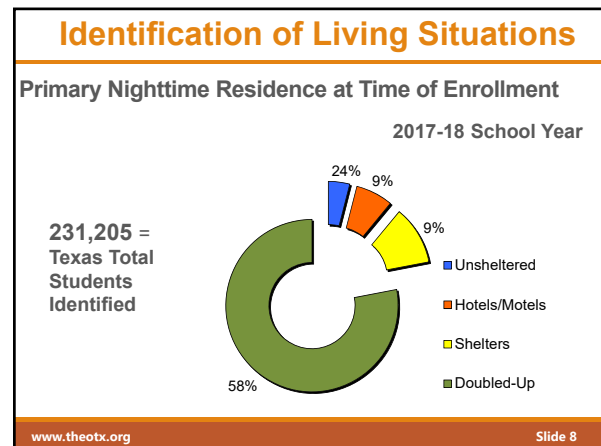
**Texas Education Agency 2017-18 Consolidated State Performance Report

www.theotx.org Slide 6

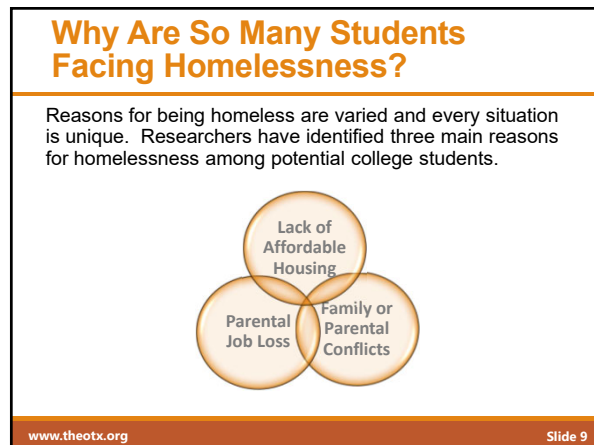
6



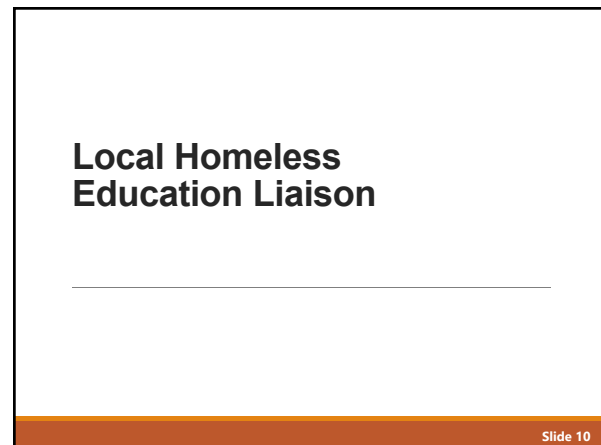
7



8



9



10

Homeless Liaison

- Duties and other information are posted on the Texas Homeless Education Website at:
http://www.theotx.org/resource_tag/homeless-liaison/
- A directory of all homeless liaisons in the state may be accessed at TEA's AskTED:
<http://mansfield.tea.state.tx.us/TEA.AskTED.Web/Forms/Home.aspx>
 and at
<http://www.theotx.org/liaison-directory/>

www.theotx.org Slide 11

11

Definition of Homelessness

Slide 12

12

Definition of Homeless

The McKinney-Vento Act as reauthorized by the Every Student Succeeds Act (ESSA) of 2015

Students who lack a fixed, regular, and adequate nighttime residence:

Fixed = stays in one place

Regular = student regularly lives and sleeps there

Adequate = meets the definition of "standard housing" for the community and is adequate to the needs of the family and student(s)

Nighttime = is meant to be used for sleeping

<http://www.theotx.org/resource/tea-hurricane-harvey-crisis-code-faq/>

www.theotx.org

Slide 13

13

Definition of Homelessness

Doubled-Up Situations

Children who lack a fixed, regular, and adequate nighttime residence include those:

Sharing the housing of others due to loss of housing, economic hardship, or similar reason.

- Where would you go if you couldn't stay here?
- What led you to move in to this situation?
- Why did the family move in together?
- How permanent is the arrangement meant to be?
- Is it fixed, regular, and adequate?

www.theotx.org

Slide 14

14

Definition of Homelessness

Hotels and Motels

Children who lack a fixed, regular, and adequate nighttime residence include those:

Living in motels, hotels, trailer parks, camping grounds due to the lack of adequate alternative accommodations.

www.theotx.org

Slide 15

15

Definition of Homelessness

Shelters

Children who lack a fixed, regular, and adequate nighttime residence include those:

Living in emergency or transitional shelters or abandoned in hospitals.

www.theotx.org

Slide 16

16

Definition of Homelessness

Public Spaces

Children who lack a fixed, regular, and adequate nighttime residence include those:

Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans.

www.theotx.org

Slide 17

17

Definition of Homelessness

"Substandard" or Inadequate Housing

- Communities vary - evaluate housing according to local standards or norms

Sample considerations:

- Health and safety concerns
- Number of occupants per square foot
- Age of occupants
- State and local building codes

- Collaborate with local housing agencies to establish guidelines that incorporate state and local legal requirements and community standards, (i.e., Housing Choice voucher program criteria).

www.theotx.org

Slide 18

18

Definition of Homelessness

Migrant Situations

Children who lack a fixed, regular, and adequate nighttime residence include those:



Migratory students if they meet the criteria met by all students considered homeless. They are most often in doubled-up, substandard, or over-crowded living situations.

www.theotx.org

Slide 19

19

Definition of Homelessness

Other Student Situations

Immigrant students may be considered homeless if they meet the definition of homeless.

Under the United States Supreme Court decision in Plyler v. Doe, 102 S.Ct. 2382 (1982), a student's immigration status is not a permissible basis for denying admission to a public school.

<http://www.theotx.org/wp-content/uploads/2015/03/TEA-2017-18-legal-annual-ltr.pdf>

www.theotx.org

Slide 20

20

How long should a family be considered homeless?

Use a Student Residency Questionnaire (SRQ) to determine or assess their living situation.



While there is no time limit written into the law – situations need to be assessed on a case-by-case basis each academic year.

www.theotx.org

Slide 21

21

Definition of Homelessness

“Substandard” or Inadequate Housing

Children who lack a fixed, regular, and adequate nighttime residence include those:

Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

www.theotx.org

Slide 22

22

Unaccompanied Youth

Slide 23

23

Unaccompanied Youth

The McKinney-Vento Act defines an “unaccompanied youth” as a youth that is not in the physical custody of a parent or guardian.

“Guardian” is a legal designation representing the person who has legal custody of a student; this designation can only be granted to someone other than a birth parent by a judge in a court of law.

These documents do NOT convey legal guardianship:

- Power of Attorney
- Educational Affidavit
- Notarized document/letter pertaining to a student's care

www.theotx.org

Slide 24

24

Unaccompanied Youth

An unaccompanied youth's living situation must meet the McKinney-Vento Act's definition of homeless in order to qualify for McKinney-Vento services and **to be considered a HOMELESS unaccompanied youth.**

- Only the youth's **current living situation** is evaluated when making a determination of homelessness.
- Includes pushed-out youth and runaway youth
- Unaccompanied status, by itself, is not a criteria for homelessness
- Unaccompanied youth are not categorically considered homeless—some unaccompanied youth are homeless and some aren't

www.theotx.org

Slide 25

25

Unaccompanied Youth

An unaccompanied youth's living situation must meet the McKinney-Vento Act's definition of homeless in order to qualify for McKinney-Vento services and **to be considered a HOMELESS unaccompanied youth.**

- Only the youth's **current living situation** is evaluated when making a determination of homelessness.
- Includes pushed-out youth and runaway youth
- Unaccompanied status, by itself, is not a criteria for homelessness
- Unaccompanied youth are not categorically considered homeless—some unaccompanied youth are homeless and some aren't

www.theotx.org

Slide 26

26

Unaccompanied Youth

Age Limits

- Students of all ages may be unaccompanied.
- The Texas Education Agency defines a youth to be a person who is under age 21 on September 1 of the applicable school year.
- For students eligible for special education services, under age 22 on September 1 of the applicable school year, not a high school graduate.

www.theotx.org

Slide 27

27

Unaccompanied Youth

- Over one million young people in the United States currently face homelessness
- Many do not have an adult in the picture to provide guidance or assistance
- Unaccompanied homeless youth (UHY) are individuals who do not have "fixed, regular and adequate" housing
- They are not in the physical custody of a parent or adult
- Many UHY have aspirations to attend college, but lack support and awareness of resources needed to move their dreams into reality

www.theotx.org

Slide 28

28

Unaccompanied Homeless Youth

- Unaccompanied homeless youth perform lower on academic assessments and struggle with grades, homework, and credit accrual
- As many as 75% of unaccompanied homeless youth do not graduate on time with their peers

www.theotx.org

Slide 29

29

Unaccompanied Homeless Youth

- Higher rates of acute and chronic illness, depression and anxiety; experiences of trauma and loss
- About 5% of unaccompanied youth identify as LGBTQ – but may be as high as 40% of the homeless youth population – family rejection is the number one cause of these youths' homeless situations

True Colors Foundation

www.theotx.org

Slide 30

30

UHY Barriers

Unaccompanied homeless youth face additional barriers:

- Lack of parent or guardian's signature
- Attendance policies
- Secondary school credit accrual
- College access and opportunity
- Disproportionate discipline
- Vulnerability to trafficking

www.theotx.org

Slide 31

31

Barriers to Education

Homeless Youth miss school due to:

- Extreme mobility
- Lack of transportation
- Poor health
- System requirements
- Lack of consistent advocacy for educational needs
- Frequently being disciplined for behaviors that are a response to their homeless challenges

www.theotx.org

Slide 32

32

Barriers to Enrollment & Attendance

- Lack of school records/birth certificates
- Lack of immunizations/immunization records
- Lack proof of residency for enrollment
- Lack of transportation
- Lack of information regarding educational rights and choices
- Lack of school supplies
- Lack school uniforms or appropriate clothing
- Lack of regular nutritious meals

www.theotx.org

Slide 33

33

Barriers to School Success

- Place to do homework
- Ability to concentrate
- Resources to do extracurricular and enrichment activities
- Mental health resources: trauma PTSD, mental health adaptations to situation
- Physical health care

www.theotx.org

Slide 34

34

Discipline

Slide 35

35

Discipline

- Homeless students are subject to the same disciplinary interventions as other students with some exceptions.
- If a homeless student commits an infraction, the school should identify if the infraction is due to the student's homeless situation, such as tardy or absence. If so, the school should employ interventions to assist the student rather than seek discipline
- School attendance committees have the ability to waive absences due to the student's homeless situation.
- Schools must create and implement truancy intervention plans for homeless students who are absent prior to referring the student to truancy court.

www.theotx.org

Slide 36

36

Discipline

- If a homeless student has not completed an alternative placement in a prior district, the new district has the option of placing the homeless student in an alternative setting in order to complete the term of placement, **or** enrolling the student in main stream classes.
- If a disciplinary action becomes a barrier to attendance, the district must find a way to remove the barrier.

For example if a homeless student is put off a bus due to behavior, but the homeless student has no alternative means of transportation to school, the district must find an alternative means of transportation for the homeless student.

HB692 requires alternatives for out-of-school suspension for homeless students.

www.theotx.org

Slide 37

37

“Separate and Apart”

Student Only in District Section 25.001(b)(4),

by reference to §25.001(d),

allows a student under 18 years of age to “establish a residence for the purpose of attending the public schools separate and apart from the [student’s] parent, guardian, or other person having lawful control of the [student] under a court order....”

However, the student’s presence in the district may not be “for the primary purpose of participation in extracurricular activities.”

www.theotx.org

Slide 38

38

Discipline

The district is not required to admit a student under §25.001(b)(4) and (d) if the student:

- (1) has engaged in conduct or misbehavior within the preceding year that has resulted in: (A) removal to a disciplinary alternative education program (DAEP); or (B) expulsion;
- (2) has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct; or
- (3) has been convicted of a criminal offense and is on probation or other conditional release. These exceptions apply only if a student is living in a different district than the student’s parent, guardian, or other person with lawful control of the child under a court order.

Cannot be used to prevent a student eligible for admission under a different provision of §25.001 from being enrolled, including homeless students.

www.theotx.org

Slide 39

39

Identification

Slide 40

40

Outreach and Identification

Identification can be difficult when:

- Families and unaccompanied youth want to hide the fact they are homeless due to embarrassment and fear of authorities
- Families and unaccompanied youth may not know they are homeless as they are unaware of the definition, have a roof over their head – doubled-up, substandard housing, or staying in inexpensive hotels/motels

www.theotx.org

Slide 41

41

Outreach and Identification

Because students or families don’t know or always tell us, we must know the signs a child may be homeless:

- Tired, sleeping in class, lack of energy
- Poor hygiene
- Wear the same clothes day after day
- Inability to concentrate
- Doesn’t turn in homework assignments
- Doesn’t complete special projects
- Is frequently tardy or absent

www.theotx.org

Slide 42

42

Outreach and Identification

- Comes to class “unprepared”
- Change in behavior
- Is angry, hostile, anxious
- Is secretive, afraid to share information
- Moves around a lot
- Grades fall off, gaps in learning

Service providers can help by knowing the signs and knowing the McKinney-Vento definition of homeless.

www.theotx.org

Slide 43

43

Outreach and Identification

Posters and brochures on each campus where students enroll

Outreach into the community –
contact service providers and places
where homeless families stay or
frequent

www.theotx.org

Slide 44

44

Determining Eligibility

Student Residency Questionnaires (SRQs)

- The law requires LEAs to keep auditable documentation assessing the living situation of **ALL** students at least once a year.
- It is a best practice for LEAs to use a SRQ or other auditable document.
- Templates for SRQs may be found on the TEA website or at www.theotx.org:

<https://tea.texas.gov/WorkArea/DownloadAsset.aspx?id=51539618930>

http://www.theotx.org/resource_type/peims

http://www.theotx.org/wp-content/uploads/2018/02/TAA-MV_Crisis-Code_Final_12.7.pdf

www.theotx.org

Slide 45

45

Determining Eligibility

SRQs

- Templates available at www.theotx.org are aligned to the McKinney-Vento living situations and the PEIMS required data elements.
- SRQs must be kept for five (5) years as part of the LEA's student enrollment records and may be kept electronically.
- **Information about a McKinney-Vento student's living situation is a student education record subject to FERPA.**

www.theotx.org

Slide 46

46

Determining Eligibility

PEIMS Coding – Homeless Youth Indicator

All students in Texas public schools must be assessed for their homeless status annually. One of the following indicators **MUST** be selected for each student enrolled:

- 0 – NOT homeless (*default status*)
- ~~1 – ESSA removed awaiting foster care from definition~~
- 2 – living doubled-up = *homeless*
- 3 – unsheltered = *homeless*
- 4 – living in a hotel, motel = *homeless*
- 5 – living in a shelter, transitional housing = *homeless*

www.theotx.org

Slide 47

47

Determining Eligibility

PEIMS Coding – Clarification

3 – unsheltered = *homeless*

“Unsheltered” includes living situations pertaining to:

- Nighttime residences that are public or private places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings
- Cars, parks, campgrounds due to the lack of alternative accommodations
- Abandoned buildings
- Substandard housing

www.theotx.org

Slide 48

48

Determining Eligibility

PEIMS Coding – Unaccompanied Youth Indicator

The **unaccompanied youth status** must be reported for **every homeless student** the LEA has identified.

3 = Homeless Student is **in** the physical custody of a parent or legal guardian for the entire school year

4 = Homeless Student is **not in** the physical custody of a parent or legal guardian at any time during the school year

www.theotx.org

Slide 49

49

Determining Eligibility

Length of Eligibility

A student is eligible for as long as they are homeless. A student is considered homeless until they become permanently housed.

- Once identified in a school year, **students are eligible for services for the duration of the school year**, even if they become permanently housed during the school year.

- Eligibility is determined on a case-by-case basis and should be re-evaluated each school year.

- Identification and coding lasts for the current school year and does not carry over from year-to-year.

- Some students are homeless for multiple, consecutive years.

<https://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=51539618928>

www.theotx.org

Slide 50

50

Enrollment and School Selection

Slide 51

51

Immediate Enrollment

- Enrolled is defined as attending and fully participating, not just the student's name on an enrollment list.

- Enroll homeless students even if they have no records or documentation.

- Contact the previous school for records.

- The previous school has **10 days** in which to send records.

- There is a **30 day** provisional enrollment without:

- Immunization records
- Immunizations
- Birth certificates

www.theotx.org

Slide 52

52

Immediate Enrollment

- Enroll homeless unaccompanied students even if they have no legal guardian.
- Enroll homeless students even if they have no proof of residency.
- Homeless families and youth cannot be required to complete or sign a dual residency affidavit.
- Enroll even if the school is capped for other students.

www.theotx.org

Slide 53

53

School Selection

Homeless students have two school selection options under McKinney-Vento:

1. School of Origin: School the student attended when permanently housed **or** school in which the student was last enrolled.

ESSA has expanded the school of origin definition to include preschool and feeder pattern (receiving) schools.

2. Local Attendance Area School: Any public school that non-homeless students living in the attendance area in which the child/youth is actually living are eligible to attend.

www.theotx.org

Slide 54

54

School Selection

Texas provides a third option, TEC 25.001(b)(5), for students in homeless situations:

A homeless family or youth may choose to attend any district in the state:

- Not dependent on residency of student, guardian(s), or parent(s)
- The district chooses the campus
- Transportation is not mandated

TEC 29.153(b) provides similar admission to a prekindergarten class if the child is at least three and homeless.

www.theotx.org

Slide 55

55

School Selection

Students may stay in their school of origin:

- For the duration of their homelessness
- Until the end of the academic year in which they find permanent housing
- When becoming homeless in between academic years
- School of origin definition includes receiving schools

www.theotx.org

Slide 56

56

Best Interest Determinations

In determining the school that is in a student's best interest to attend, LEAs must:

- Make a best interest determination, with a presumption that staying in the school of origin is in the student's best interest **unless it is against the wishes of the parent, guardian, or unaccompanied youth**
- Consider student-centered factors, including the impact of mobility on achievement, education, health, safety, and educational supports

www.theotx.org

Slide 57

57

Best Interest Determinations

Student-centered, case-by-case determinations include:

- Age of the student, school grade they are completing
- Student's need for educational supports
- Continuity of services
- Length of anticipated stay in the temporary location
- Time remaining in the school year

www.theotx.org

Slide 58

58

Transportation and Other Services

Slide 59

59

Posting of Homeless Resources

Texas Education Code 33.906

- Any school with a website is required to post information regarding **local** services and programs available to assist homeless students.
- The information must be easily understandable.
- The information must be easy to find on the site.
- A school is exempt if it is within an LEA that has fewer than 3,000 students and is located in a county with a population less than 50,000.
- Sample language in a fact sheet may be found at:
<http://www.theotx.org/resource/texas-hb-1559/>

www.theotx.org

Slide 60

60

Transportation

Must provide to and from the school of origin - lasts the duration of school year even if the student becomes permanently housed

Must provide comparable services to those that non-homeless students receive

Can provide supplemental transportation services
tutoring
enrichment
summer school

www.theotx.org

Slide 61

61

Child Nutrition Programs

- **Categorical eligibility** for homeless students
- **Immediate access**
- Income documentation is **not** required if child or youth is homeless – homeless documentation may be used
- **Costs incurred by family or student during eligibility determination must be covered or reimbursed**
- **Duration of eligibility** for the entire school year even if housing is secured or for the duration of homelessness
- Services carry over to the start of the next school year while eligibility is being determined

www.theotx.org

Slide 62

62

Immunization Requirements for Enrollment

- All homeless students have 30 days provisional enrollment to supply immunization records or begin the required course of immunizations
- Liaison must be notified when immunizations are lacking and must help student obtain them
- Provisional enrollment applies regardless if the student is enrolling in school for the first time, in an LEA for the first time, is entering the district from out-of-state, or is entering the school from out of the country

www.theotx.org

Slide 63

63

Dispute Resolution

A dispute may arise over:

- Eligibility
- School selection
 - School of origin
 - Attendance zone
- School enrollment

The Texas “district choice” provision for enrollment is not disputable under McKinney-Vento.

<http://www.theotx.org/resource/sample-forms-related-dispute-resolution-process-mckinney-vento-homeless-assistance-act-tasb/>

www.theotx.org

Slide 64

64

Dispute Resolution Process

- Admit a student immediately pending resolution of dispute and all available appeals.
- The liaison assists unaccompanied youth to ensure enrollment.
- The school must provide parent, guardian or unaccompanied youth with **written** explanation of decision including statement of rights.
- The parent, guardian or youth must be referred to the liaison, to expedite the dispute resolution.

www.theotx.org

Slide 65

65

Title I Services

All homeless and foster care students are eligible for Title I services.

Districts **MUST** set-aside funds to specifically serve homeless students.

(Per ESSA, most McKinney-Vento-like services for children in foster care are provisions of Title I.

- Awaiting foster care removed by ESSA
- McKinney-Vento **like** provisions, including school of origin rights for foster children are provisions of Title I rather than McKinney-Vento

www.theotx.org

Slide 66

66

Some Title I Uses

Clothing and school uniforms	Outreach services
School supplies	Extended learning time before and after school
Birth certificates	Tutoring services
Immunizations	Fees for GED testing for homeless students and parents of homeless students
Food	Fees for AP & IB testing
Medical and dental services	Fees for SAT & ACT testing
Glasses and hearing aids	Student fees
Counseling services	All or part of the homeless liaison's salary
Excess cost of school of origin transportation	

www.theotx.org Slide 67

67

Homeless Students with Disabilities

- Includes a definition of homeless that mirrors the McKinney-Vento definition
- LEAs must coordinate McKinney-Vento and special education services within the LEA, and with other involved LEAs
- "Child Find" provisions require that children with disabilities experiencing homelessness be identified, located and evaluated
- Requires early intervention services to be made available to *all* infants and toddlers — specifically mentions homeless children
- Homeless families must be meaningfully involved in the LEA special education programs for infants and toddlers

www.theotx.org Slide 68

68

Homeless Students with Disabilities

Temporary placement:

- Use of existing ARD and IEP records
 - ARD – Admission, Review & Dismissal
 - IEP – Individual Education Plan
- Transfer of records from previous campus
- Assignment of a surrogate or an emergency surrogate parent, if necessary
- Timely beginning and completion of assessments

www.theotx.org Slide 69

69

Academic Support

www.theotx.org Slide 70

70

Attendance Support

- Student attendance monitoring yields significant results when interventions begin no later than after the third (3rd) absence
- Best practice calls for collaboration between the homeless liaison, attendance officer, and campus personnel to develop and implement attendance intervention and supports.
- LEAs have the leeway to delay or not refer for truancy if:
 - The LEA is applying truancy prevention measures
 - The LEA determines the measures are succeeding
 - The LEA determines it is in the best interest of the student to delay or not make the referral

www.theotx.org Slide 71

71

Attendance Support

- A school district may not refer a student to truancy court if the school determines the student's truancy is the result of:
 - pregnancy
 - being a foster child
 - being homeless
 - being the principal earner for the family

TEC 25.0915(B)(2)(a-3)

www.theotx.org Slide 72

72

Graduation from Previous District

Texas Education Code, Section 28.025(i):

- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

www.theotx.org

Slide 73

73

FAFSA

Slide 74

74

Financial Aid and FAFSA Basics

- Families are expected to contribute to higher education costs
- **For dependent students** – filling out the FAFSA requires income and asset information for both the student and the parent, and a parent signature
- **For independent students** – no parental signature or income and asset information is needed
- All McKinney-Vento youth must be able to receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college 11432(g)(1)(K)
- Liaisons must ensure unaccompanied youth are informed of their status as independent students and may obtain assistance from the liaison to receive verification of that status 11432(g)(6)(A)(x)(III)

www.theotx.org

Slide 75

75

Financial Aid and FAFSA Basics

- Assist with the identification of "homeless" students
- Ensure that homelessness will not keep youth out of college
- Ensure that ALL eligible students complete the FAFSA as unaccompanied homeless youth
- Train counselors on the FAFSA provisions
- **Students must be unaccompanied and homeless at the time they complete the FAFSA in order to obtain ISS status**
- Changes in living situation/homeless or unaccompanied youth status require updates to the FAFSA application

www.theotx.org

Slide 76

76

New Provisions/Legislation

Slide 77

77

TEC 37.005 (HB 692)

HB692 requires alternatives for out-of-school suspension for homeless students.

Beginning with the 2019-2020 School Year:

- A student who is homeless may not be placed in out-of-school suspension.
- The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless.

www.theotx.org

Slide 78

78

SB 1974

SB 1974 addresses the issuance of a driver's license, personal identification certificate, or birth record to a homeless individual.

On request of a homeless individual, the state registrar, a local registrar, or a county clerk shall issue, without fee, a certified copy of the individual's birth record to the individual.

The department shall:

- (1) adopt a process to verify a person's status as a homeless individual; and
- (2) prescribe the documentation necessary.

The department may not require a homeless individual to provide a physical address of the individual's residence.

www.theotx.org

Slide 79

79

Resources and Contact Information

Slide 80

80

Technical Assistance and Resources

National Center for Homeless Education (NCHE)

Helpline: 800-308-2145 or homeless@serve.org
<http://ncche.ed.gov>

SchoolHouse Connection

202-364-7392
<https://www.schoolhouseconnection.org/>

Texas Education for homeless Children and Youth (TEHCY) Program Support Center

800-446-3142 in Texas
<http://www.theotx.org/>

Slide 81

81

About SchoolHouse Connection

SchoolHouse Connection works to overcome homelessness through education. SHC provides strategic advocacy and technical assistance in partnership with schools, early childhood programs, institutions of higher education, service providers, families, and youth.

- Website: <http://www.schoolhouseconnection.org>
- Federal and state policy advocacy
- Q&A from our inbox
- Webinars and implementation tools
- Youth leadership and scholarships



www.theotx.org

Slide 82

82

Education Leads Home: A National Campaign Building Stronger Futures for Homeless Students

- Young children will participate in quality early childhood programs at the same rate as their housed peers by 2026.
- High school students will reach a 90 percent *graduation* rate by 2030.
- Post-secondary students will reach a 60 percent post-secondary attainment rate by 2034.



www.educationleadshome.org

www.theotx.org

Slide 83

83

THANK YOU!

Contact Information

Tim Stahlke
Education Consultant

tstahlke@utexas.edu

512-970-2629

www.theotx.org

Slide 84

84

Fact Sheet

Who is homeless?**(42 U.S.C. § 11434a(2))**

The term “homeless children and youth”–

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

(B) includes–

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; 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 ...

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

This document was collaboratively developed by:

National Association for the Education of Homeless Children and Youth (NAEH CY)–512-475-8765–
www.naehcy.org

National Center for Homeless Education (NCHE)–800-308-2145–
www.serve.org/nche

National Coalition for the Homeless (NCH)–202-737-6444 ext. 18–
www.nationalhomeless.org

National Law Center for Homelessness and Poverty (NLCHP)–202-638-2535–
www.nlchp.org

National Network for Youth (NN4Y)–202-783-7949–www.NN4Youth.org

Revised by THEO: August 2017

WHO IS HOMELESS?

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.; hereafter the McKinney-Vento Act), reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (ESSA), ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

Key Provisions

- ❑ The term “homeless” is broadly defined by the McKinney-Vento Act’s Education for Homeless Children and Youth Program, as quoted at left.
- ❑ The term “unaccompanied youth” includes youth in homeless situations who are not in the physical custody of a parent or guardian.
- ❑ Preschool children, migrant children, and youth whose parents will not permit them to live at home or who have run away from home (even if their parents are willing to have them return home) are considered homeless if they fit the definition.

Homelessness is a lack of permanent housing resulting from extreme poverty, or, in the case of unaccompanied youth, the lack of a safe and stable living environment. Over 1.35 million children and youth experience homelessness in a year.¹ Families are the fastest-growing segment of the homeless population in the United States, accounting for approximately 40 percent of those in homeless situations.² Two trends are largely responsible for the rise in family homelessness over the past 15–20 years: a growing shortage of affordable rental housing and a simultaneous increase in poverty. There is an increasing gap between income and housing costs for low-income individuals. For example, a minimum-wage worker cannot afford the Fair Market Rent for housing in any jurisdiction in the United States.³

For the first time since the recession, U.S. household income increased significantly during 2015. However, millions of people continue to struggle economically. Household income for the poorest 10% of households remains 6% lower today than in 2006. The lack of affordable housing and the limited scale of housing assistance programs contributes to the current housing crisis and to homelessness. The affordable housing deficit has led to high rent burdens, overcrowding, and substandard housing. These factors have forced many people to become homeless with a growing number of people at risk of becoming homeless.⁴

The primary causes of homelessness among unaccompanied youth are physical and sexual abuse by a parent or guardian, neglect, parental substance abuse, and family conflict.

Children and youth in homeless situations often do not fit society’s stereotypical images. For example, many children who are homeless are very young; in fact, over 40 percent of children living in homeless shelters are under the age of five.⁵ In addition, emergency shelters in urban areas cannot meet the rising need for temporary housing, turning away 52 percent of all requests for emergency shelter by families. Rural areas often have no shelters at all.⁶

continued on reverse

Who Is Homeless? (continued)

As a result of the lack of shelter, most students in homeless situations share housing with friends or relatives, stay in motels or other temporary facilities, or live on the streets, in abandoned cars, and in woods and campgrounds. Of the children and youth identified as homeless by State Departments of Education in FY2000, only 35 percent lived in shelters, 34 percent lived doubled-up with family or friends, and 23 percent lived in motels and other locations.⁷ Yet, these children and youth may not immediately be recognized as homeless and are sometimes denied the protections and services of the McKinney-Vento Act. Therefore, the Act now contains a specific definition of homelessness that includes a broad array of inadequate living situations. This definition can help educators, families, and youth understand who is entitled to the Act's protections.

The issue brief entitled "Identifying Students in Homeless Situations" provides strategies to locate and serve children and youth living in a variety of homeless situations. Consult other issue briefs in this series for legal provisions and implementation strategies to ensure children and youth in homeless situations can select their school, enroll in school immediately, access transportation services, have disputes resolved quickly, and access Title I services.

Endnotes

All definitions are contained, exactly as written here, in McKinney-Vento Act Sec. 725(2); 42 U.S.C. 11434a(2).

"Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.... Throwaway children or youth (i.e. those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations." U.S. Department of Education Preliminary Guidance for the Education for Homeless Children and Youth Program, Title VII, Subtitle B (June 1995), 22-3.

Footnotes

¹ Burt, M. & Laudan, A. *America's Homeless II: Populations and Services*, The Urban Institute, 2000.

² U.S. Conference of Mayors. *A Status Report on Hunger and Homelessness in America's Cities: 2001*.

³ National Low Income Housing Coalition. *Out of Reach*, 2001. www.nlihc.org/2001

⁴ National Low Income Housing Coalition. *The Gap Report 2017*. <https://nlihc.org>

⁵ Interagency Council on the Homeless. *Homelessness: Programs and the People They Serve*, Summary Report. December 1999.

⁶ U.S. Conference of Mayors. *A Status Report on Hunger and Homelessness in America's Cities: 2001*

⁷ U.S. Department of Education. *Education for Homeless Children and Youth Program Report to Congress, 2000*.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in Texas and to obtain contact information for the liaison in your district, please contact:



TEXAS HOMELESS EDUCATION OFFICE

The University of Texas at Austin
Charles A. Dana Center

3925 W. Braker Lane, Suite 3.801
www.utdanacenter.org/theo

Austin, TX 78722
1-800-446-3142

Local contact information:



National Center for Homeless Education
Supporting the Education of Children and
Youth Experiencing Homelessness
<http://nche.ed.gov>



BEST PRACTICES IN HOMELESS EDUCATION BRIEF SERIES

Determining Eligibility for McKinney-Vento Rights and Services

This NCHE brief

- explores in detail the definition of *homeless* included in Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, and
- provides a step-by-step guide for making determinations of McKinney-Vento eligibility on a case-by-case basis.

INTRODUCTION

Children and youth experiencing homelessness face unique challenges in accessing and succeeding in school. Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter *the McKinney-Vento Act*), establishes the definition of *homeless* used by U.S. public schools, and the educational rights to which children and youth experiencing homelessness are entitled. For schools to be able to provide services to students in homeless situations, they first must be able to identify these students. To this end, an effective understanding of the McKinney-Vento definition of *homeless* is a key first step to ensuring the delivery of needed supports to some of our nation's most vulnerable students.

McKINNEY-VENTO DEFINITION OF HOMELESS 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...;
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. migratory children...who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

This brief provides local homeless education liaisons¹ (hereafter *local liaisons*) and other school personnel with an in-depth understanding of the McKinney-Vento definition of *homeless*. The brief also outlines a step-by-step process for making determinations of McKinney-Vento eligibility on a case-by-case basis. Briefs on additional homeless education topics are available at <http://center.serve.org/nche/briefs.php>.

GENERAL CONSIDERATIONS WHEN DETERMINING ELIGIBILITY

When making determinations of McKinney-Vento eligibility, the most important and fundamental step is to familiarize yourself with the Act's definition of *homeless*, paying close attention to legislative wording. Key legislative phrases may provide needed clarity when evaluating whether a particular child's or youth's living arrangement meets the definition. In addition, NCHE recommends the following considerations when determining eligibility:

Remember to make determinations on a case-by-case basis, considering what is known about each individual child's or youth's circumstances.

Understand that some cases will be clear-cut and lend themselves to easy determinations, while others may require further inquiry and a more nuanced analysis. Requests for additional information from parents, guardians, or unaccompanied youth should be conducted privately and diplomatically.

Remember that under the McKinney-Vento Act, the local liaison is charged with ensuring that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies [42 U.S.C. § 11432(g)(6)(A)(i)]. As such, while the Act establishes the need for a collaborative approach to identifying eligible students, the local liaison maintains the final authority for making determinations. Local liaisons in some districts, particularly those with large student bodies, may choose to appoint and train school-level points of contact to assist with determining eligibility. It is important to speak with the local liaison in your district to determine what steps you should take should you come into

¹ The McKinney-Vento Act requires school districts to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local liaison to carry out the duties described in the Act. [42 U.S.C. § 11432(g)(1)(J)(ii)].

UNACCOMPANIED YOUTH EXPERIENCING HOMELESSNESS

While unaccompanied students are not referenced specifically in the McKinney-Vento definition of *homeless*, unaccompanied children and youth whose living arrangements meet the McKinney-Vento definition of homeless are eligible for services under the Act. The term *unaccompanied youth* is defined in the Act as "a homeless child or youth not in the physical custody of a parent or guardian" [42 U.S.C. § 11434a(6)]. For more information on serving unaccompanied youth under the McKinney-Vento Act, download *Supporting the Education of Unaccompanied Students Experiencing Homelessness* at <http://nche.ed.gov/briefs.php>.

contact with a student you believe might be experiencing homelessness.

A STEP-BY-STEP PROCESS

STEP 1: GET THE FACTS

The first step in determining McKinney-Vento eligibility is gathering information about the child's or youth's situation. To this end, NCHE recommends the following strategies:

Use a housing questionnaire that asks about the child's or youth's living arrangement as part of your district's enrollment paperwork. If the questionnaire indicates that the student might be experiencing homelessness, refer the questionnaire to the school point-of-contact or local liaison for next steps. For sample housing questionnaires that can be tailored for use in your district, visit http://center.serve.org/nche/ibt/sc_eligibility.php.

Avoid using the word "homeless" on school forms and in conversation with families or youth. Many families or youth would not want to be called "homeless" due to the stigma that may be associated with the term. Further, families or youth may not consider themselves homeless even though their living arrangement meets the definition.

If additional information is needed, explain to the family or youth that you are requesting this information to help

you determine whether the child or youth would be eligible for additional supports. Conduct this conversation in a private space and in a diplomatic manner, understanding that these conversations are very personal for the family or youth.

Refrain from contacting people or agencies outside the school system to seek more information about the family's or youth's situation. Information about the living arrangement of a child or youth experiencing homelessness is considered to be part of the student's education record and, as such, is covered by the privacy protections included in the Family Educational Rights and Privacy Act (FERPA) [42 U.S.C. § 11432(g)(3)(G)].

STEP 2: ANALYZE THE FACTS.

Now that you have gathered needed information, the next step is to determine whether the child's or youth's living arrangement meets the McKinney-Vento definition of homeless (see the [McKinney-Vento Definition of Homeless sidebar](#)). To make a determination of homelessness, consider whether the student's living arrangement fits into one of the specific examples listed in the definition. If not, consider whether the student's living arrangement, although not mentioned explicitly in the law, would be considered homeless because it is not fixed, regular, and adequate. See [Appendix A: A Guide for Determining McKinney-Vento Eligibility](#) for more information on walking through this process.

STEP 3: SEEK ADDITIONAL INPUT, AS NEEDED.

If, after gathering and analyzing available information, you still are not sure if a child or youth should be considered McKinney-Vento eligible, consider consulting with

the local liaison in your district (if you are not your district's local liaison) or in the neighboring district (if you are the local liaison and have a collegial relationship with neighboring liaisons).

the State Coordinator for Homeless Education in your state. Visit http://center.serve.org/nche/states/state_resources.php for contact information.

the National Center for Homeless Education helpline. Contact 800-308-2145 or homeless@serve.org.

CONFIRMING MCKINNEY-VENTO ELIGIBILITY

In the process of determining McKinney-Vento eligibility, school districts may encounter instances where they believe it may be necessary to take steps to confirm information provided about a child's or youth's living arrangement. In these cases, districts must ensure that all such efforts are reasonable, grounded in discretion and sensitivity, and in keeping with the mandates of the Family Educational Rights and Privacy Act (FERPA). For more information, download Confirming Eligibility for McKinney-Vento Services at <http://nche.ed.gov/briefs.php>.

Finally, remember that determining eligibility is only the first step in providing students in homeless situations with needed supports, as required by the McKinney-Vento Act. Once your district determines that a child or youth is McKinney-Vento eligible, the district and school should provide all rights and services required by law. Visit the NCHE website at <http://nche.ed.gov> for more information.

REFERENCES

- adequate. 1969. In *Ballentine's Law Dictionary* (3rd ed.). Retrieved from <http://citizenlaw.com/pdf/a.pdf>
- adequate. 2015. In *Merriam-Webster.com*. Retrieved from <http://www.merriam-webster.com/dictionary/adequate>
- domicile. 1969. In *Ballentine's Law Dictionary* (3rd ed.). Retrieved from <http://citizenlaw.com/pdf/d.pdf>
- Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter70&edition=prelim>
- fixed. 2015. In *Merriam-Webster.com*. Retrieved from <http://www.merriam-webster.com/dictionary/adequate>
- inhabitant. 1969. In *Ballentine's Law Dictionary* (3rd ed.). Retrieved from <http://citizenlaw.com/pdf/i.pdf>

regular. 1969. In *Ballentine's Law Dictionary* (3rd ed.). Retrieved from <http://citizenlaw.com/pdf/r.pdf>

regular. 2015. In *Merriam-Webster.com*. Retrieved from <http://www.merriam-webster.com/dictionary/adequate>

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapterubchapter6/partB&edition=prelim>

U. S. Department of Education. (2017). *Education for Homeless Children and Youths Program non-regulatory guidance*. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>

APPENDIX A: A GUIDE FOR DETERMINING MCKINNEY-VENTO ELIGIBILITY

When determining eligibility for McKinney-Vento rights and services, it helps to follow an orderly process. Once needed information about a student's circumstances has been gathered, consider whether the student would be considered homeless because the student's living arrangement fits into one of the specific examples listed in the McKinney-Vento Act's definition of *homeless*. If not, would the student be considered homeless because his or her living arrangement, although not mentioned explicitly in the law, is not fixed, regular, and adequate?

DOES THE STUDENT'S LIVING ARRANGEMENT FIT INTO ONE OF THE SPECIFIC EXAMPLES LISTED IN THE MCKINNEY-VENTO ACT'S DEFINITION OF HOMELESS?

To determine whether a student's living arrangement is mentioned specifically in the definition of homeless, it is helpful to consider the definition phrase by phrase.

Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason

Sharing the housing of other persons implies that the family or youth is staying in someone else's housing. Questions to help determine if this is the case include:

Is the family or youth living in someone else's residence as an urgent measure to avoid being on the street or in another precarious situation?

Where would the family or youth live if not sharing someone else's housing?

Does the family or youth have a legal right to be in the residence?

Can the family or youth be asked to leave at any time with no legal recourse?

Due to loss of housing implies that the family or youth has no personal housing available. Did the family or youth lose their previous housing due to

an eviction or an inability to pay the rent, mortgage, and/or other bills?

destruction of or damage to the previous housing?

abuse or neglect (such as in the case of a youth who leaves or is asked to leave the home)?

an inadequate or hazardous physical environment caused by infestations, drug or alcohol abuse, domestic violence, or some other unsafe or untenable circumstance?

the absence of a parent or guardian due to abandonment, death, incarceration, or a similar reason?

Economic hardship implies that limited financial resources have forced the family or youth to leave personal housing due to an inability to pay the rent, mortgage, and/or other bills, and share someone else's housing. The way that the shared housing came about and the intention of the residents are significant. Has the family or youth been forced to share someone else's housing due to economic hardship caused by an accident or illness, the loss of employment or public benefits, or a similar reason?

Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations

The phrase *due to the lack of alternative adequate accommodations* can help determine whether the named living situations would meet the definition of homeless.

Most families or youth living motels, hotels, or camping grounds are likely to be considered homeless, as these arrangements are rarely fixed, regular, and adequate, or intended to serve as a permanent residence; however considering whether alternative adequate accommodations are available can help identify possible exceptions.

Most trailers would be considered fixed, regular, and adequate residences; however asking questions about the condition and size of the trailer, the number of people living there, the intended length of stay, and whether the family or youth needs and has an adequate alternative accommodation available can help identify possible exceptions. For further consideration, see the discussion of substandard housing below.

Living in an emergency or transitional shelter

Children and youth living in emergency or transitional shelters are considered homeless. This includes children and youth living in youth shelters, family shelters, domestic violence shelters, and transitional living programs.

Abandoned in hospitals

This portion of the definition is largely self-explanatory.

Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings

This portion of the definition is largely self-explanatory.

Living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting

This portion of the definition also is largely self-explanatory, with the exception of “substandard housing”. While the law does not define this phrase, the U.S. Department of Education includes the following considerations for determining substandard housing in Question A-3 of its *Education for Homeless Children and Youths Program Non-Regulatory Guidance* (2017). In considering whether a living arrangement would be considered substandard, districts may consider whether the arrangement

lacks one of the fundamental utilities, such as water, electricity, or heat;

is infested with vermin or mold;

lacks a basic functional part, such as a working kitchen or toilet; or

may present unreasonable dangers to adults, children, or persons with disabilities.

Further, the *Guidance* states that standards for adequate housing may vary by locality, underscoring the need to consider housing within the context of broader community norms and local or state building codes.

Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)

Migrant children, as defined by the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act [20 U.S.C. § 6399(3)], are mentioned specifically in the definition of homeless, as migrant families often live in conditions of poverty and may not be able to afford fixed, regular, and adequate housing. Migrant children and youth, however, are not categorically McKinney-Vento eligible; rather they are eligible to the extent that their living arrangement is one described in the Act’s definition of *homeless*. For more information, download *Migrant Students Experiencing Homelessness: Rights and Services under the McKinney-Vento Act* at <http://nche.ed.gov/briefs.php>.

IF THE STUDENT’S LIVING ARRANGEMENT DOES NOT FIT INTO ONE OF THE SPECIFIC EXAMPLES LISTED IN THE MCKINNEY-VENTO ACT’S DEFINITION OF HOMELESS, IS IT ANOTHER TYPE OF HOUSING THAT IS NOT FIXED, REGULAR, AND ADEQUATE?

If the student’s living arrangement does not fit any of the specific situations listed in the law, the student still might be considered McKinney-Vento eligible if he or she lives in housing that would not be considered fixed, regular, and adequate. While the statute does not define these terms, the following working definitions may be helpful.

Fixed

placed or attached in a way that does not move easily (Merriam-Webster.com)

securely placed or fastened (Merriam-Webster.com)

not subject to change or fluctuation (Merriam-Webster.com)

Inhabitant

one who, although he may not be a citizen, dwells or resides in a place permanently or has a *fixed* [emphasis added] residence therein, as distinguished from an occasional lodger or visitor (Ballentine’s Law Dictionary)

Domicile

the place where a person has his true *fixed* [emphasis added] permanent home and principal establishment, and to which place he has, whenever he is absent, the intention of returning, and from which he has no present intention of moving (Ballentine’s Law Dictionary)

Regular

happening over and over again at the same time or in the same way; occurring every day, week, month, etc. (Merriam-Webster.com)

recurring, attending, or functioning at fixed, uniform, or normal intervals (Merriam-Webster.com)

conforming to an established rule, principle, or custom (Ballentine’s Law Dictionary)

consistent; following a fixed procedure or schedule; acting or happening at uniform intervals (Ballentine’s Law Dictionary)

Adequate

sufficient for a specific requirement (Merriam-Webster.com)

fully sufficient; equal to what is required; lawfully and reasonably sufficient (Ballentine’s Law Dictionary)

This brief was developed by:
National Center for Homeless Education
800-308-2145 | homeless@serve.org
<http://nche.ed.gov>

Updated August 2017

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE is supported by the U.S. Department of Education's Office of Safe and Healthy Students. The contents of this brief were developed under a grant from the Department; however, these contents do not necessarily reflect the views or policies of the Department.



Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals oversee the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://nche.ed.gov/states/state_resources.php.

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 (toll-free) or homeless@serve.org.

Local Contact Information:

Enter local contact information here

SCENARIOS TO ASSIST WITH MCKINNEY-VENTO ELIGIBILITY AND UNACCOMPANIED YOUTH DETERMINATIONS

The McKinney-Vento Homeless Education Assistance Improvements Act (MV) defines both homeless status and unaccompanied youth status. These two separate designations exist independent of each other, although they can occur simultaneously. In other words, not all homeless students are unaccompanied youth and not all unaccompanied youth are homeless.

The Texas Education Agency (TEA) defines an unaccompanied youth as a youth under age 21 on September 1 of the current school year who is not in the physical custody of a parent or legal guardian. (Under age 22 for a student in special education.)

The chart below reviews some common situations that occur for which the school district must determine MV eligibility and/or unaccompanied youth status for a student. An “X” has been placed under each column heading that applies to the student’s designation for each of the scenarios. For each scenario there are four (4) possible outcomes in this chart: (1) the student is only MV eligible; (2) the student only meets the criteria for an unaccompanied youth; (3) the student meets the criteria for both MV and unaccompanied youth designations; and (4) the student does not meet the criteria for either MV or unaccompanied youth designations, in which case there will not be an “X” in either box.

The “answer” to each of the scenarios is given in **bold text** following the scenario.

Please Note:

- Each situation that presents itself with a student must be assessed by taking into account all the information presented. Not all situations will fit neatly within the scenarios described in the chart below.
- All of the scenarios reviewed in the chart below assume that the students in question are under age 21 as of September 1 of the school year in which they are enrolling.
- For PEIMS purposes, a student is coded as an unaccompanied youth under the Unaccompanied Youth Indicator **ONLY if the student is also homeless**. Unaccompanied youth who **ARE NOT HOMELESS** are not tracked in PEIMS.

Student Scenario	MV Eligible	Unaccompanied Youth Status
A student is living with his parent or legal guardian in a fixed, regular, and adequate nighttime residence.		
A student is not living with a parent or legal guardian. This student lives with a grandparent with whom he has lived for a number of years and the grandparent intends to raise him. The home is fixed, regular, and adequate, and intended to be a nighttime residence. (The grandparents do not have legal custody. The student, after a number of years, is no longer considered MV, doubled-up, because he is stably housed.)		X

SCENARIOS TO ASSIST WITH MCKINNEY-VENTO ELIGIBILITY AND UNACCOMPANIED YOUTH DETERMINATIONS

A student is not living with a parent or legal guardian. This student lives with a grandparent with whom he has lived for a few months and the grandparent is not sure how long he will be able to stay. The home is fixed, regular, and adequate and intended to be a nighttime residence. (The grandparents do not have legal custody. The student has newly come to stay, and the stability of housing is uncertain. He is MV, doubled up.)	X	X
A student is not living with a parent or legal guardian. This student lives with a grandparent with whom he has lived for a number of years and the grandparent intends to raise him. The home is substandard and not adequate for human habitation. (The grandparent does not have legal custody. The housing is substandard, thus all students residing in the household are in a MV homeless situation.)	X	X
A student is living in an emergency shelter or transitional living situation with his parent. (The student is not unaccompanied as he is with his parent, but is living in a MV eligible situation.)	X	
A student is living in an emergency shelter or transitional living situation <i>without</i> his parent or legal guardian. (This student is living in a MV eligible situation, and is unaccompanied since he is not with a parent or legal guardian.)	X	X
A student is placed by CPS into formal foster care. (A student in formal foster care is neither MV eligible nor unaccompanied.)		
A student is living with a friend or relative with whom his parent or legal guardian has made arrangements for him to live and is supportive of the living arrangement. The housing is fixed, regular, and adequate and is intended to be a nighttime residence. (The student is unaccompanied because he is not living with his parent or legal guardian, but he is not living in a MV eligible situation because the student did not lose his housing and the living situation is fixed, regular, and adequate.)		X

SCENARIOS TO ASSIST WITH MCKINNEY-VENTO ELIGIBILITY AND UNACCOMPANIED YOUTH DETERMINATIONS

A student is living with a relative with whom his parent or legal guardian has made arrangements for him to live and is supportive of the living arrangement. The parent has given the relative a “power of attorney”, or “affidavit of guardianship” that is notarized. The housing is fixed, regular, and adequate and is intended to be a nighttime residence. (The student is unaccompanied because he is not living with his parent or legal guardian, but is not in a MV eligible situation as the student did not lose his housing and the housing is fixed, regular, and adequate. A “power of attorney” or “affidavit of guardianship” does not convey legal guardianship. Legal guardianship is a court process.)		X
A student is placed in a Residential Treatment Center (RTC), or a neglected/delinquent center (N or D). (A student who is a ward of the state and placed by the state entity is not unaccompanied, nor MV eligible.)		
A student is in CPS court-ordered custody, placed in an emergency shelter or transitional living program (TLP). (The student is not unaccompanied as he has been placed by his legal guardian, CPS. He is MV eligible as he is living in an emergency shelter or TLP.)	X	
A student was pushed out of his/her home, is not living with a parent or legal guardian, and staying with a friend or other relative (doubled-up) or moving from place to place (couch surfing). (The student is MV eligible, doubled-up, and is unaccompanied since he is not living with a parent or legal guardian.)	X	X
A student left home without permission (for whatever reason: abuse, neglect, doesn't like the rules, runaway, etc.) is living doubled-up with a friend or relative who does not have legal guardianship of the student. (The student is MV eligible, doubled-up, and is unaccompanied since he is not living with a parent or legal guardian.)	X	X

SCENARIOS TO ASSIST WITH MCKINNEY-VENTO ELIGIBILITY AND UNACCOMPANIED YOUTH DETERMINATIONS

A student left home without permission. She has just moved in with her boyfriend and his parents in a fixed, regular, and adequate nighttime residence. (The student is MV eligible, doubled-up. The student is also an unaccompanied youth since she is not with her parent or legal guardian.)	X	X
A student “chooses” to leave home and is staying with various friends. (The student is MV eligible because he is living in a doubled-up, couch-surfing situation. A runaway or “kicked-out” student is MV eligible based on his/her living situation and NOT whether the student “chose” to leave home. The student is unaccompanied since he/she is not in the physical custody of a parent or legal guardian.)	X	X
A student chooses to leave home. He has a job and has his own apartment that is fixed, regular, and adequate, and it is meant to be a nighttime residence. (The student is in his own home and is not MV eligible. The student is unaccompanied, as he is not with a parent or legal guardian.)		X
A student’s parents die and an aunt and uncle move in to the student’s house which is fixed, regular, and adequate, and the aunt and uncle intend to remain there until the student has graduated. (The student is in his own home so he is not MV eligible since he did not lose his housing. He is unaccompanied because the aunt and uncle are not his legal guardians.)		X
A student is abandoned by her parent in July. In August she enrolls in school, and in September is staying with a relative in a fixed, regular, and adequate nighttime residence. The relative intends to keep her until she graduates. (The student was identified as homeless and remains identified as a homeless student for the duration of the school year even though she has become permanently housed.)	X	X

SCENARIOS TO ASSIST WITH MCKINNEY-VENTO ELIGIBILITY AND UNACCOMPANIED YOUTH DETERMINATIONS

A student in the third grade has come to live with her aunt because her mother was just arrested. The aunt's home is fixed, regular, adequate, and meant to be a nighttime residence. (There is no minimum age limit for an unaccompanied youth. The student is unaccompanied because she is not with a parent or legal guardian. This child is MV eligible, doubled-up, as the living situation is very recent and might not last.)	X	X
A student in the first grade has lived with her aunt for a number of years because her mother is in prison. Her aunt intends to keep the child until the mom gets out after a five-year sentence and perhaps beyond that. The aunt's home is fixed, regular, adequate, and meant to be a nighttime residence. (There is no minimum age for an unaccompanied youth. The student is unaccompanied because she is not with a parent or legal guardian. The living situation is not a MV eligible situation since it has been stable for a period of time, and is intended to continue.)		X
A student is married and living with his wife's parents because his parents refuse to allow him home. (Marriage does not remove unaccompanied youth status. A student is considered an unaccompanied youth if he/she is not in the physical custody of a parent or legal guardian and is under the age of 21. The student is MV eligible, doubled up.)	X	X
A student is a parent of a 4-year-old child. Both the student and the child live with the teen's aunt because the student's parents kicked her out. What is the status of the student/teen parent? (Parenthood does not remove unaccompanied youth status. Student is unaccompanied since she is not with a parent or legal guardian. The student is MV eligible, doubled-up.) What is the status of the four-year -old pre-K child? (This child is MV eligible, doubled-up. The child is not unaccompanied as she is with her parent.)	X X	X

This page
intentionally left
blank.

School Selection Provisions for Students in Homeless Situations from the McKinney-Vento Act and the Texas Education Code

Two laws govern school selection and school of origin determinations in Texas: Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) and the Texas Education Code §25.001(b)(5).

The McKinney-Vento Act

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) affords students experiencing homelessness the selection of one of two campuses where he or she may attend school. A child or youth experiencing homelessness may either continue in the school of origin or may enroll in the local attendance zone school where they are actually living while homeless.

School of Origin

The school of origin is defined in the McKinney-Vento Act as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. In some situations, a child or youth experiencing homelessness could have two schools that meet the school of origin definition simultaneously. The school the child or youth attended when they became homeless and the last school the child or youth attended could both be considered a school of origin for some students. In these circumstances, a student would have a choice among three schools:

1. The school they were attending when they became homeless;
2. The last school they attended; and
3. The local attendance zone school to which they are assigned based on where they are actually living.

School of origin provisions in the reauthorized McKinney-Vento Act extend to children who are in Prekindergarten, as well as to children and youth who leave a campus due to a grade promotion (e.g., elementary to middle school).

The receiving school would become the school of origin, replacing the feeder school the student attended previously.

Child's Best Interest

The McKinney-Vento Act presumes that it is in a child's best interest to remain stable in the school of origin. In determining the child's or youth's best interest, student-centered factors should be considered related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth. If the student is an unaccompanied youth, the homeless liaison shall assist in the placement or enrollment decisions and should consider the views of the unaccompanied youth.

If a district seeks to enroll the homeless student in a school other than the school of origin or the local attendance zone school as solicited by the parent or guardian or youth, the district must provide a written explanation to the family or unaccompanied youth, including information regarding the right to appeal this decision.

In order to make an informed decision about what is in the child's or youth's best interest, all parties involved need to consider the following:

- The impact of mobility on achievement, education, health, and safety of the child or youth;
- Intangible factors should be considered, such as a student's social network or the importance of stability and continuity in a child's or youth's education;
- The commute to the campus under consideration, both in terms of miles and travel time, and pick-up or drop-off times;

- The impact of transportation provision not only for compulsory attendance but also for the removal of barriers to the student's engagement in extra curricular activities;
- Whether a student remains at the school of origin or enrolls in the local attendance zone school might have implications for the student's eligibility to participate in sports (i.e., UIL eligibility);
- Maintaining enrollment for a homeless student in his or her school of origin is based solely on what is in the best interest of the student; and
- What serves the best interest of the student takes precedence over any other district considerations.

Consult the [Checklist for McKinney-Vento School Selection Considerations](#) document. This checklist will assist district staff and parents (or an unaccompanied youth) in making the decision of whether a child or youth should attend the school of origin or the local attendance zone school.

Duration of Services

Both federal and state provisions regarding school selection extend for the entire duration of the family's or youth's homelessness. If a homeless child or youth becomes permanently housed before the end of the school year, he or she may continue to attend the school they were attending while homeless until the end of that school year.

The Texas Education Code

In addition to the Federal McKinney-Vento Act provisions, Texas has a specific state law that addresses the question of where children and

youth experiencing homelessness may enroll. The Texas Education Code (TEC) states that a school district shall enroll a person that is homeless, "regardless of the residence of that person or either parent of that person, or of the person's legal guardian or other person having lawful control of that person" [TEC §25.001(b)(5)]. If a student is homeless, he or she may enroll in any district in the State of Texas, regardless of where the student, the student's parent(s), or the student's guardian(s) reside. Under this provision of the TEC, the district assigns the campus that the student will attend.

Transportation

Federal law mandates transportation for homeless students to their school of origin or comparable transportation to their local attendance zone school. The TEC provision does not mandate any transportation services. School districts enrolling a homeless student under this district choice provision in the state law are not required to provide transportation for the student to the assigned campus. (Additional resources are available at: http://www.theotx.org/resource_type/transportation/)

Implications for Implementation

These two laws, TEC §25.001(b)(5) and the school selection provisions of the McKinney-Vento Act, offer different protections. TEC §25.001(b)(5) addresses the **district** in which a child or youth experiencing homelessness may enroll. The school selection provision of the McKinney-Vento Act concerns the specific **school campuses** that a child or youth experiencing homelessness may attend. The selection is only between the school of origin and the local attendance zone school where the child is residing.

For the complete federal statute pertaining to school selection provisions, see the **McKinney-Vento Homeless Assistance Act Sec. 722(g)(3); 42 U.S.C. 11432(g)(3)]**

Checklist for McKinney-Vento School Selection Considerations: School of Origin or Local Attendance Zone School?

School of Origin Considerations

- ☐ Continuity of instruction
The student is best served due to circumstances that look to his or her past.
- ☐ Age and grade placement of the student
Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation; the student has been in this environment for an extended period of time.
- ☐ Distance of the commute and its impact on the student's education or special needs
A lengthy commute may affect the student's concentration, attitude, or readiness for school; the advantages of the school environment outweigh the disadvantages introduced by the commute.
- ☐ Personal safety of the student
The school of origin has advantages for the safety of the student.
- ☐ Student's need for special instruction, such as Section 504 or special education and related services can be better met
- ☐ Length of anticipated stay in a temporary shelter or other temporary location
The student's current living situation is outside of the school of origin attendance zone but his living situation or location continues to be uncertain; the student will benefit from the continuity offered by attending school in the same location.
- ☐ Likely area of the family's or youth's future housing
Location of future housing is uncertain, could very well be in the school of origin community.
- ☐ Time remaining in the school year
There is only a short time left in the school year.
- ☐ School placement of siblings
Other siblings are attending this same campus or district.

Local Attendance Zone Considerations

- ☐ Continuity of instruction
The student is best served due to circumstances that look to his or her future.
- ☐ Age and grade placement of the student
Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation; the student has been in the new school of origin for only a brief time.
- ☐ Distance of the commute and its impact on the student's education or special needs
A shorter commute may help the student's concentration, attitude, or readiness for school; the local attendance zone school can offer all of the necessary educational and special needs resources for the student.
- ☐ Personal safety of the student
The local attendance zone school has advantages for the safety of the student.
- ☐ Student's need for special instruction, such as Section 504 or special education and related services can be better met
- ☐ Length of anticipated stay in a temporary shelter or other temporary location
The student's current living situation is within the school attendance zone and his living situation appears more stable and less likely to change suddenly; the student will benefit from the developing relationships with peers in school who live in his immediate community.
- ☐ Likely area of the family's or youth's future housing
Location of future housing is uncertain, could very well be in the attendance zone community.
- ☐ Time remaining in the school year
There is considerable time left in the school year.
- ☐ School placement of siblings
No other siblings are attending the school of origin campus.

School of Origin (continued)

- ☐ Student must meet all of the attendance criteria for school

Students experiencing homelessness are not exempt from the regular student provisions pertaining to tardiness or absences. Tardiness or absences are not likely to become a problem due to inconvenient pick-up times that may be needed to accommodate the distances/time needed to get to school.

- ☐ Student is able to participate in after-school tutoring or extra-curricular activities

School districts must remove any barriers to a student's participation in extracurricular activities, so consideration must be given to a student dependent upon school transportation so that he or she may be able to participate fully in these activities; some schools require students who are performing below standard to participate in after-school tutoring in order to be assured of promotion and other educational benefits.

- ☐ Parent is able to participate in parent-teacher organizations and in conferences with teachers to address their student's needs

Distance to school and access to transportation will not hinder a parent's ability to fully participate in the educational environment and experiences of the student; access to teachers and school activities will not be lessened.

- ☐ Administration of medicines or special care to students; access to parents in case of illness

Parents must decide if they will be able to meet the school requirements for dealing with the administration of medicines to a student or for picking up a student from school who is ill.

- ☐ Other considerations:

Local Attendance Zone (continued)

- ☐ Student must meet all of the attendance criteria for school

Tardiness and absences are likely to be minimal because of the lesser travel times required to get to school; pick-up times for the school bus are more convenient because of the proximity of the school.

- ☐ Student is able to participate in after-school tutoring or extra-curricular activities

Students proximity to the school will be less likely to negatively impact participation in after-school tutoring and extracurricular activities; student is more likely to participate in required after-school activities that could affect promotion or other educational benefits.

- ☐ Parent is able to participate in parent-teacher organizations and in conferences with teachers to address their student's needs

Distance to school and access to transportation is more likely to promote the parent's ability to fully participate in the educational environment and experiences of the student. Access to teachers and school activities is more likely to enhance the school experience for the student due to the proximity to school.

- ☐ Administration of medicines or special care to students; access to parents in case of illness

Proximity of school may make it easier to meet the school requirements for dealing with the administration of medicines to a student or for picking up a student from school who is ill.

- ☐ Other considerations:

Transportation for Students Experiencing Homelessness

The McKinney-Vento Homeless Assistance Act

Reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act, (42 U.S.C. § 11431 et seq.; hereafter the McKinney-Vento Act) guarantees rights and services to remove educational barriers for homeless children and youth. Transportation provisions are made according to the student's best interest and include a student's right to:

- Continue attending the school of origin, or
- Enroll in any public school within the residency zone.

School of Origin Transportation

To lessen the educational disruption caused by mobility, the McKinney-Vento Act provides students experiencing homelessness with the right to continue attending the school of origin which is the school that a child or youth attended:

- When permanently housed or the school in which the child or youth was last enrolled, including a preschool.
[42 U.S.C. § 11432(g)(3)(I)(i)]
- When a homeless child or youth completes the final grade level of the school of origin, the school of origin provision extends to the designated receiving school at the next grade level for all feeder schools.
[42 U.S.C. § 11432(g)(3)(I)(ii)]

Removal of Barriers

The intent of the McKinney-Vento Act is to remove barriers to educational access and success. Because students in homeless situations often experience challenges not faced by housed students, the provision of services to homeless students may need to extend beyond what is provided to housed students when barriers exist. [42 U.S.C. § 11432(g)(1)(I)]

Arranging Transportation

A child's or youth's transportation to and from the school of origin must be provided or arranged by the local education agency (LEA) in which the school of origin is located.
[42 U.S.C. § (g)(1)(J)(iii)(I)]

The LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs are unable to agree upon such a method, the responsibility and costs for transportation must be shared equally.
[42 U.S.C. § 11432(g)(1)(J)(iii)(II)]

Duration of Transportation

LEAs must provide transportation for the duration of the student's homelessness, even if the homelessness continues for more than one academic year. [42 U.S.C. § 11432(g)(3)(A)(i)]

LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year. [42 U.S.C. § 11432(g)(3)(A)(i)(II)]

Summer School

If summer school is required for a student to advance to the next grade or graduate, then school of origin transportation to summer school is required in the same manner as occurred during the regular school year.

Besides transportation to the school of origin, LEAs must provide homeless students with transportation comparable to that provided to housed students, even during the summer.
[42 U.S.C. § 11432(g)(4)(A)]

For situations that do not involve a school of origin, school districts are required to ensure

that homeless children and youth “...do not face barriers to accessing academic and extracurricular activities...”

[42 U.S.C. § 11432(g)(1)(F)(iii)]

Full Participation

Transportation arrangements should ensure that a homeless student is able to participate for the full school day, neither arriving late nor leaving before the school day has ended. Full participation includes removing barriers for full participation in extracurricular activities.

[42 U.S.C. § 11432(g)(1)(F)(iii)]

[42 U.S.C. § 11432(g)(5)(A)(ii)]

Plan Ahead

LEAs are better able to respond to McKinney-Vento eligible students in a timely and efficient manner through the creation of transportation plans and collaborative agreements between districts before the need for transportation arises.

Strategies for Creating Effective Transportation Plans

- Meet individually with neighboring LEAs or convene a meeting of area homeless liaisons and pupil transportation directors to establish a plan that can be implemented immediately for a homeless student
- Address issues of cost, responsibility, and logistics
- Prevent delays in a homeless student's school attendance by pre-planning transportation needs
- Develop a transportation database to facilitate transportation requests and help maintain records of McKinney-Vento students receiving transportation
- Determine if specialized bus routes need to be established

- Develop forms, such as homeless student transportation requests, parent agreements, and inter-district agreements that are easily accessible
- Maintain information about areas where homeless families may live such as shelters, hotels, motels, or campgrounds so that this information can be included with bus routes to help with short notice of changes in a student's living situation
- Adjust transportation plans, as necessary and in a timely manner, to accommodate the needs of highly mobile families and youth
- Encourage families and youth to notify the homeless liaison of any plans to move
- Designate a staff member who will serve as the point person to arrange transportation for McKinney-Vento students
- Ensure that parents can accompany young children to and from school if using public transportation
- Develop an auditable system of mileage reimbursements to parents or youth who are able and willing to drive to school
- Explore possibilities for volunteers, such as retirees, to provide transportation for students experiencing homelessness (if pupil transportation safety policies allow it, and driver background checks are conducted)
- Explore whether transportation services are required through other programs, such as when transportation is written into the student's Individual Education Plan (IEP) for special education

Ultimately, transportation services assist LEAs to increase homeless students' attendance and improve their educational outcomes, benefitting both students and LEAs.