

DETERMINING ELIGIBILITY FOR MCKINNEY-VENTO RIGHTS AND SERVICES



National Center for Homeless
Education

(800) 308-2145

homeless@serve.org



THE WEBINAR WILL BEGIN SHORTLY

GET TO KNOW NCHE...

- NCHE is the U.S. Department of Education's homeless education technical assistance and information center
- NCHE has:
 - A comprehensive website: www.serve.org/nche
 - A toll-free helpline: Call 800-308-2145 or e-mail homeless@serve.org
 - A listserv: visit www.serve.org/nche/listserv.php for subscription instructions
 - Free resources : Visit www.serve.org/nche/products.php



SESSION OUTLINE

- **The Definition:** Who is considered *homeless* under the McKinney-Vento Act?
- **The Process:** How do we apply the M-V definition to real-life situations?
- **The Application:** What would you do in this situation?

This presentation is based on NCHE's *Determining Eligibility for Rights and Services Under the McKinney-Vento Act* at www.serve.org/nche/downloads/briefs/det_elig.pdf.

LAYING THE GROUNDWORK

- McKinney-Vento eligibility is determined on a case-by-case basis by examining the living arrangement of each student.
- Some instances will be clear-cut; others will require further inquiry and then a judgment call.
- If the living arrangement does not meet all three criteria (*fixed, regular, and adequate*), it likely will be considered a homeless situation.
- The examples of homeless situations listed in the definition address some of the more common situations of homelessness; the list of examples is not exhaustive.

“WHAT IF WE DISAGREE?”

- If there is a disagreement about whether the student meets the McKinney-Vento definition of a homeless child or youth (*between the parents/youth and the school*), the state’s dispute resolution process should be followed.



“WHAT IF WE DISAGREE?”

- Under the dispute resolution process:
 - The school district must provide written notice of its position and inform the parent/guardian/unaccompanied youth of the right to appeal the district’s decision
 - The parent/guardian/unaccompanied youth should be referred to the local liaison for assistance with the appeal process.
 - The student must be enrolled immediately in the requested school; enrollment must continue until the dispute is resolved.
 - The student must be provided with all services to which McKinney-Vento eligible students are entitled (*e.g. transportation, Title I services, free meals*).

THE DEFINITION

- Individuals who **lack a fixed, regular, and adequate nighttime residence**, including



- Sharing the housing of other persons *due to loss of housing, economic hardship, or a similar reason*
- Living in motels, hotels, trailer parks, or camping grounds *due to the lack of alternative adequate accommodations*
- Living in emergency or transitional shelters
- Awaiting foster care placement

THE DEFINITION (CONT)

- 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
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the circumstances described above
- Unaccompanied youth living in the circumstances described above

(1)

STEP 1: GET THE FACTS

- Use an enrollment questionnaire for all students; this will assist with identifying eligible students. (See http://center.serve.org/nche/ibt/sc_eligibility.php for sample questionnaires)
- If the form indicates a possible homeless situation, refer to the local liaison to determine eligibility.
- Discuss the living arrangement with the family/student in a private place and with sensitivity.
- Ask additional questions respectfully, as needed. (*these are often very personal discussions for the family*)

What are the FACTS?

STEP 1: GET THE FACTS (CONT)

- Avoid using the word “homeless”: some families may want to avoid the stigma; others may not consider themselves homeless and yet they might be eligible.
- Inform the family about your reason for asking questions - to determine potential eligibility
- Family Educational Rights and Privacy Act (FERPA): Avoid contacting persons outside the school system to probe for more information; see NCHE’s *Confirming Eligibility* brief at www.serve.org/nche/downloads/briefs/verif_11.pdf

STEP 2: ANALYZE THE FACTS (2)

- Does the student's living arrangement fit into one of the examples of homelessness in the law?
- If not, would the student qualify for services because he/she lives in another type of living arrangement that does not meet the fixed, regular, and adequate standard?
- Use the information/questions contained in the *Determining Eligibility* brief to assist in answering these questions.

(3) STEP 3: CALL FOR BACK-UP

- Contact your State Coordinator for Homeless Education; visit www.serve.org/nche/states/state_resources.php
- Contact the NCHE Helpline at 800-308-2145 or homeless@serve.org



FIXED, REGULAR, AND ADEQUATE

■ Working definitions:

- **Fixed:** Stationary, permanent, and not subject to change
- **Regular:** Used on a predictable, routine, or consistent basis (*e.g. nightly*); consider the relative permanence of the living arrangement
- **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

Can the student go to the SAME PLACE (fixed) EVERY NIGHT (regular) to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?

“STUMPERS”: DOUBLED-UP



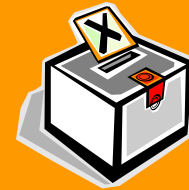
- Legislative wording: “Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason”
- Questions:
 - Why did the parties move in together? Crisis or by mutual choice as a plan for mutual benefit?
 - How permanent is the living arrangement intended to be?
 - Where would the party live if not doubling up?
 - Is the living arrangement fixed, regular, and adequate?

STUMPERS: DOUBLED-UP (*CONT*)

- Common questions:
 - Are all shared housing arrangements automatically considered homeless?
 - Is there a limit on how long a doubled-up child should be considered homeless?
 - Are both doubled-up parties homeless?
- Common practice: Revisit homeless situations at the beginning of each school year



ELIGIBLE OR NOT?



Sharon and her daughter, Jessica, showed up mid-year at your school to enroll Jessica, saying they've just moved in with Sharon's parents, who live in the area. Would you qualify Jessica for McKinney-Vento?

- Eligible? (POLL)
- If you responded, "I need more information", what additional information do you need?
- Additional questions?

STUMPERS: “AWAITING FOSTER CARE PLACEMENT”

- US ED Non-Regulatory Guidance, Question G-10
(available at <http://www2.ed.gov/programs/homeless/guidance.pdf>)
 - Awaiting foster care placement = homeless
 - Already in foster care = not homeless
 - Local liaisons should coordinate with local public social service agencies to determine how to support this population



STUMPERS: “AWAITING FOSTER CARE PLACEMENT” (*CONT*)

- Why qualify?: Children awaiting foster care placement often face the same residential and school mobility as other homeless students
- Your state may have specific guidance on implementing “awaiting foster care placement” or related state policies/legislation; contact your State Coordinator for more information
 - Examples: California (AB490) and Missouri (Foster Care Educational Bill of Rights)
 - Visit http://center.serve.org/nche/ibt/sc_foster.php for more information

STUMPERS: “AWAITING FOSTER CARE PLACEMENT” *(CONT)*

- The Fostering Connections Act may also be relevant
 - Includes provisions to improve educational stability and outcomes for children in foster care
 - Visit <http://center.serve.org/nche/legis/fc.php> for additional information
- View through the lens of lacking a fixed, regular, and adequate nighttime residence



QUESTIONS ON AFCP?



Poll: What's happening in your state?

- If you answered “Yes”, let us know about it.
- If you answered “I don’t know”, reach out to your State Coordinator.
- Additional questions?

“STUMPERS”: UNACCOMPANIED YOUTH

- An unaccompanied youth's living arrangement must meet the Act's definition of homeless for him/her to qualify for McKinney-Vento services
- The McKinney-Vento Act defines unaccompanied youth as a child or youth “not in the physical custody of a parent or guardian”



“STUMPERS”: UNACCOMPANIED YOUTH

- There is no lower age limit for unaccompanied youth; the upper age limit (as with all McKinney-Vento eligible students) is your state’s upper age limit for public education (usually 21, sometimes older for IDEA)
- A youth can be eligible regardless of whether he/she was asked to leave the home or chose to leave; remember that sometimes there is “more than meets the eye” for youth’s home life situations

IN THEIR SHOES



Poll: Would you?

Unaccompanied homeless students and their parents may feel uncomfortable sharing personal family issues.



THE SCHOOL'S CHARGE

- Schools first and foremost are educational agencies
- The school's primary responsibility and goal is to enroll and educate, in accordance with the McKinney-Vento Act (federal); federal law supersedes state and local law
- Schools do not need to understand and/or agree with all aspects of a student's home life to educate him/her



ELIGIBLE OR NOT?



Amanda shows up at your school to enroll herself without an adult. She tells you that her dad has never been part of her life and her mom was incarcerated recently. She is currently living with her aunt a few miles away from where she lived with her mom. Would you qualify Amanda for McKinney-Vento?

- Eligible? (POLL)
- If you responded, “I need more information”, what additional information do you need?
- Additional questions?

“STUMPERS”: SUBSTANDARD HOUSING

- No official federal definition; evaluated according to community norms
- Common indicators
 - Does not meet local building code
 - Inoperable indoor plumbing
 - Nonworking, inadequate and/or unsafe electrical service
 - No working kitchen
 - Condemned by a government agency
 - Overcrowded: Consider occupancy guidelines in local/state building codes

QUESTIONS ON SUBSTANDARD HOUSING?



Poll: Do you use particular guidelines on substandard housing?

- If you answered “Yes”, let us know about it.
- If you answered “I don’t know”, reach out to your State Coordinator.

FOR MORE INFORMATION

State Coordinator for Homeless Education:

www.serve.org/nche/states/state_resources.php

NCHE website: www.serve.org/nche

NCHE helpline: 800-308-2145 or

homeless@serve.org

NCHE National Partner:

National Association for the Education of Homeless
Children and Youth (NAEH CY): www.naehcy.org

