McKinney-Vento 101: Educating Homeless Children and Youth
Contact info

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Part I – Identification and Enrollment —

- Awareness
- M-V Act Overview
- Liaison Duties
- Definition of Homelessness (Eligibility Determination)
- Identification of Students/Unaccompanied Youth
- School Selection and Enrollment
  - School of Origin
  - School Records
  - Guardianship
  - Immunizations
- Support Services
  - Attendance, Transportation, Nutrition, TEXSHEP
Who are the homeless children and youth the McKinney-Vento Act seeks to assist?

HOMLESS =

lacks a

fixed...

regular... and

adequate

nighttime residence
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  - PEIMS

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Part I

Awareness

Primary Nighttime Residence at Time of Enrollment

US Students Experiencing Homelessness by Living Situation

1,263,323 = Total United States Students Identified

- 76% Doubled-Up
- 14% Shelters
- 7% Hotels/Motels
- 3% Unsheltered
Texas Student Data (TEA): 2015-16

Total student enrollment in public schools: 5,299,728

Total students economically disadvantaged: 3,068,820

Economically disadvantaged student rate: 58.9%

Total homeless students enrolled: *120,850

* Not CSPR certified
How many children and youth experience homelessness?

The Urban Institute estimates that approximately 10% of all children experiencing poverty will experience homelessness in a year.

According to the 2010 TEXAS census data – 1,584,000 children lived below poverty level in TX – 10% would be 158,400
How many children and youth experience homelessness in Texas?

Texas homeless students served by academic year as reported by the Texas Education Agency...

- **2007-2008**: 53,200
- **2008-2009**: 80,940
- **2009-2010**: 76,095
- **2010-2011**: 85,155
- **2011-2012**: 94,624
- **2012-2013**: 101,088 *
- **2013-2014**: 111,759
- **2014-2015**: 113,063
- **2015-2016**: 120,850 *

* First year of PEIMS

* Not CSPR certified
Part I

Awareness

Primary Nighttime Residence at Time of Enrollment

* 120,850 = Texas Total Students Identified

* Not CSPR certified

Unsheltered - 3,625
Hotels/Motels - 8,460
Shelters - 13,294
Doubled-Up - 95,471

79%
### Contributing Factors to Homelessness

#### Lack of Affordable Housing

- Lack or loss of economic support networks
- Lack or loss of social support networks
- Domestic violence
- Drug dependency
- Lack of education
- Lack of job skills
- Serious illness
- Mental illness
- Alcohol dependency
- Family disintegration
- Unemployment
- Underemployment
- Natural disaster
Children living in homeless situation experience the trauma of loss:

- home / room / neighborhood / family members / friends / pets / school / community / possessions / security / safety / self esteem / predictable routines
Start
• Modest Resources
• Underemployment
• Fixed Income

Complications/Personal Crisis
• Family Break-up
• Job Loss
• Health Problem
• Earthquake
• Domestic Violence
• AIDS
• Substance Abuse
• Fire

Conditions
• Lack of Affordable Housing
• Lack of Jobs and Insufficient Incomes
• Lack of Support Services

Result
• Move Out/Lose Home/Evicted

Outcome
• Homelessness

Now Endangered
• Job
• Family Life
• Mental/Physical Health
• Safety

Source: Mary Ann Weinacht, Ed.D., Assoc. Professor & Mary Nan Aldridge, Ph.D., Professor, Sul Ross State University
Children living in homeless situations may perform two to three years below grade level in school.

For many children, every move costs them as much as 4-6 months of academic progress.

*Casey Family Programs*
Part I

M-V Act Overview

McKinney-Vento Homeless Education Assistance Improvements Act

• Originally passed in 1987
• Became part of No Child Left Behind in 2000
• Reauthorized in 2015 by the Every Student Succeeds Act (ESSA)
• Works hand-in-hand with Title IA and other federal education programs
• $85 million authorized funding to SEAs
  - SEAs award competitive subgrants to LEAs
  - Largest percentage increase of all federal education programs
Main themes:

- SEA/State Coordinator roles
- School access: Identification and Enrollment
- School stability
- Support for academic success
- Child-centered, best interest decision making
- Case-by-case determinations
- Critical role of the homeless liaison
The key to McKinney-Vento Act Implementation:

- Every school district must designate a liaison who is in charge of implementing the McKinney-Vento Act:
  - Ensures awareness, identification, enrollment, transportation, services, and dispute resolution.
  - Works in coordination with all the schools in the district, as well as the community.
LEA homeless liaisons must ensure that:

- School personnel providing McKinney-Vento services receive professional development and other support
- Children, youth and families have access to and receive educational services for which they are eligible, including Head Start, early intervention (IDEA Part C) and other preschool programs
- Children, youth and families receive referrals to health care, dental, mental health, substance abuse, housing and other services (i.e., SNAP, TANF)
Liaisons must ensure that (continued):

- Disputes are resolved and assistance to access transportation is provided.
- Youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies. (TX-SB1494)
Liaison Duties

Part I

Liaisons must ensure that (continued):

- Liaisons themselves must participate in professional development and technical assistance as determined appropriate by the State Coordinator. 11432(g)(1)(F)(ii)
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Part I
Definition of Homelessness

McKinney-Vento-eligible children and youth lack a

① fixed …

② regular … and

③ adequate …

nighttime residence.
Part I  Definition of Homelessness

① fixed …. 

• Securely placed or fastened

• A fixed residence is one that is stationary, permanent, and not subject to change or fluctuation

• “Inhabitant:” One who, although he may not be a citizen, dwells or resides in a place permanently or has a fixed residence therein, as distinguished from an occasional lodger or visitor

• “Domicile:” The place where a person has his true fixed 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
Part I  Definition of Homelessness

② regular ....

- Normal, standard
- Constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline
- Recurring, attending, or functioning at fixed or uniform intervals
- **Consistent**
- **Used on a regular basis (i.e., nightly)**
- Habitual: by habit; constant; customary, accustomed, usual; common; ordinary; **regular; familiar**
Part I

Definition of Homelessness

③ **adequate ....**

- Sufficient for a specific requirement
- Lawfully and *reasonably sufficient*
- Fully sufficient; equal to what is required; lawfully and reasonably sufficient
- *Sufficient for meeting both the physical and psychological needs typically met in home environments*
Part I  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.
Children who lack a fixed, regular, and adequate nighttime residence include those:

Living in emergency or transitional shelters.
Public Spaces

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

Living in a public or private place not designed for humans to live.
“Substandard” or Inadequate Housing

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

Living in housing that is not able to perform its intended purpose.

See the definition of “adequate” shared earlier.
Part I

Definition of Homelessness

“Substandard” or Inadequate Housing (continued)

• Communities vary - evaluate housing according to local standards/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., Section 8 criteria)
“Substitute Care” and Foster Care

Children who are wards of the state **ARE NOT** M-V eligible, regardless of their living situation.

**Non-Regulatory Guidance: definition of “child in foster care”**

“24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child....”  *(Question #1)*
Any of the following documentation would indicate that a student is **not eligible** for M-V services:

- A copy of a court order designating that a student is in Texas Department of Family and Protective Services (DFPS) Temporary Managing Conservatorship (TMC) or Permanent Managing Conservatorship (PMC)
- A DFPS verification of prekindergarten eligibility letter
- Court/and or Legal paperwork stating another party outside of Texas DFPS is the legally authorized representative or the custodial parent
Part I
Definition of Homelessness

“Substitute Care” and Foster Care (continued)

- **All** forms in the 2085 series:
  - Foster Care/Residential Care - 2085 FC
  - Kinship or Other Non-Foster Caregiver - 2085 KO
  - Verified Kinship Foster Caregiver - 2085 KF
  - Legal Risk - 2085 LR
  - Home and Community-based Services (HCS) - 2085 HCS
  - Supervised Independent Living - 2085 SIL
  - Designation of Education Decision-Maker - 2085 E3
Any of the following documentation would indicate that a student is most likely not eligible for M-V services (must be further investigated):

- Placement Authorization forms from child placing agencies
- Letters from child placing agencies
- Documents from another state’s child welfare system
- Documentation that a student is in conservatorship under another party other than Texas DFPS (e.g. Unaccompanied Refugee Minors)
Any of the following documentation would indicate that a student **is eligible** for M-V services:

- State of Texas Authorization Agreement for Nonparent Relative or Voluntary Caregiver

- Agreement for a Parental Child Safety Placement - DFPS 2298

- Home and Community-based Services (HCS), Department of Aging and Disability Services - Form 8665
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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 by a judge in a court of law.
- “Guardian” does not include those persons who have signed an “educational affidavit” or notarized document pertaining to a student’s care.
- “Guardian” does not include those persons who have been given a “power of attorney” or notarized letter to care for a student by his/her parent or legal guardian.
An unaccompanied youth’s living situation must meet the M-V Act’s definition of homeless in order to qualify for M-V services and to be considered a HOMELESS unaccompanied youth...

- A youth may be eligible regardless of whether he/she was asked to leave the home or “chose” to leave their home.
- There is often “more than meets the eye” in a youth’s home life situation.

... the circumstances/motivation around a youth leaving their home are inconsequential; only the youth’s current living situation is evaluated.
Part I

Unaccompanied Youth

Age Limits

• There is no lower age limit for who is considered an unaccompanied youth

• A student who is age 18 or older is no longer a minor in Texas and may enroll in school and has any number of other rights as an adult

• The Texas Education Agency defines a youth to be a person who is under age 21 on September 1 of the applicable school year or, for students eligible for special education services, under age 22 on September 1 of the applicable school year

• Compulsory school attendance for children goes to age 19
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Part I

Determining Eligibility

• Some living situations and homeless eligibility determinations are clear; others require a judgment call

• Use “fixed, regular, and adequate” as your standard

• Follow a process

• Get the facts

• Analyze the facts
  
  ➢ Is the living situation listed in the MV definition?
  
  ➢ Is the living situation another kind of situation that is not fixed, regular, and adequate?
Part I  Determining Eligibility

**Student Residency Questionnaires (SRQs)**
The law requires LEAs to have an auditable way to assess the homeless status (living situation) of ALL their students at least once a year.

Screener (pink) – in all registration packets

SRQ (2 page)– completed by families that qualify

*NOTE: There is no mandatory, State-approved SRQ; SRQ templates are available to assist LEAs in meeting the federal requirements.*
Part I

Determining Eligibility

Required Posting and Notification

The McKinney-Vento Act requires public notice of educational rights of children and youth in homeless situations disseminated in every school district at every campus -- and wherever services are accessed.
Part I

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” = default PEIMS status = NOT homeless
- “5” = living in a shelter = homeless
- “2” = living doubled up = homeless
- “3” = unsheltered = homeless
- “4” = living in a hotel, motel = homeless
PEIMS Coding – Homeless Youth Indicator

Note on Code #3 —

“Unsheltered” includes the portions of the federal M-V definition 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
Part I  Determining Eligibility

PEIMS Coding –

Unaccompanied Homeless Youth Indicator

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

3 = Homeless Student is in the physical custody of a parent or legal guardian (i.e., homeless student is not unaccompanied) for the entire school year

4 = Homeless Student is not in the physical custody of a parent or legal guardian (i.e., homeless student is unaccompanied) at any time during the school year.
Part I
Determining Eligibility

PEIMS Coding –

Unaccompanied Homeless Youth Indicator

Remember:

• M-V defines unaccompanied youth as a youth not in the physical custody of a parent or guardian

• The unaccompanied youth’s living situation must meet the Act’s definition of homeless to qualify for services and be coded in PEIMS
Length of Eligibility

When is a person no longer considered “homeless?”

When they become “permanently housed.”

- Have the circumstances that caused the homeless situation been mitigated?
- Has the student/family lived in the current situation long enough to get them past the eviction cycle and it appears they are able to maintain their living situation?
- In the case of a doubled-up situation, is the living situation due to something other than the loss of housing or economic hardship?
Length of Eligibility

• Once identified, **students are eligible for services for the duration of the school year**, even if they become permanently housed during the school year and are no longer homeless

  OR

  for the duration of homelessness, even if this extends beyond the school year or for several school years

• Currently identified students should not “roll” to next year’s identification list without proper verification
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School Selection Options

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

- **School of Origin:** School the child/youth attended when permanently housed or school in which child/youth last enrolled, including a preschool (ESSA).

  This includes the designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the school of origin (ESSA).

- **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.
Part I

School Selection and Enrollment

“Best Interest” Determinations

In determining the school that is in a child or youth’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 child or youth’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, and safety.
School of Origin Eligibility

- Students may stay in their school of origin the entire time they are homeless, and until the end of any academic year in which they move into permanent housing.

- If a student becomes homeless in between academic years, he/she may continue in the school of origin for the following academic year.

- The school of origin never “rolls off” as an option for a homeless student so long as it is in the best interest of the student and the student has not had a break in homelessness (become permanently housed).
School of Origin Eligibility (continued)

- A student may have two schools of origin – the school attended when they became homeless and the last school in which they were enrolled.

- If a student is assigned to a school other than that requested by an unaccompanied youth, parent, or guardian, the LEA must provide a written explanation detailing the right to appeal –

  - *The explanation must be in a manner and form understandable to the parent, guardian or youth*

- Students enrolled under school of origin provisions are NOT to be considered transfer students.
Texas-Specific Selection Provision

Texas law allows homeless students to enroll in the DISTRICT of their choice if they meet the definition of homeless.

- Not dependent on residency of student, guardian(s), or parent(s)
- Districts are not obligated to provide transportation
School Enrollment

- Children and youth who are homeless must be enrolled immediately in any school open to other children living in the same neighborhood.
- Homeless students must be enrolled immediately even if they do not have required documents.
- If a student lacks documents, including immunization/medical medical records or birth certificate, the liaison must assist with obtaining them and the student must be enrolled in the interim.
- Enrolling schools should obtain school records from the previous school.
School Enrollment (continued)

- Birth certificates are not required; they are not the only documents that can establish identity

- Schools must make an appropriate placement decision for McKinney-Vento eligible students upon their enrollment

- Enrollment cannot be delayed due to testing schedules, school timelines

- SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment and retention of children and youth in homeless situations, including barriers due to outstanding fees/fines, or absences
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
Immunization Requirements *(continued)*

- Provisional enrollment applies regardless of any immunization issues that would keep non-homeless students from enrolling and attending school.

- 30 day provisional enrollment is counted from the time of enrollment in the *current* district; failure to get the necessary documents or immunizations in a previous district does not count toward the 30-day provisional enrollment in the current district.
Part II

Child Nutrition Programs

- USDA policy allows homeless students immediate access to free meals upon identification by liaisons or shelter providers (categorical eligibility)

- **Costs incurred by family/student during eligibility determination must be covered/reimbursed**

- Family/student should not fill out application – only need
  - certification by homeless liaison or shelter director
  - child’s name
  - date of start/end of service

- Foster care children are also eligible
Texas Education Code 33.906 (HB 1559)

- Requires any school with a website to post information regarding local services and programs that assist homeless students
- The information must be easily understandable in English and Spanish
- The information must be easy to find on the site
- A school is exempt if it is within a district that has fewer than 3,000 students and is in a county with a population less than 50,000

THEO website has sample language: TEC 33.906 Fact Sheet
• LEAs must provide homeless students transportation to their school of origin at a parent’s or guardian’s request (or at the liaison’s request for an unaccompanied youth)

• Districts may choose the manner used to transport the student

• Students must not be penalized for absences or anything else due to district delays in arranging transportation

• If the student’s temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange transportation
• If the student is living outside of the school of origin’s LEA, then the LEA where the student is living and the SoO’s LEA must determine how to divide the responsibility and cost, or they must share them equally.

• Use transportation compacts or “contracts”
Foster care children are entitled to remain in the current school they were attending at the time of placement (their “school of origin”) through provisions in the ESSA that went into effect December 10, 2016.

This transportation cannot be paid for out of Title I, Part A, Set-Aside or TEXSHEP subgrant funds.

School districts must collaborate with the state or local child welfare agency to develop and implement clear written procedures for providing, arranging, and paying for transportation to maintain children in foster care in their schools of origin when doing so is in their best interest.
Part II

Student Attendance

- Student attendance monitoring yields significant results when interventions begin no later than after the third (3rd) absence.

- Texas law requires all children to attend school from the age of 6 until they turn 19.

- Truancy prevention strategies must be in place for homeless students.
Texas House Bill 2398 – Decriminalizes Truancy

- The truancy charge may be dismissed if there is “sufficient justification for failing to attend school – homelessness could be identified as a justification” *(Article 45.0513 Code of Criminal Procedure)*

- 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 *(25,0915(B)(2)(a-3)*
Services may be provided through TEXSHEP at school sites or at other facilities, including sectarian facilities, where it is constitutionally permissible.

TEXSHEP grantee Region 10
- Tutoring
- Bus passes
- Tuition-based summer school
- Professional Development for tutors

TEXSHEP sub grantee Region 20
- Hygiene kits
- Clothing and shoes
- Backpacks and supplies