



NYSTEACHS

NEW YORK STATE TECHNICAL AND EDUCATION
ASSISTANCE CENTER FOR HOMELESS STUDENTS

Determining McKinney-Vento Eligibility



Presented by the New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS)

Potential Causes of Homelessness



 **First, text “infoteachs738” to 22333**

In 1-2 words, what is your most pressing question about McKinney-Vento eligibility?

Then, text your brief answer to the same number

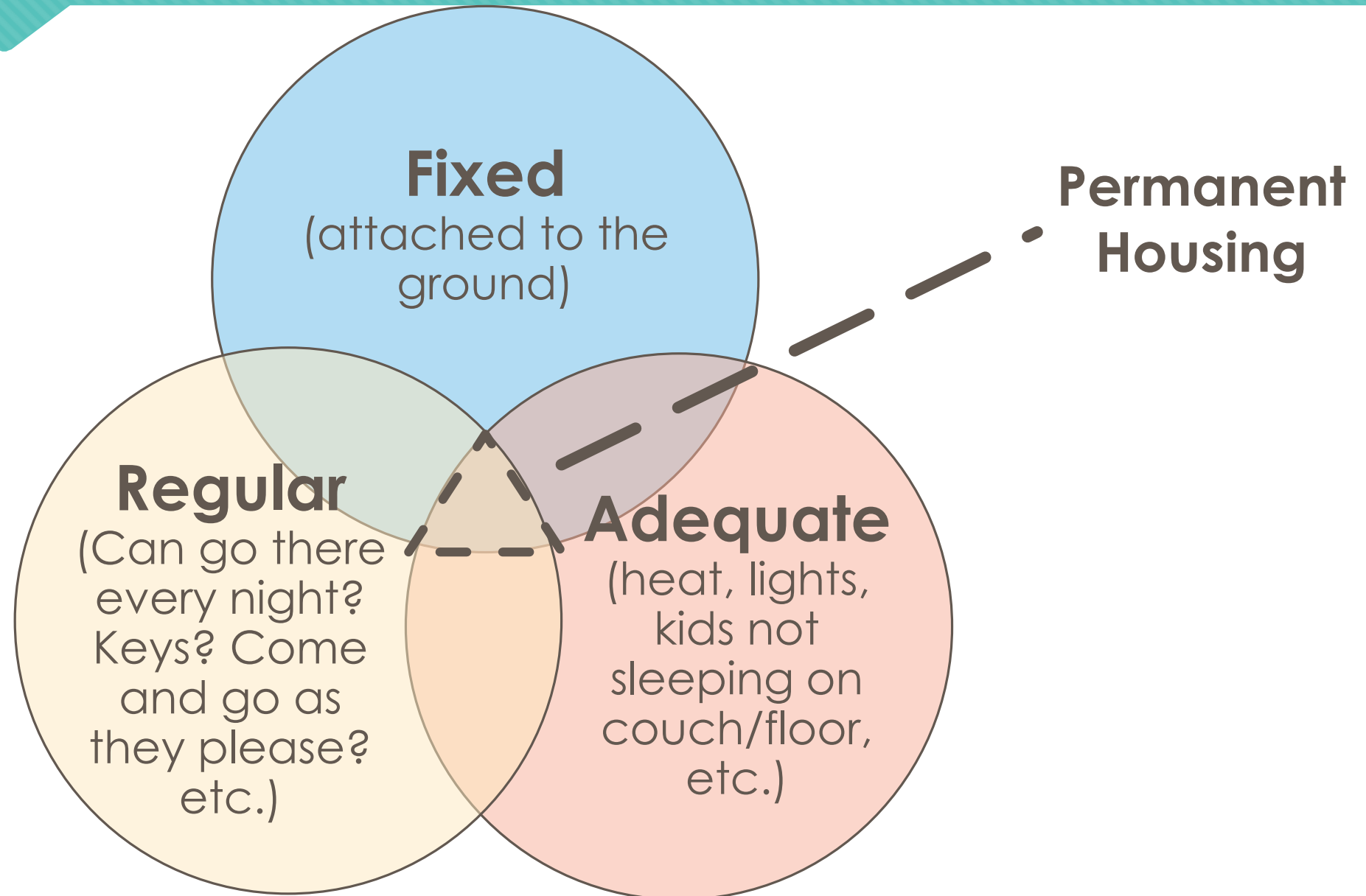
Who is covered by the McKinney-Vento Act?

Education Law §3209(1)(a); 8 NYCRR §100.2(x)(1); see also 42 USC §11434A(2)(B)(i); U.S. DOE's Non-Regulatory Guidance, Question A-2,

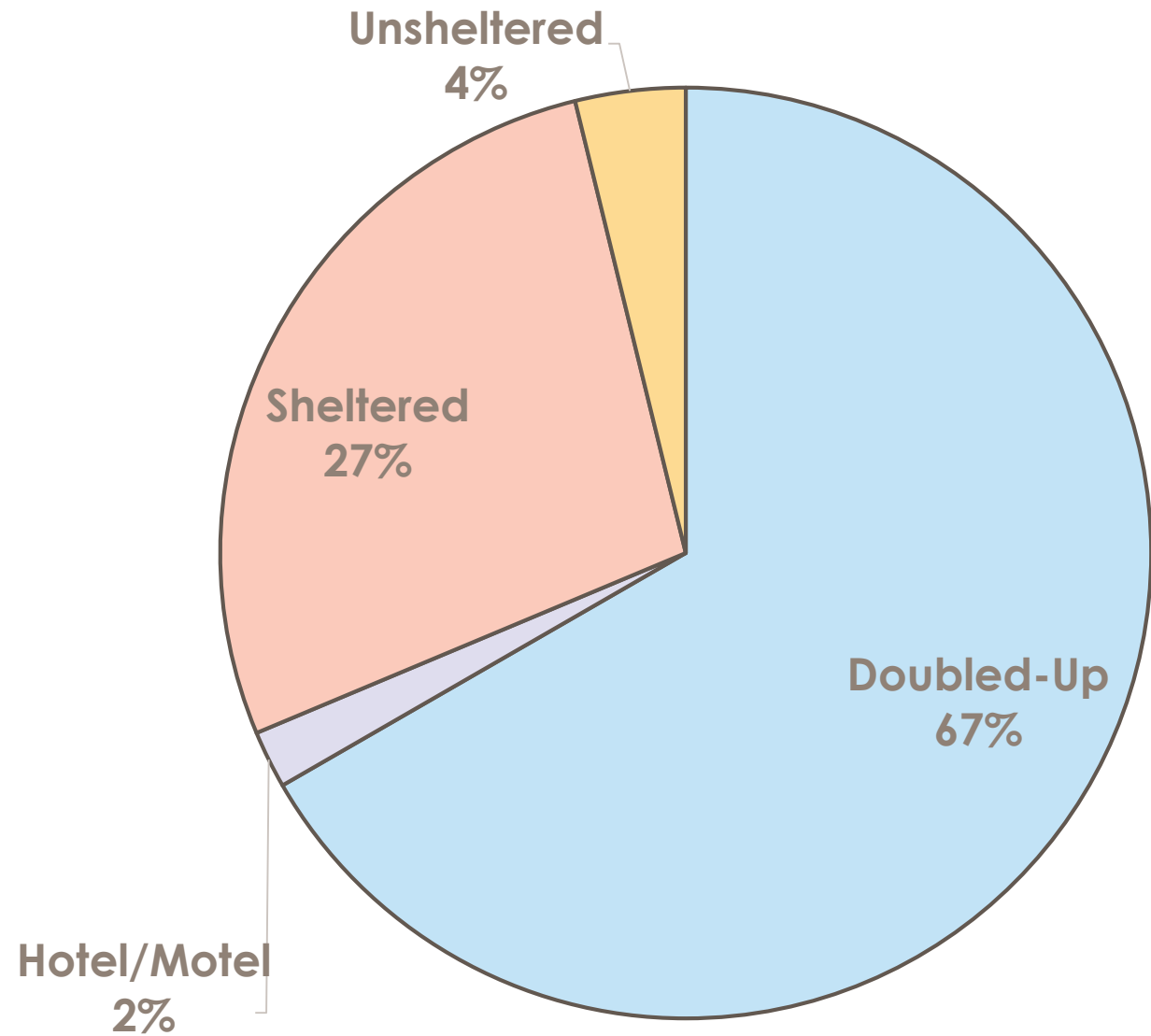
Children and youth who lack a fixed, regular, and adequate nighttime residence, including those:

- **Sharing the housing of others due to loss of housing, economic hardship or a similar reason**
- **Living in emergency or transitional shelters**
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory living in circumstances described above

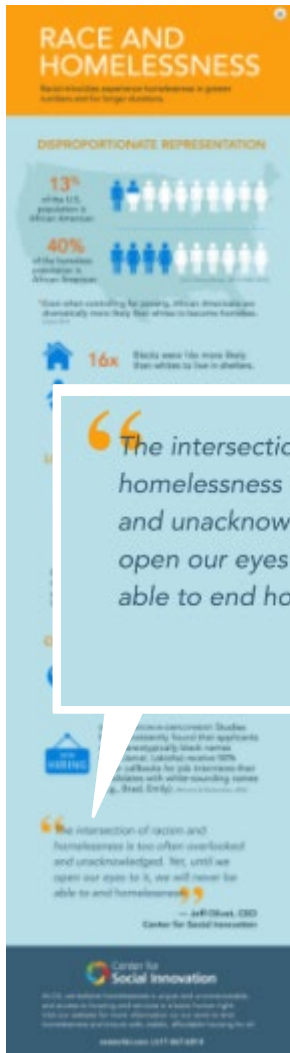
Who is covered by the McKinney-Vento Act?



Primary Nighttime Residences in New York State



At a Glance: Homelessness in the United States



Individuals and families who are minorities make up a disproportionate percentage of people experiencing homelessness in shelters¹

Why might this be? Some factors include:

- **Housing Discrimination:** People of color shown fewer rental units, are more often denied leases based on credit history than white renters.²
- **Employment Discrimination:** Studies have found that applicants with stereotypically black names receive fewer callbacks for job interviews than candidates with stereotypically white names.³
- **Keep in Mind:** A 2013 survey by the Homeless Youth Project found that African American youth were less likely to identify themselves as homeless. White youth surveyed were more likely to self-identify, and to access services for the homeless, such as shelters and food banks.¹

Sources:

1: Hidden in Plain Sight: <http://www.americaspromise.org/report/hidden-plain-sight>, full report

2: Statistic from HUD, 2013, cited by Center for Social Innovation: <http://center4si.com/race-and-homelessness/>

3: Statistic from Bertrant & Mullainathan, 2004, cited by Center for Social Innovation (same as above link)

At a Glance: Homelessness in the United States

Youth identifying as LGBTQ are disproportionately represented among homeless unaccompanied youth.¹

Why might this be? Some factors include:

- Many lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth become homeless due to family violence and rejection.²
- With more limited social support networks, LGBTQ youth must often find ways to support themselves, and social services may be hostile or discriminatory.³

- **Keep in Mind:** In GLSEN's 2015 National School Climate Survey, 32% of LGBTQ students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable. 64% of LGBTQ students who reported harassment or assault at school said that the school staff did nothing in response or told the student to ignore it.⁴



Sources:

1: [Hidden Plain Sight](http://www.americaspromise.org/report/hidden-plain-sight), full report

2: Statistic from At the Intersections, <http://attheintersections.org/violence-and-lgbtq-youth-experiencing-homelessness/>

3: Ibid.

4: Statistics from GLSEN's 2015 National School Climate Survey:

https://www.glsen.org/sites/default/files/2015%20National%20GLSEN%202015%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Full%20Report_0.pdf

A Housing Questionnaire should be given to a family only when there is evidence that the child is experiencing homelessness.

**Text answer to
22333**

True or False?

A. True

B. False

Housing Questionnaire

- Screening tool is required for all students
- Required at time of enrollment and change of address

NOTE TO SCHOOLS/LEAS: Please assist students and families filling out this form. The form should be included at the top page of registration materials that the district shares with families. Do not simply include this form in the registration packet, because if the student qualifies as residing in temporary housing, the student is not required to submit proof of residency and other required documents that may be part of the registration packet.

HOUSING QUESTIONNAIRE

Name of LEA: _____

Name of School: _____

Name of Student: _____
Last First Middle

Gender: Male Female Date of Birth: ____/____/____ Grade: ____ ID#: _____
Month Day Year (preschool-12) (optional)

Address: _____ Phone: _____

The answer you give below will help the district determine what services you or your child may be able to receive under the McKinney-Vento Act. Students who are protected under the McKinney-Vento Act are entitled to immediate enrollment in school even if they don't have the documents normally needed, such as proof of residency, school records, immunization records, or birth certificate. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services.

Where is the student currently living? (Please check one box.)

- In a shelter
- With another family or other person because of loss of housing or as a result of economic hardship (sometimes referred to as "doubled-up")
- In a hotel/motel
- In a car, park, bus, train, or campsite
- Other temporary living situation (Please describe): _____

Additional Identification Strategies

Avoid using the word “homeless”

Provide awareness activities

Post outreach materials

Coordinate with community service agencies

Coordinate with youth-serving agencies

Use available data

Navigating Challenging Conversations

- NYS-TEACHS' [Tips for Navigating Challenging Conversations](#)

McKinney-Vento Quick Tip Series

TIPS FOR NAVIGATING CHALLENGING CONVERSATIONS

The McKinney-Vento Homeless Education Act is a federal law that protects the educational rights of students in temporary housing.

It defines "homeless children and youths" as any student who lacks a fixed, regular, and adequate nighttime residence.



Conversations about a family's housing situation can be tense, uncomfortable, or invasive. This tip sheet provides trauma-sensitive strategies and conversation starters for some of the most common conversations you will encounter with students, families, and district administration.

THE CHALLENGE	WHY IT'S CHALLENGING	TRAUMA-SENSITIVE STRATEGIES AND CONVERSATION STARTERS
When asked about a current address or living situation, the family gives only vague or generalized answers.	This is challenging because liaisons and/or district staff need specific housing information in order to make an informed decision about McKinney-Vento eligibility. Vague answers may be misinterpreted as a "false story," leading someone to make an incorrect determination. Additionally, a family may feel under attack or become upset as a result of numerous clarifying questions.	<p>If you need more information from a family about their housing situation, first explain WHY you need housing details before you ask any additional questions. You may also want to:</p> <ul style="list-style-type: none"> • Invite the family to speak with you in a private setting. Avoid talking at the front desk or registration counter. • Explain your position/role and intentions. For example, "I am the McKinney-Vento liaison and my job is to connect students in temporary housing with educational supports and services." • Be clear about the goal of the conversation. Make clear that you are not trying to get them in trouble, but rather, want to make sure they receive all services for which they are eligible. • Avoid the word "homeless." Instead, talk about a temporary housing arrangement.
A family's housing situation seems to be fixed and regular, but you need to know if it is also adequate.	This is challenging because questions about housing adequacy can feel particularly uncomfortable and intrusive. Adequacy conversations are also challenging because families may be nervous that information shared about	It is important to take a very sensitive approach to this type of conversation. Before asking any questions about the adequacy of the housing arrangement, begin the conversation by reminding the family that students living in temporary housing situations have special education rights, which may be beneficial to the student and his/her family. Reassure them that your questions are intended to connect the student with appropriate supports and services.

Conversation Strategies

From Head Start's Determining Eligibility Module

1. Talk with the family in a quiet, private space
2. Share your commitment to problem-solving with the family



Conversation Strategies

From Head Start's Determining Eligibility Module

3. Consider questions carefully; for example:
 - Request permission to ask questions
 - Avoid unnecessary questions that may cause embarrassment
 - Explain the reasons for your questions
4. Show respect by conveying that you see the parents as the experts on their family



Conversation Strategies

From Head Start's Determining Eligibility Module

5. Develop and apply active listening skills that demonstrate compassion and respect
6. Use "people-first" language such as "family experiencing homelessness" versus "homeless family"
7. Be conversational so that families do not feel interrogated.



Steps to Identifying Students as Homeless

Organize and prepare for conversations with families.

Learn about a family's individual living situation.

Analyze a family's situation to see if it meets the McKinney-Veto Act's definition of "homeless."

Communicate when you will follow up with parents/unaccompanied youth regarding eligibility and services.

Case Studies

Length of Doubled-Up
Stay

Unaccompanied
Youth

Conflicting Information

Note: The following case studies are meant to illustrate how school staff and service providers should analyze case histories for McKinney-Vento eligibility. All McKinney-Vento eligibility determinations must be made on a case-by-case basis; the following are just examples.

Nina



- Your district's Registrar presents the following information:
 - Nina and her mother left their home in a neighboring school district.
 - They moved into Nina's aunt's home in your school district.
- The Registrar asks you, "***Is Nina McKinney-Vento eligible?***"

What information do you need to determine whether Nina is McKinney-Vento eligible?

Text a brief answer to 22333.

Gathering more information



Should Nina be considered homeless and eligible for services under the McKinney-Vento Act?

Text answer to 22333.

A. Yes

B. No

C. I'm Not Sure

Questions you might ask to determine “Fixed/Regular”

- Is your current housing fixed to one place? (i.e. not a vehicle)
- Is this a permanent arrangement?
- Why did you leave your previous housing?
- How long do you plan to stay at this address?
- Do you have a key to the place where you are living?
- Do you stay in the same place every night?
- Could your friends/relatives ask you to leave at any time if they wanted to?
- Are you sharing the home equally, or are you more like guests in the home?
- Where would you go if you couldn't stay where you are currently living?

Questions you might ask to determine “Adequate”

- How many people are living in the home? How many are sharing a room?
- Are the children/youth sleeping in a bedroom or a different space in the home?
- Is there heat, running water, and electricity?
- Is the space adequate to meet the physical and psychological needs of the children staying there?

Adapted from NCHE's [Determining Eligibility Brief](#)

Following up with Nina's family



- Later this year: Nina and her mother continue to reside in Nina's aunt's home.

**Is Nina now
permanently
housed?**

**Text answer to
22333.**

- A. Yes, she is permanently housed
- B. No, she continues to meet the definition of homeless under McKinney-Vento
- C. I'm not sure, it depends on other information we receive

Questions About Continued Eligibility?

Template End-of-Year Reverification Letter

- **Liaisons should follow up with families** to reassess housing status.
 - Optimal timing = toward end of year.
 - Template end-of-year letter
- **Use a trauma-sensitive approach:** Tell families you will follow up.
- You must use the **dispute resolution process** if a family disagrees with your determination.

Dear _____,

Each year, [School District Name] asks for updated address and housing information for students who receive services under the McKinney-Vento Act, which is a federal law that supports students in temporary housing. Your updated housing information will help us determine if [child's name/you], [is/are] still eligible for services such as continued enrollment, transportation for students temporarily living outside of the district, and other programs [list specific programs such as free meals or Title I services if the family may not otherwise qualify, or other school district interventions for students in temporary housing]. Even if you have moved into permanent housing, [your child/you] can stay in [his/her/your] current school and get transportation to that school **for the rest of the school year [and next school year]** (only include the latter if next year is the student's terminal grade)].

The information on the questionnaire about your housing will be kept private and is protected under the Family Educational Rights and Privacy Act (FERPA).

Please fill out the enclosed *Housing Questionnaire* and return it to us at:

(Insert School District Address)

- Please write your current address on the questionnaire.
- If your family is now permanently housed, check the box "In Permanent Housing" on the questionnaire. Some examples of permanent housing include moving into your own apartment or house, or if a temporary shared housing arrangement has changed into a long-term, adequate arrangement.

Mary



- Mary is a teen who left home in your district and is staying with her grandparents in another district.
- Mary's parents have said that Mary just "doesn't want to follow our rules" but Mary has said otherwise.

Is Mary eligible for services under the McKinney-Vento Act?

Text answer to 22333.

- A. Yes
- B. No
- C. Maybe

Homeless Unaccompanied Youth

Definition:

1. Lacking a fixed, regular and adequate nighttime residence (MV) +
 2. Not in the physical custody of a parent or guardian.
- Unaccompanied Youth may **enroll and receive services under McKinney-Vento without a parent or guardian**, with help from the McKinney-Vento Liaison.
 - School districts must **remove barriers to their participation** in school and inform such students of and verify their status as independent students for purposes of the FAFSA.



What are YOUR biggest challenges in identifying homeless unaccompanied youth?

Text a brief answer to 22333.

Student Privacy Rights Under FERPA

- Information about the living situation of a student who is homeless is part of the student's record, subject to the protections of the Family Educational Rights and Privacy Act (FERPA).
- **Under McKinney-Vento and FERPA, information about the living situation of a child who is homeless (e.g. address, housing status) cannot be shared without explicit written consent.**
- This does not change a district's obligation to forward records to a new LEA for purposes of enrollment.

42 U.S.C. § 11432[g][3][G]; Non-Regulatory
Guidance, Questions A-6, A-7, A-8

Jordan



- Multiple staff and administrators at your district have expressed questions or concerns about Jordan's living situation, but there are some conflicting details.
- Your district is preparing to do a residency investigation.
- What are best practices for working with Jordan's family to determine eligibility and responding to questions from your district?

With whom is the district allowed to speak about Jordan's housing situation?

Text answer to 22333.

- A. Jordan's parents
- B. Local social services agency
- C. Landlord at Jordan's old address in-district
- D. Landlord at cousins' address

Dispute Resolution Requirements

If a dispute arises over eligibility, school selection or enrollment, the child or youth must be immediately enrolled in the school in which the parent, guardian or unaccompanied youth seeks enrollment, pending **resolution of the dispute, including all available appeals.**

- **Immediately admit** student to the school/district where enrollment is sought;
- **Provide transportation;**
- Give the parent/guardian/youth a **written explanation** of the school's decision; and
- **Refer** the student to the LEA **liaison** for help with any appeal.

42 U.S.C. § 11432[g][3][E][i]

Key Takeaways

- When speaking with families about housing status, districts are encouraged to take a **trauma-sensitive approach**.
- Students who **lack housing that is fixed, regular, and adequate** are covered by the McKinney-Vento Act, which promotes school stability.
- A **Housing Questionnaire** should be filled out for all new students AND for all students/families reporting a change of address.
- There is **no formal time limit** to a student's potential eligibility under McKinney-Vento.
- When disagreements arise, **schools must enroll and provide services to students before disputing McKinney-Vento eligibility**.

NYS-TEACHS

800-388-2014

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Website: www.nysteachs.org



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