

# Supporting Students in Temporary Housing:



## Meeting the Needs of McKinney-Vento Eligible Students with Disabilities

**Presented By: NYS TEACHS**

**May 8, 2025**

**9:30am - 11:00am**



**NYSTEACHS.org**

The New York State Technical and Educational  
Assistance Center for Homeless Students



**MEASUREMENT  
INCORPORATED**

# Webinar Format



- Today's session will be recorded.



- Your microphone will be automatically muted.



- Your camera will be automatically disabled.



- The in-webinar chat will allow you to communicate with the panelists and the host only.



# Housekeeping



- We will launch poll questions periodically throughout the session and ask that you respond to questions in the chat.
- We won't be able to answer questions about specific situations in the chat, but we welcome you to call the Help Line to discuss these issues at 800-388-2014.
- The Help Line is open 24 hours a day. Specialists are available from 9:00am–5:00pm. If you leave a message, you will be called back by the next business day.
- Following today's webinar, today's recorded session, attachments, and Q&As will be posted/accessible online.

# Who is in the Room?

## Are you a...

- New McKinney-Vento Liaison (1<sup>st</sup> Year)
- McKinney-Vento Liaison (2-4 years)
- McKinney-Vento Liaison (5 – 9 years)
- McKinney-Vento Liaison (10 + years)
- Pupil Personnel/CPSE/CSE Staff
- Other School/District Staff
- BOCES Staff



## Which region are you from?

- |                 |                 |
|-----------------|-----------------|
| * Western       | * Capital       |
| * Finger Lakes  | * Hudson Valley |
| * Central       | * New York City |
| * Southern Tier | * Long Island   |
| * Mohawk Valley | * North Country |

# Session Outcomes

By the end of today's webinar, participants will be able to:

- Describe the key provisions of the McKinney-Vento Act that supports students with disabilities.
- Gain knowledge about the Individualized Education Program (IEP) and special education services for children experiencing temporary housing.
- Access resources for students with disabilities who are experiencing temporary housing.



# Today's Agenda



Welcome/Who is in the Room?



McKinney-Vento Act + IDEA – Individuals with Disabilities Education Act



IEP – Individualized Education Program



McKinney-Vento and Special Education Services



Scenarios and Strategies for Collaboration



Summary, Survey and Resources

# Dear Teacher



# Let's Talk About It

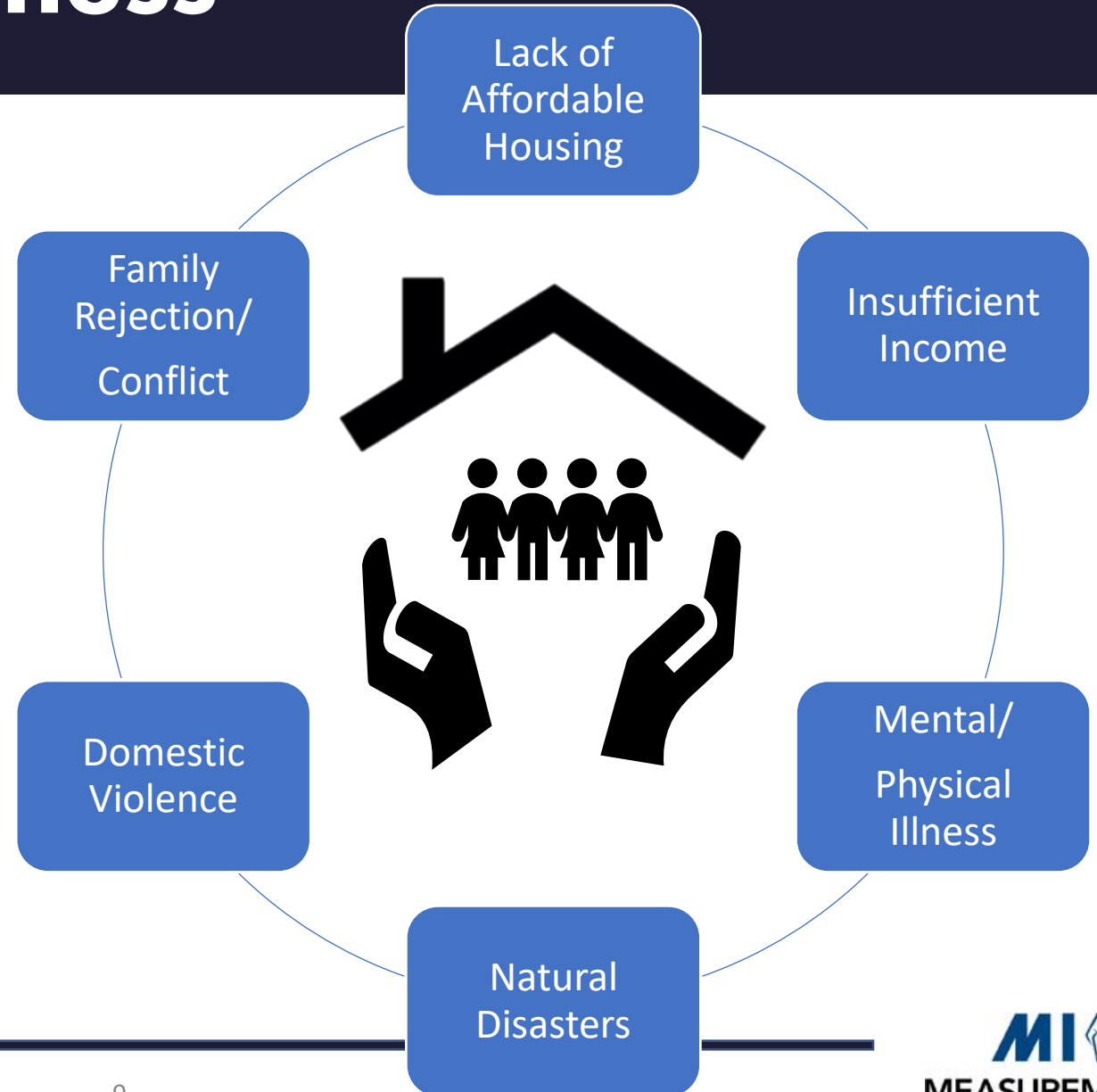
How have you assisted families of children with disabilities who have lost their housing?

Please  
respond in  
the chat. 😊



# Causes of Homelessness

What are the potential causes of homelessness?



# Staggering Statistics

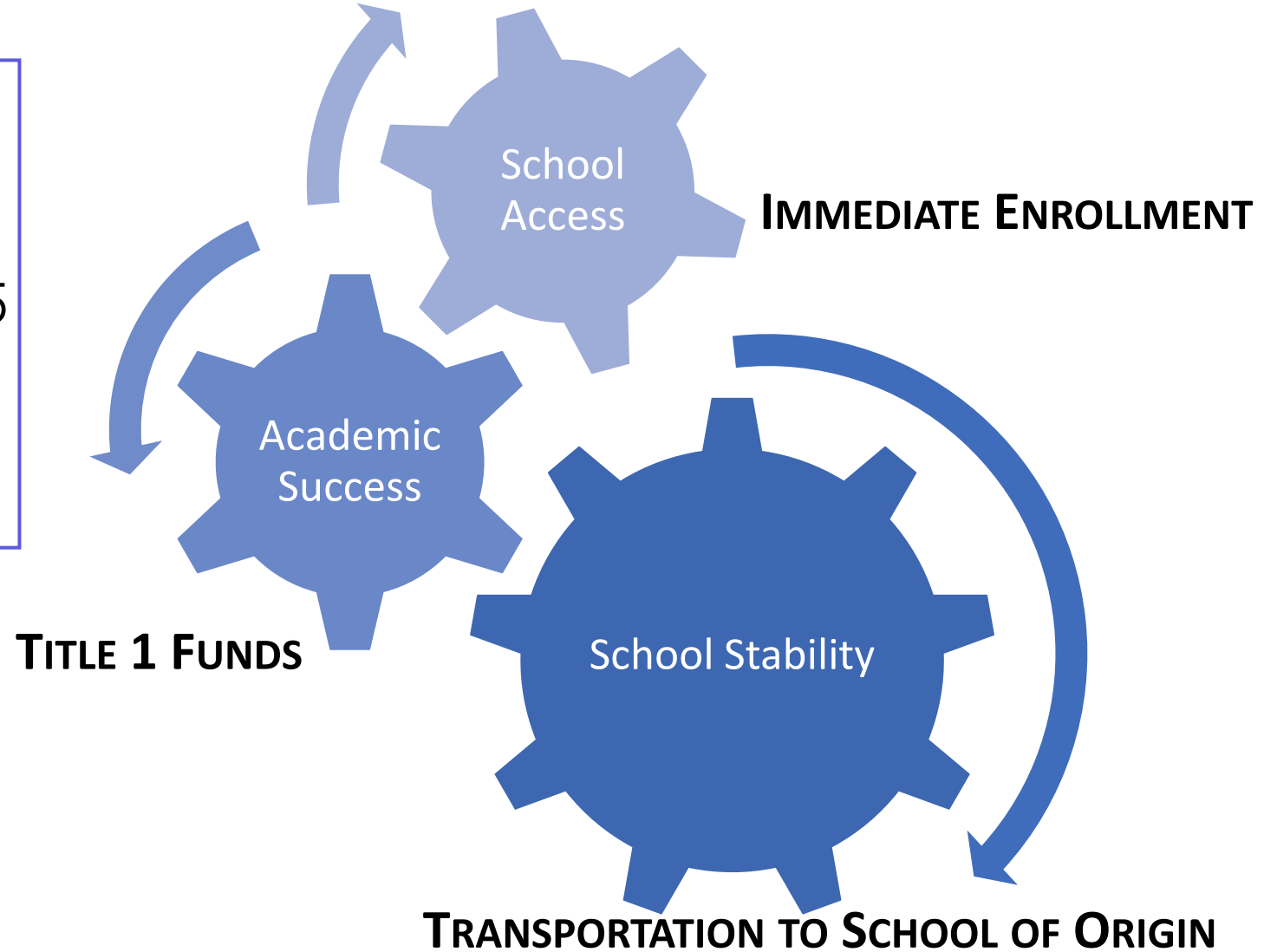
The National Center on Family Homelessness reported that children who are homeless, as compared to other children:

- have three times the rate of behavioral and emotional problems;
- are four times more likely to show delayed development; and
- have twice the rate of learning disabilities.

[NCHE Brief: Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Act](#)

# McKinney-Vento Homeless Assistance Act

- Federal law established in 1987
- Reauthorized in 2015 as part of the Every Student Succeeds Act (ESSA)



# The McKinney-Vento Act

The McKinney-Vento Act is designed to ensure access to education and educational support for any child or youth who lacks a **fixed, regular, and adequate** nighttime residence.

Students eligible under the McKinney-Vento Act are entitled to continued enrollment in the same school and transportation to that school of origin, or immediate enrollment in the local school.

McKinney-Vento eligible students are granted important rights that support their educational stability, despite housing instability.

42 U.S.C. §11434a(2)(A); Education Law § 3209(1)]. Education Law § 3209(1)(a)(iv)

<http://www.nysed.gov/essa/mckinney-vento-homeless-education>

# Homelessness: Living Conditions

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason ("**doubled up**")
- 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 children living in circumstances described above
- Unaccompanied youth living in circumstances described above

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

# McKinney-Vento Students' Rights

- ✓ Free appropriate education
- ✓ Immediate enrollment
- ✓ Attend classes
- ✓ Receive transportation
- ✓ Receive educational services



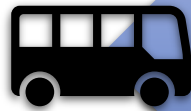
Receive a **free, appropriate public education**



**Enroll in school immediately**, even if lacking documents normally required for enrollment, or having missed the application or enrollment deadlines during any period of homelessness



**Enroll in school and attend classes** while the school gathers needed documents



**Receive transportation to and from the school of origin**, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth



**Receive educational services** comparable to those provided to other students, according to each student's need

# Laws Pertaining to McKinney-Vento



McKinney-Vento  
Homeless Assistance  
Act



New York State  
Education Law 3209

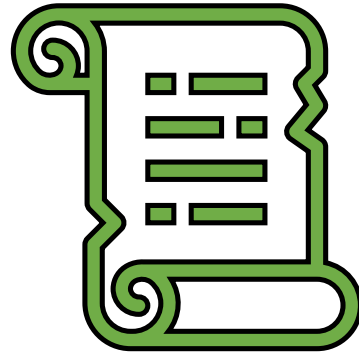


NYS Commissioner's  
Regulations Section  
100.2(x)

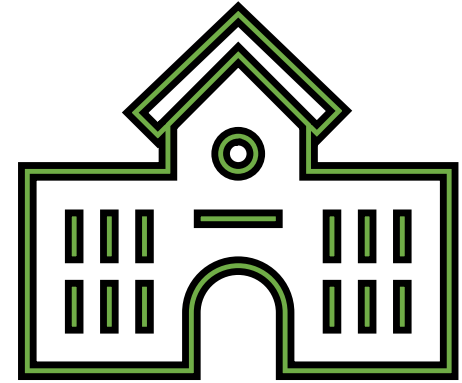
# Laws Pertaining to Special Education



IDEA, 34 CFR  
Part 300



Article 89 of NYS  
Education Law



Part 200 of the  
Commissioner's  
Regulations

<http://www.nysed.gov/special-education/new-york-state-laws-and-regulations-related-special-education-and-students>

# The Individuals with Disabilities Education Act (IDEA)

One of the primary purposes of the IDEA is to ensure that all children with disabilities receive a free, appropriate public education (FAPE), including special education and related services to prepare them for further education, employment, and independent living.

20 U.S.C. § 1400(d)(1)(A)

IDEA defines special education as “specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability”. 20 U.S.C. §1401(29)



# Let's Talk About It

What challenges have you experienced assisting children with disabilities whose families have lost their housing?

Please  
respond in  
the chat.



# Special Education Eligibility

## Eligibility for Preschool-Age Children (3-5)

- Following the Multidisciplinary Evaluation (MDE), the results are interpreted by comparing the child's scores to their same aged peers. They are determined eligible based on a percent scoring system and not a disability classification.

## Eligibility for School-Age Children (K-12)

- The student must meet the criteria for one or more of the 13 disability classifications as defined in Part 200 of the [New York State Regulations of the Commissioner of Education](#); and
- Because of mental, physical or emotional reasons, the student has been identified as having a disability and requires special services and programs

NYCRR §200.4(b)(1-5). NYCRR §200.1 (zz) and section 200.4(c)(2)

# Students with a Disability

New York State's definition of a student with a disability:

- (1) Autism
- (2) Deafness
- (3) Deaf-blindness
- (4) Emotional disability
- (5) Hearing impairment
- (6) Learning disability
- (7) Intellectual disability
- (8) Multiple disabilities
- (9) Orthopedic impairment
- (10) Other health-impairment
- (11) Speech or language impairment
- (12) Traumatic brain injury
- (13) Visual impairment including blindness

NYCRR §200.1 (zz)

# Quick Poll #1



Would the LEA be responsible to provide an evaluation of a student after they lose their permanent housing and move out of the district?

- A. Yes
- B. No
- C. Not Sure

# Ongoing Eligibility

**Annual Review** The IEP of a student with a disability must be reviewed and, if appropriate, revised, periodically. An IEP must be updated at least annually to monitor progress and determine if the annual goals for the student are being achieved. 8 NYCRR §200.4(f)

**Reevaluation** A reevaluation of a student with a disability must be conducted at least once every three years (parent and district may agree, in writing, that the three-year reevaluation is not necessary) and/or if the district determines that the educational or related services needed warrant a reevaluation or the student's parents or teacher requests a reevaluation. 8 NYCRR §200.4(b)(4)

# Quick Poll #2



If a student with an IEP changes schools due to homelessness, when is the new district required to convene a CSE meeting?

- A. Before enrolling the student
- B. After the student receives immediate enrollment
- C. Not Sure

# Least Restrictive Environment (LRE)

For eligible children, IDEA specifies that special education instruction may take place in a general education classroom, special education classroom, specialized school, home, hospital, or institution. 20 U.S.C. § 1401(29)(A)

Under the provision to educate children in the least restrictive environment (LRE) to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 20 U.S.C. § 1412(a)(5)(A)

# Parents and Guardians

“Parents,” for the purpose of special education, include:

- biological, adoptive, or foster parents
- guardians
- **surrogate parents**
  - individuals legally responsible for the child’s welfare, or individuals acting in the place of a parent and with whom the child lives

For **unaccompanied homeless youth** with an IEP, NYS specifically requires LEAs to appoint a **surrogate parent** on matters related to special education. This allows for a surrogate parent to act in the parental role if the parents or other family members of a child with a disability are unknown, unavailable, or if the child is a ward of the state, or UHY. NYCRR §200.5(n)(3)(iii)

NAEHCY Resources: [Surrogate Parents and Unaccompanied Homeless Youth under the Individuals with Disabilities Education Act](#)

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# Quick Poll #3



Can a UHY request that a surrogate parent attend an IEP meeting on behalf of the student?

- A. Yes, the surrogate parent then assumes all parental rights, removing them from the parent.
- B. Yes, the surrogate parent can represent the student while the parents maintain rights.
- C. No



# School Selection

Local education agencies (LEAs or school districts) must “presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or (in the case of an unaccompanied homeless youth) the youth...”

42 U.S.C. § 11432(g)(3)(B)(i), 2001

# School Selection & School of Origin

The term "**school district of origin**" is defined as the school that the child or youth attended when permanently housed or the school that the child or youth was last enrolled. NYS Ed Law § 3209(1)(c)

Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they become permanently housed. Alternatively...

A child or youth experiencing homelessness or temporary housing may choose to enroll in the "**school district of current location**" by enrolling in the public school in the district in which they are temporarily housed. 42 U.S.C. § 11432(g)(3)(A); N.Y. Education Law § 3209(2)(a)

# School Selection: Determining Best Interest

The LEA shall:

- Keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian; or in the case of an unaccompanied youth, the wishes of the youth;
- Provide a written explanation, including a statement regarding the right to appeal, to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian;
- Ensure that the McKinney-Vento district liaison assists the unaccompanied homeless youth in placement or enrollment decisions and provides notice to such youth of the right to appeal.

42 U.S.C. § 11432(g)(3)(B)

[Education for Homeless Children and Youth Non-Regulatory Guidance](#) (updated March 2017)

# McKinney-Vento Act: School Selection

Parents, guardians, or unaccompanied youth (“the designator”) in temporary housing may have choices for school enrollment.

They can choose:

- The school attended or was entitled to attend when circumstances arose which caused the child or youth to become homeless,
- The school last enrolled, even if the student was temporarily housed during that time, or
- The local school where the student is currently temporarily housed.
- District participation in a Regional Placement Plan (RPP).

NYS Education Law § 3209(1)(c)

# School Selection for Preschool



1. The school that a child attended or was entitled to attend when permanently housed.



2. The school where the child was last enrolled.



3. The child's new local publicly-funded preschool.

NYS Education Law § 3209(1)(i)

# Special Education School Selection Scenario

A family with two children were last enrolled in Wayne County CSD when a fire occurred in the rental home. They moved in with relatives in Lyons CSD. The 11-year-old has an IEP and was attending an out of district placement. The family wants to enroll both children in the district of current location, Lyons CSD, but they do not participate in that out of district placement.

## What school selection options are the family entitled to?

- A. Both students can remain enrolled in Wayne County CSD and transportation is provided to Wayne County CSD and the out of district placement.
- B. The 11-year-old with the IEP can continue attending the out of district placement via Wayne County CSD, the district of origin, while the sibling enrolls in Lyons.
- C. Both students enroll in Lyons CSD and Lyons finds a comparable placement to meet the needs of the special education student.

# Quick Poll #4



If a student with an IEP changes schools due to homelessness, is the new school district of residence allowed to decline enrolling a student with special needs because they do not have an opening in a special class?

- A. Yes
- B. No
- C. Not Sure

# Special Education Programs

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# Preschool Special Education

The **Preschool Special Education Program** is for children **ages 3 to 5 years old** and is -administered by NYSED similarly to K-12 special education.

Referrals to the program are handled by the school district and the Committee on Preschool Special Education (**CPSE**). Students may receive related services in their home/daycare/preschool settings and/or may be approved to attend a special class, as is specified on the child's Individualized Education Plan (IEP).

**Children attending a UPK, Head Start, or Special Education Class who experience temporary housing would be eligible for McKinney-Vento services.**

# K-12 Special Education Programs

The Committee on Special Education (CSE) is responsible for deciding a child's special education needs and services, ages 5-21.

The continuum of placement options in NYS includes:

- Public schools,
- Board of Cooperative Educational Services (BOCES),
- Private approved day and residential schools, and
- Home and hospital instruction.



# Special Education Quality Assurance (SEQA)

- Provides general information regarding services for students with disabilities to parents, school district personnel, private providers, and other stakeholders.
- Investigates complaints alleging a public or private special education program's noncompliance with federal or state law or regulation pertaining to the education of students with disabilities.
- Your region's SEQA contact information can be found by clicking [here](#).

# McKinney-Vento & Special Education Scenarios

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# Scenario #1A



Bobby, **a 4-year-old**, and his mom were permanently housed in Lakeland CSD, where Bobby attended a preschool special class in an integrated setting (SCIS). They later became displaced due to job loss and are now living in temporary housing in Yonkers. Bobby's mom wants to keep him in his special education preschool program. **Where is he eligible to enroll?**

- A. The school Bobby attended when permanently housed – Westchester
- B. The school where Bobby was last enrolled – Westchester
- C. Bobby's new local District administered preschool – Yonkers
- D. All of the above
- E. None of the above- preschool isn't included in McKinney-Vento

# Scenario #1B



Bobby's mom decided to continue enrollment in his previous school district (Lakeland CSD) and attend the special preschool class that allowed Bobby an integrated setting (SCIS). Bobby and his mom were placed by DSS in a shelter in New Rochelle. The district says they don't transport from that far away (25 miles).

**Who is responsible for transportation for this 4-year-old preschooler?**

- A. The school of origin, Westchester
- B. The district of last residency, Yonkers
- C. The district of current location, New Rochelle
- D. The municipality (county)

[Transportation Guide](#)

# Scenario #2

Anthony (kindergarten) and his brother Andrew (1st grade) have been living with their uncle after their family was evicted. The apartment is 15 miles from their original home. The boys sleep on the living room floor in sleeping bags. Both children have IEPs and are placed out of district in an approved special education school.

**Would Anthony and Andrew be eligible to remain in their current placement in the approved special education school and continue to receive transportation from their new temporary residence?**

- A. Yes
- B. No
- C. Not Sure

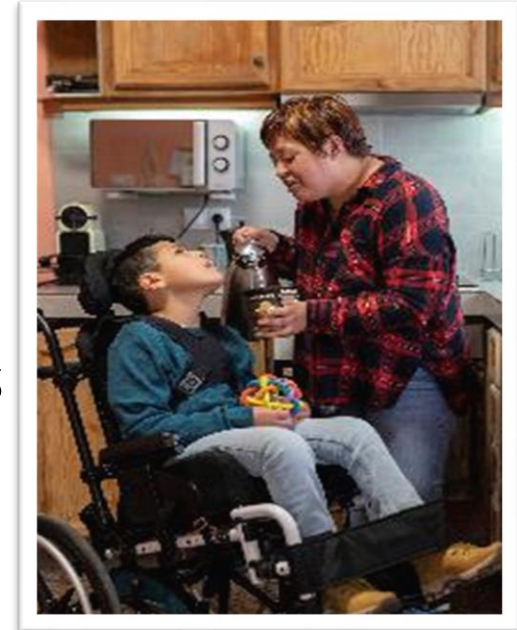


# Scenario #3

Jeffrey attends a special class 6:1+1 in Buffalo. His father loses his job and can't afford their apartment, so the family moves in with relatives in Depew. Although only 30 miles away, the transportation director stated his new bus ride would be about 75 minutes one way. The family decides to enroll in Depew, but they only have an 8:1+1 class spot available.

## What should the liaison do to help with this transition?

- A. Immediately enroll him in the 8:1+1 class and see how he does until further notice
- B. Liaison and CSE should meet with family to discuss best interest and make appropriate placement decision
- C. Not sure

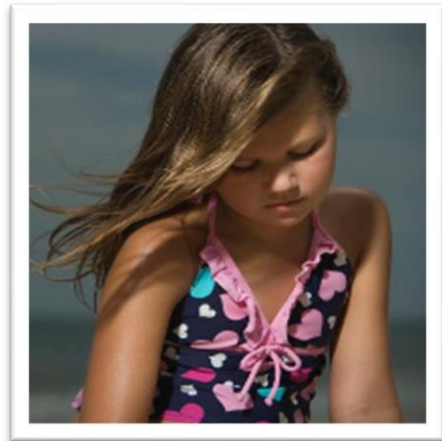


# Scenario #4

A family recently arrived from the Dominican Republic and is living doubled up with relatives in a small apartment. The youngest child is 4 years old and a social worker recommended that she be evaluated as she displays signs of special needs. The CPSE office says the family must register in the district to receive the evaluation. Since they are missing documentation, the district has not enrolled them yet.

**What can be done to support this 4-year-old's enrollment and evaluation?**

- A.** The family cannot register without residency documents.
- B.** This family is doubled up and qualifies under McKinney-Vento; Since preschool is MV eligible, the district should enroll without delay.
- C.** The parents are responsible for a private evaluation.



# Scenario #5

Luke is 13-years-old and lives in Fulton County. Luke attends a BOCES class out of district. Luke's mother moved south suddenly with her boyfriend, giving the grandmother a one day-notice that she was leaving. Luke now resides with his grandmother in the Hamilton CSD. Luke requires wheelchair transportation to get to school. Hamilton tells the grandmother that they don't have an equivalent class for Luke so he should remain enrolled in Fulton County.

**Can the district deny enrollment because they do not have an opening in a special class?**

**A. Yes**

**B. No**

**C. Not Sure**



# Scenario #6

A 15-year-old student experienced a conflict with his parents, moved out, and is living doubled up with a friend. The district is designating him as a UHY but is questioning who can sign off on IEP services and make decisions.

**Does the school have to invite the student's parents to the IEP meeting and who can sign off on IEP documents?**

- A.** The parents retain educational rights and must be informed; the school will assign a surrogate to ensure student needs are prioritized.
- B.** The parents do not have to be informed; the student can sign the documents himself.
- C.** The parents must be informed but no IEP signature is needed.



# McKinney-Vento and Special Education Barriers

Under the McKinney-Vento Act, school districts must remove barriers for students in temporary housing to attend and succeed in school. Barriers exist that make it difficult for special education students in temporary housing.

- Bus driver shortages
- Full special education classrooms
- Caseload capacity
- Meeting the needs as per the IEP
- Parent follow-through
- Challenging behaviors
- Absenteeism



# McKinney-Vento 310 Dispute and Due Process

If parents and school districts end up in **disagreement regarding a student's McKinney-Vento benefits** (enrollment, eligibility, school selection, or transportation), there is a **Dispute 310 Appeal Process** to be followed. This provides parents and school districts a neutral 3rd party at NYSED to evaluate the situation.

Sometimes concerns or **disagreements arise between parents and school districts about the identification, evaluation, educational placement of, or the provision of FAPE to a student with a disability** or a student suspected of having a disability. IDEA and NYS law and regulations establish **due process** procedures that provide specific options for these concerns or disagreements.

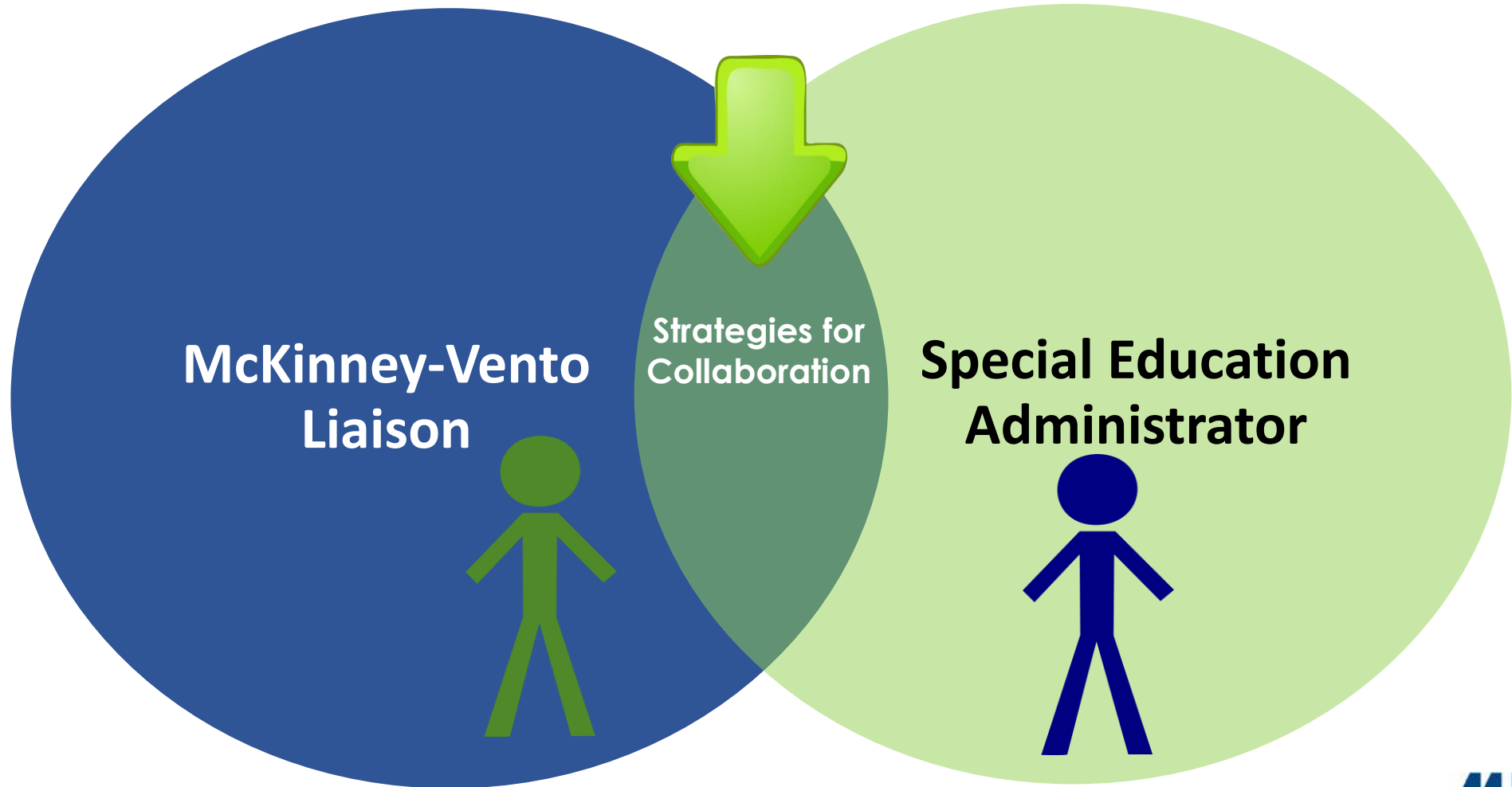
<http://www.nysed.gov/special-education/due-process-hearing>

# Role of McKinney-Vento Liaisons

- Coordinate with CPSE/CSE chairs
- Coordinate with the transportation department
- Partner with the family, inform them of all timelines, and aid in offering solutions
- Remove barriers that exist to ensure enrollment, attendance and educational opportunities without gaps or extraordinary “red-tape”



# Working Together to Support Students with Disabilities Experiencing Temporary Housing



# Strategies for Collaboration

- Invite local liaisons to CPSE/CSE meetings
- Consult with the CPSE/CSE chairperson for best interest determinations
- Convene meetings between Special Education Administration and McKinney-Vento staff meet informally
- Create policies or procedures to address complex situations
- Provide school registrars with a checklist of questions to ask families upon enrollment of their children

# Summary

- **McKinney-Vento Services** (enrollment, school selection, transportation, etc.) also apply to students with an IEP who are experiencing homelessness.
- Close **communication and collaboration** must exist to ensure a smooth process and no gaps in services
- **Special Education Placements** and services may be modified after a transfer to a new district, following a CPSE/CSE meeting to meet FAPE and including services that are comparable with parent/guardian/UHY input and agreement.

# Let's Talk About It

What is a key take away from today's session?

Please  
respond in  
the chat. 😊





[Navigating the Intersections of the McKinney-Vento Act and Individuals with Disabilities Education Act: Coordination to Help Homeless Children and Youth with Disabilities](#)

[School Help for Homeless Children with Disabilities: Information for Parents](#)

[Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Act](#)

# IDEA Resources

More  
Information



1. [https://sites.ed.gov/idea/files/QA\\_on\\_Special\\_Education\\_and\\_Homelessness\\_512.pdf](https://sites.ed.gov/idea/files/QA_on_Special_Education_and_Homelessness_512.pdf)
2. <https://sites.ed.gov/idea/idea-files/policy-letter-august-5-2013-to-diana-bowman/>

# Technical and Educational Assistance Center

- **Help Line** (800-388-2014)
- **Website** (<https://nysteachs.org>)
- **Web-Based Trainings**
- **Outreach Materials**
- **Tales from the Field**



**NYSTEACHS.org**



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Assistance Center for Homeless Students

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**Next Webinar:**

***Planning Your Education for Homeless Children and Youth  
(EH CY) Program***

***Thursday, May 15, 2025***

***9:30am–11:00am***