



McKINNEY-VENTO REGION 8 PROGRAM

CAPE MAY, CUMBERLAND & SALEM COUNTIES, NEW JERSEY



WELCOME TO THE WEBINAR

DETERMINING MCKINNEY-VENTO ELIGIBILITY



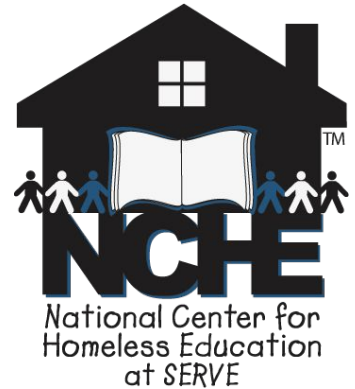
FIND INFORMATION RELATED TO MCKINNEY-VENTO AS
WELL AS NJAC 6A:17 AT WWW.WOODSTOWN.ORG –
CLICK ON “HOMELESS EDUCATION”

MEET YOUR PRESENTER

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FINDING MORE INFORMATION

- **NCHE** is the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program.
- Website: <http://nche.ed.gov>
- Helpline: 800-308-2145 or homeless@serve.org
- Products: <https://nche.ed.gov/resources/>
- Webinars: <https://nche.ed.gov/group-training/>
- Listserv: <https://nche.ed.gov/resources/> (click *Resources* tab)
- Twitter: [@NCHEducation](https://twitter.com/NCHEducation) | Facebook: facebook.com/NCHEducation



OUTLINE



- Understanding Homelessness
 - The dynamics of family and youth homelessness
 - The McKinney-Vento definition of *homeless*, including changes under ESSA
 - Better understanding Determining Eligibility
- Scenarios
- Opportunity to Ask Questions and Receive Answers

HOMELESSNESS REGULATION IN NJ

- **NJAC 6A:17 - EDUCATION FOR HOMELESS CHILDREN AND STUDENTS**
- Specific language related to McKinney-Vento that clarifies aspects to determining eligibility and working with school districts to support students who are determined as “homeless”.

HOMELESSNESS CREATES BARRIERS



- Students experiencing homelessness may
 - Be unable to meet standard school enrollment requirements.
 - Move around and change schools a lot.
 - Be hungry, tired, and stressed.
 - Not have school supplies or a quiet place to study.
 - Not have access to reliable transportation
 - Not have a parent or guardian to help them (unaccompanied youth).

HOMELESSNESS AFFECTS EDUCATION



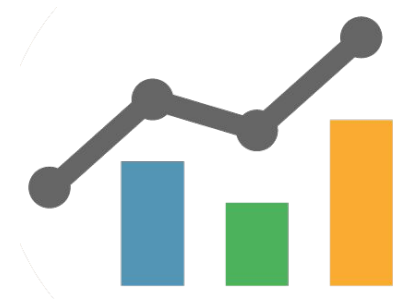
- Students experiencing homelessness are more likely to
 - Be chronically absent from school
 - Get lower grades
 - Have special education needs
 - Score poorly on assessment tests
 - Drop out of school

THE PREVENTIVE VALUE OF EDUCATION

- Children in quality preschool programs are more likely to graduate from high school and own homes
- High school graduation is associated with an array of positive life outcomes (↓ unemployment, ↓ criminal justice involvement, ↑ income, ↑ health outcomes, ↑ life span)
- 95%+ of the jobs created since the Great Recession have gone to workers with at least some post-secondary education

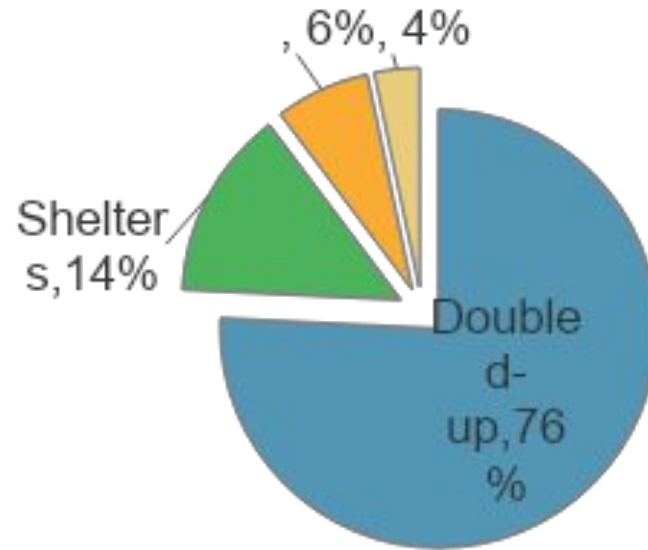
NATIONAL SCHOOL DATA, 2016-2017

- **U.S. public schools enrolled 1,355,821 homeless children and youth** (including in public preschool) during the 2016-2017 school year, including
 - 118,364 unaccompanied youth (8.7 %)
 - 216,295 homeless students with limited English proficiency (16.0%)
 - 247,110 homeless students with disabilities under IDEA (18.2%)



NATIONAL SCHOOL DATA, 2016-2017

Enrolled by Primary Nighttime Residence



UNDERSTANDING FAMILY HOMELESSNESS



- Common causes of family homelessness
 - Economic challenges (lack of affordable housing, poverty, unemployment/underemployment, single parenting/single income)
 - Health challenges (disabilities, mental health issues, substance abuse)
 - Domestic violence

UNDERSTANDING YOUTH HOMELESSNESS



- Common causes of youth homelessness
 - Abuse or neglect
 - Acute conflict (pregnancy, sexual orientation, gender identity, blended family issues, substance abuse)
 - Economic challenges (pressure for older children to be financially independent)
 - Shelter policies (lack of space for whole family, adolescent boys sent to adult shelters)

UNDERSTANDING THE HOMELESS DEFINITION

- Shelters often are not an option
 - Not all communities have shelters
 - Shelter demand often exceeds supply (no space available)
 - Families and youth may avoid entering shelter due to concerns regarding safety and the shelter environment
 - Shelter policies (no adolescent boys, stay limits, curfews, etc.)
- Shared housing arrangements often are unsustainable or are offered by unscrupulous hosts

MCKINNEY-VENTO DEFINITION OF HOMELESS

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including children and youth:
 - 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, or are abandoned in hospitals

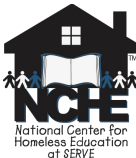
MCKINNEY-VENTO DEFINITION OF HOMELESS

- Living in 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 above circumstances

42 U.S.C. § 11434a(2)

- The term *unaccompanied youth* includes a homeless child or youth not in the physical custody of a parent or guardian

42 U.S.C. § 11434a(6)



DETERMINATIONS OF ELIGIBILITY

- The **local liaison** has the authority and responsibility to ensure that eligible students are identified; this should be a collaborative effort with school personnel, and through outreach and coordination activities with other entities and agencies [42 U.S.C. § 11432(g)(6)(A)(i)]
- Eligibility determinations should be made on a **case-by-case basis**, considering the circumstances of each student.
- Pay close attention to the **legislative wording**, as it may provide needed clarity.
- Download *Determining Eligibility for McKinney-Vento Rights and Services* at https://nche.ed.gov/wp-content/uploads/2018/10/det_elig.pdf for more information.

BEST INTEREST OF THE CHILD

In determining best interest, the school district shall

- **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 parent, guardian, or unaccompanied youth
- **Consider student-centered factors** related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the parent, guardian, or unaccompanied youth

KEY COMPONENTS OF NJAC 6A:17

- **6A:17-2.4:** Notify the liaison of the school district of residence within 24 hours of receiving notification
- **6A:17-2.5: School district of residence . . .** The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.
- **6A:17-2.5:** If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent or guardian, pending resolution of the dispute pursuant

DETERMINING ELIGIBILITY – SHARING HOUSING

- 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?

DETERMINING ELIGIBILITY – LOSS OF HOUSING

- 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?

DETERMINING ELIGIBILITY – ECONOMIC HARDSHIP

- 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?
- Are the intentions to share in all costs associated with living in this location?

DETERMINING ELIGIBILITY – LIVING IN HOTELS

- 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.

DETERMINING ELIGIBILITY – OTHER SITUATIONS

- Living in an emergency or transitional shelter
- Abandoned in hospitals
- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting
- Migrant children, as defined by the Every Student Succeeds Act

UNACCOMPANIED HOMELESS YOUTH



- For any child or youth, including an unaccompanied child or youth, to be eligible for McKinney-Vento services, his/her living arrangement must meet the McKinney-Vento definition of *homeless*
- A guardianship issue alone (without homelessness) does not convey McKinney-Vento eligibility

UNACCOMPANIED YOUTH

- Understanding Eligibility from NCHE
<https://files.eric.ed.gov/fulltext/ED594667.pdf>
- Things to consider:
 - Why are they living without their parents/guardians?
 - What reasons do they have for this new living situation?
 - Is this a temporary living situation or will this be considered a permanent living arrangement?

UNACCOMPANIED YOUTH

SCENARIO 1 – M-V ELIGIBLE

1. The student meets the McKinney-Vento definition of homeless (the student is lacking a fixed, regular, and adequate nighttime residence)
2. The student meets the definition of unaccompanied (the student is not in the physical custody of a parent or guardian)



The student is served under McKinney-Vento as an unaccompanied homeless youth.

UNACCOMPANIED YOUTH

SCENARIO 2 – NOT M-V ELIGIBLE

1. The student does not meet the McKinney-Vento definition of homeless (the student is not lacking a fixed, regular, and adequate nighttime residence)
2. The student meets the definition of unaccompanied (the student is not in the physical custody of a parent or guardian)



The student is not homeless and, therefore, is not McKinney-Vento eligible.
The school district should work to resolve the guardianship issue through other channels.

WHAT DO YOU THINK?

You are the local liaison for a medium-sized suburban school district. To help improve your “reach” in district schools, you appointed school-level McKinney-Vento points of contact (POCs). Your POC from James Elementary School calls you to ask your advice. A mom just came in to enroll her two children. She mentioned that she’s just moved in with her cousin who lives in the area. The POC asks you if would consider her children homeless since they’re living in shared housing.

Question

- How do you respond to the POC?



Q&A



QUESTIONS TO KEEP IN MIND

- Were they in a permanent living situation prior to moving in with her cousin?
- What school district were they previously attending?
- Why did they leave their last living situation?
- Will this be a permanent living situation or is it temporary?

There are other follow up questions to consider depending on the answers provided. Each situation is on a CASE BY CASE basis. There is no “one size fits all” for McKinney-Vento eligibility.

UNDERSTANDING SUBSTANDARD HOUSING

- Housing standards may vary by locality
- Considerations:
 - Does the housing lack one of the fundamental utilities such as water, electricity, or heat?
 - Is the housing infested with vermin or mold?
 - Does the housing lack a basic functional part such as a working kitchen or a working toilet?

UNDERSTANDING SUBSTANDARD HOUSING

- Does the housing present unreasonable dangers to adults, children, or persons with disabilities?
- Each city, county, or state may have its own housing codes that further define what may be deemed substandard housing

EHCY Non-Regulatory Guidance, Question A-3

DISPUTE RESOLUTION

- If a dispute arises over eligibility, or school selection or school enrollment:
 - the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals
 - the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions related to the dispute made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions

DISPUTE RESOLUTION

- the parent, guardian, or unaccompanied youth shall be referred to the local liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute
- in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the requested school pending resolution of the dispute 42 U.S.C. §11432(g)(3)(E)
- Students must receive all services for which they are eligible until final resolution of all disputes and appeals.

EHCY Non-Regulatory Guidance, Question K-7

WHAT DO YOU THINK?

You're beginning your first school year as your district's local liaison. It's August and students are enrolling for the coming school year. A principal calls you with a question. A teacher wants to enroll her niece, Sasha, in his school, but he's not sure if that's okay. The niece moved in with her aunt/the teacher over the summer because her father, who is a widower, moved to a new city to start a new job, but wants his daughter to finish her senior year in high school with her friends. The teacher doesn't have some of the paperwork needed to enroll her niece, but says that shouldn't be an issue because Sasha is unaccompanied and can enroll under McKinney-Vento.

Question

- Would you deem Sasha eligible for McKinney-Vento services as an unaccompanied homeless youth?



Q&A



QUESTIONS TO KEEP IN MIND

- What are the circumstances beyond the parent wanting the child to finish the school year in her school?
- What is the mental state of the student related to the loss of her mother?
- Is this the only reason that the child is finishing school in the school district she started?
- Is there any other way that the child could finish school in the school district she was attending other than McKinney-Vento?

THANKS FOR JOINING ME!

You can always contact me at my email which is

snyder.c@woodstown.org or call (856) 769-0144 x 55560.