



An Overview of the McKinney Vento Act



Colonie Town Library, Loudonville
December 2, 2010

Presented by Jennifer Pringle, NYS-TEACHS and
Melanie Faby, SED

NYS-TEACHS is a project of Advocates for Children and is funded by a grant from the New York State Education Department.



About NYS-TEACHS

- Funded by the State Education Department
- Housed at a non-profit in NYC, Advocates for Children of New York
- Core services
 - Trainings
 - Hotline: (800) 388-2014
 - Website: www.nysteachs.org
 - Publications

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Outreach Posters and Brochures

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Today's Training

General Overview

- Background Data
- Key Protections for Students in Temporary Housing
- Rights and Responsibilities of Students and Schools

Special Topics

- Unaccompanied Youth
- Special Education
- Preschool
- Free Meals
- Dispute Resolution
- Title I

Resources

- Useful Contact Information and websites

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National Data on Homelessness

- Up to **1.4 to 2.8 million** runaway and homeless youth each year.
- **10% of children** in poverty experience homelessness each year.
- Nationally, approximately **39%** of the homeless population are **children**.

Greene, J., Ringwalt, C., Kelly, J., Iachan, R., Cohen, Z. (1995). *Youth with Runaway, Throwaway, and Homeless Experiences: Prevalence, Drug Use, and Other At-Risk Behaviors*. Volume I: Final Report. Research Triangle Park, NC: Research Triangle Institute; Urban Institute/Urban Institute 2001, http://www.urban.org/uploadedPDF/end_homelessness.pdf; National Coalition for the Homeless, <http://www.nationalhomeless.org/publications/facts/who.html>

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Research on Educational Outcomes

- **36%** of children who were homeless **repeated a grade**, twice the rate of other children.
- Third-graders who have changed school frequently are 2.5 times more likely to repeat a grade than their peers.

Rubin, D. et al. (1996) "Cognitive and Academic Functioning of Homeless Children Compared with Housed Children," *Pediatrics*, 93, 289-294; Better Homes Fund. *Homeless Children: America's New Outcasts*. (Newton, MA: 1999); Lovell, P. & Isaacs, J. (2008), "The Impact of the Mortgage Crisis on Children," available at <http://www.firstfocus.net/Download/HousingandChildrenFINAL.pdf>

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The McKinney-Vento Homeless Assistance Act

Purpose:

- Ensure that children and youth experiencing homelessness receive a free, appropriate public education and remove obstacles that delay enrollment or prevent access.

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The McKinney-Vento Homeless Assistance Act, cont'd

Key Provisions:

- Student can remain in school of origin or immediately enroll in local school
- Transportation must be provided to school of origin
- Each district must designate a liaison to help students who are homeless

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Local Educational Agency (LEA) Liaison Responsibilities

- Ensure that children and youth in homeless situations are identified
- Ensure that homeless students enroll in and have full and equal opportunity to succeed in school
- Link children and youth with educational services, including preschool and health services

and

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Liaison Responsibilities (cont'd)

- Inform parents, guardians, or youth of educational opportunities and parent involvement opportunities,
- Post public notices about educational rights,
- Resolve disputes, and
- Inform parents, guardians, or youth of transportation services, including transportation to the school of origin, and assist in accessing transportation.

N.Y. Educ. Law § 3209(2-a); 8 N.Y.C.R.R. § 100.2(x)(7)(iii);
M-V Section 722(g)(6)

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Possible Under-Identification in NYS

- **10% of children** in poverty experience homelessness each year and yet:
 - **27% of NYS districts** did not identify any students as homeless
 - **56% of NYS districts** identified 5 or fewer

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District Name	# identified as homeless SY 08-09	10% of school-age children (5-17) in poverty (2008)	Possible # under-identified
Albany City School District	243	316	73
Berne-Knox-Westerlo Central School District	0	12	12
Bethlehem Central School District	5	21	16
Cohoes City School District	46	50	4
Green Island Union Free School District	6	5	(1)
Guilderland Central School District	5	23	18
Menands Union Free School District	7	4	(3)
North Colonie CSD	7	29	22
Ravena-Coeymans-Selkirk Central School District	5	25	20
South Colonie Central School District	11	48	37
Voorheesville Central School District	2	4	2
Watervliet City School District	39	33	(6)
TOTAL	376	570	194



Who is covered under McKinney-Vento?

Children who lack a nighttime residence that is **Fixed**, **Regular**, and **Adequate**, including:

- Sharing the housing of others due to loss of housing, economic hardship or other similar reason
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Living in emergency or transitional shelters
- Abandoned in hospitals

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Who is covered under McKinney-Vento?

- Awaiting foster care placement
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, bus or train stations, etc.
- Migratory living in circumstances described above

M-V Section 725

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Determining Eligibility

- **FIXED:** A fixed residence is one that is stationary, permanent, and not subject to change.
- **REGULAR:** A regular residence is one which is used on a predictable or routine basis.
- **ADEQUATE:** An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

These definitions come from the National Center for Homeless Education in their publication:
[Determining Eligibility for Rights and Services Under the McKinney-Vento Act.](#)

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Scenario : John

John had been living with his parents in permanent housing in Albany when their house was foreclosed on because his parents couldn't make the mortgage payments. John's family moved in temporarily with relatives in Cohoes. Since John is no longer living in Albany, his parents went to enroll him in Cohoes as a permanently housed student. The liaison in Cohoes spoke with John about his living situation, but neither he nor his parents consider themselves homeless.

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Scenario: John

- What questions should the liaison ask to determine whether John is covered under McKinney-Vento?
- If John's relatives in Cohoes were living in Section 8 housing and the landlord was unaware that John and his parents had moved in, would that have any bearing on the situation?

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Enrollment Form/ Residency Questionnaire

- All LEAs that receive Title I funding must have a Residency Questionnaire / Enrollment Form that asks about students' housing status.
- This form should be completed for all students seeking enrollment, as well as those students changing addresses.
- For a sample copy, visit: www.nysteachs.org

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Who Decides Where a Student who is Homeless Goes to School?

- Parent
- Person in Parental Relation
- Youth, together with the McKinney-Vento liaison if the youth is unaccompanied
- Director of a runaway and homeless youth residential program in consultation with the youth.

Liaisons should encourage parents to keep their children in the school of origin if it's in their best interest.

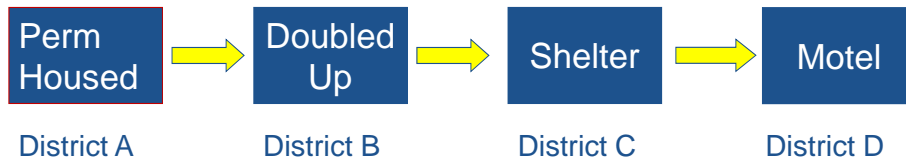
N.Y. Educ. Law § 3209(1)(b)

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Illustration: School Selection



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Transportation

- **School of Origin**
 - Transportation must be provided to and from the school of origin and temporary housing location, if within 50 miles one way.
- **Local School**
 - If student transfers to the local school, she is entitled to same transportation as permanently housed peers.
- **School district of attendance** is responsible for transportation.

N.Y. Educ. Law § 3209(4)

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Transportation Duties of the Local Department of Social Services

DSS is responsible for transportation when:

- It **placed** the student in temporary housing outside of the designated school district, **and**
- Student is eligible for Emergency Assistance for Families (EAF).

N.Y. Educ. Law § 3209(4)

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Transportation Reimbursement for RHY Facilities

- **100% reimbursement** for Runaway and Homeless Youth (RHY) Facilities that provide school transportation
- If RHY facility does not transport, school district of origin **must** provide transportation.
- **Both** RHY facilities and school districts are eligible for transportation reimbursement.

N.Y. Educ. Law § 3209(4)

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Immediate Enrollment

Students experiencing homelessness are entitled to **immediate enrollment**, even if they do not have:

- School records,
- Medical records **including immunization records**,
- Proof of residency,
- Guardianship papers,
- Birth certificate, or other documents normally needed.

N.Y. Educ. Law § § 3209(2)(e)&(2-a); M-V Section 722(g)(3)(C)

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STAC-202: Designation Form and State Aid Form

- School districts and DSS staff at temporary housing locations must help parents/guardians/youth fill out **Designation Form** for students identified as homeless.
- If designated district is **different from the district of origin**, designated district is entitled to State Aid.
 - Submit STAC 202 to the State Education Department's STAC Office.
- If not eligible for State Aid, district should keep a copy of the form, but not send it to STAC Office.
- STAC Office **(518) 474-7116**.

N.Y. Educ. Law § 3209(2)(d); 8 N.Y.C.R.R. § 100.2(x)(3)

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STAC 202 Form

STAC CHILD ID	The University of the State of New York THE STATE EDUCATION DEPARTMENT STAC & Special Aids Unit Room 314, Education Building Albany, NY 12244	STAC-202 HOMELESS DESIGNATION
Designation of School District of Attendance for a Homeless Child Submitted by: <input type="checkbox"/> Local Dept of Social Services (DSS) <input type="checkbox"/> Designated School District of Attendance (PSD)		
PLEASE READ THE INSTRUCTIONS ON THE REVERSE BEFORE COMPLETING THIS FORM		
1. NAME OF CHILD	2. DATE OF BIRTH	3. GENDER
LAST NAME	MO / DAY / YR	M F
FIRST NAME	MI	4. SOCIAL SECURITY NUMBER
5. Racial/Ethnic Category of Child (See definitions on reverse side of last page)		
American Ind or Alaska Native <input type="checkbox"/> Asian or Pacific Isl <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/>		
7. COMPLETE ADDRESS BEFORE CHILD/FAMILY BECAME HOMELESS		6. GRADE LEVEL FOR WHICH PLACEMENT IS SOUGHT
8. COMPLETE ADDRESS OF CURRENT LOCATION		9A. NYS SCHOOL DISTRICT OF ATTENDANCE BEFORE BECOMING HOMELESS
DATE CHILD/FAMILY PLACED IN TEMPORARY HOUSING		9B. NYS SCHOOL DISTRICT WHERE LAST ENROLLED
MONTH DAY YEAR		9C. NYS SCHOOL DISTRICT OF CURRENT LOCATION
9. DATE DISTRICT OF ATTENDANCE CHOSEN		9A. NYS DESIGNATED DISTRICT OF ATTENDANCE
MONTH DAY YEAR		
10. DATE PLACED IN PERMANENT HOUSING		
MONTH DAY YEAR		
11. Check the appropriate box if the designated school district of attendance (DA) is different from the district of attendance before becoming homeless (TA) and from the district of current location (CA).		
<input type="checkbox"/> District participating in a Regional Placement Plan OR <input type="checkbox"/> District where last enrolled (TB) if it is different from the district where last permanently housed (TA) and the district of current location (CA).		

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Records

- Enrolling school has the responsibility to request student's previous school records.
- Previous school must send records within 5 days of receipt of record request.

N.Y. Educ. Law § 3209(2)(f).



How Long Can a Child or Youth Stay in the School Selected ?

- **Entire time** student is homeless **AND**
- Through the **remainder of the school year** in which the student moves into permanent housing **AND**
- **Possibly one additional year** if it is the student's last year in that school building(e.g. 8th grade or 12th grade).

M-V Section 722(g)(3)(A)(i)(II); N.Y. Educ. Law § 3209(2)(b)&(c); 8 N.Y.C.R.R. § 100.2(x)(2)(ii)&(iii)



Special Topics

Special Topics for Discussion:

Unaccompanied
Youth

Special
Education

Preschool

Free Meals

Dispute
Resolution

Title I

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Unaccompanied Youth

- Youth not in the physical custody of a parent or legal guardian.
- Must meet definition of homeless to be covered under McKinney-Vento.
- Does NOT include youth who is residing with someone else for the sole reason of taking advantage of the schools in the district.
- Unaccompanied youth do not need an adult to enroll in school.

8 N.Y.C.R.R. § 100.2(x)(1)(vi)

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Unaccompanied Youth

Availability of permanent housing does not affect eligibility under McKinney-Vento for unaccompanied youth.

- An offer to return home does not mean a youth cannot be considered unaccompanied. Why not?

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Unaccompanied Youth: Access to College

- Unaccompanied homeless youth are considered **independent students** for the FAFSA
- Verification by the liaison
- For more information:
http://naehcy.org/higher_ed.html

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Scenario: Henry

Henry was living in his parents' home when they got into a fight, and he moved in with his aunt in another school district. Which is true about Henry's M-V eligibility?

- A) Since Henry left his home without having been forced out, M-V doesn't apply.
- B) Henry is probably eligible. Henry moved in response to a crisis at home.
- C) Henry is probably eligible. His aunt probably isn't ready to take care of him on a full-time basis, and he may have a hard time adjusting to a new home.
- D) B and C.

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How are IEPs implemented when a child changes districts?

- The new LEA must provide “**services comparable**” to those in the current IEP from the previous district.
- The new LEA can either adopt the old IEP or develop a new one.
 - **NOTE:** Student must be **immediately enrolled** and provided with **comparable services** until new IEP is developed.
- If it's a new state, the LEA may conduct new evaluations.

IDEA Section 614(d)(2)(C)(i); 300.323(e)

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Who can sign for special education services?

- Parent,
- Foster parent,
- Guardian,
- Person who is acting in the place of a parent and with whom the child is living; can be a non-relative,
- Person legally responsible for the child.

IDEA Section 602(23); 300.30(a)(4)

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What if a student doesn't have any of those people?

LEA must assign a “surrogate parent” within 30 days, where parent is unavailable, including in cases where:

- the student is a ward of the State, or
- the student is an unaccompanied youth under McKinney-Vento.

IDEA Section 615(b)(2); 300.519

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Temporary Surrogate Parents

- Before a surrogate has been appointed, a **temporary surrogate** can be appointed immediately.
- For **unaccompanied youth**, the following people can be **temporary surrogates**:
 - Staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs;
 - State, LEA, or agency staff involved in the education or care of the child.

300.519; preamble to regulations

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Preschoolers

- Liaisons must ensure that families and children receive Head Start, Even Start programs and preschool programs.
- Head Start agencies must give prioritized enrollment to child who are homeless.
- Children who are homeless are entitled to immediate enrollment in Head Start programs.
- See www.naehcy.org for more information about Head Start Reauthorization.

M-V Section 722(g)(6)(A)(iii); Head Start Reauthorization

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Free Meals

- All students identified as homeless are entitled to free meals.
- Completed application not required to receive free meals.
- Liaisons and shelter directors should submit a list of students in temporary housing to school district Food Service staff.

U.S.D.A. Memo (July 19, 2004), www.naehcy.org/dl/usda_sp4.pdf;
U.S.D.A. Memo (April 4, 2002), www.naehcy.org/dl/usda_04_04_02.pdf

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Dispute Resolution

Each district must have dispute resolution procedures. If a dispute arises the district must:

- **Immediately admit** student to the school/district where enrollment is sought;
- **Provide transportation** if requested;
- 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.

M-V Section 722(g)(3)(E); 8 N.Y.C.R.R. § 100.2(x)(7)(ii)

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Title I Funds

All students in temporary housing are eligible for Title I services.

- LEAs must reserve (or set aside) funds for students who do not attend Title I schools.
- Set-aside funds can also be used for students who do attend Title I schools.
- LEAs must submit a Title I Plan to SED with a description of the Title I services provided and the amount of the Title I set-aside

Title I of ESEA Sections 1112(b)(1)(O) & 1113(c)(3)(A)

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Title I, cont'd

Examples of services that can be provided with Title I Set-Aside funds:

- Before-school, after-school, and/or summer programs;
- Counseling services;
- Outreach efforts to identify children and youth living in homeless situations and help them access school programs;
- Basic needs such as clothing, uniforms, school supplies, and health-related needs;
- Transportation once the student is permanently housed;
- The work of the liaison;
- Tutoring services;
- Parental involvement programs that make a special effort to reach out to parents in homeless situations;
- Research-based programs that benefit highly mobile students; and
- Data collection to assess the needs and progress of homeless and other highly mobile students.
- Other services that are not ordinarily provided to permanently housed Title I students and are not available from other sources

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Useful Websites and Contact Information

National Center for Homeless Education,
(800) 308-2145, www.serve.org/nche

National Association for the Education of Homeless Children and Youth,
www.naehcy.org

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Contact Information

Jennifer Pringle
Director, NYS-TEACHS
212-822-9546
800-388-2014

Email: jpringle@advocatesforchildren.org

Website: www.nysteachs.org

Melanie Faby
Program Associate for Homeless Education, SED
518-473-0295

Email: mfaby@mail.nysed.gov

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