The Educational Rights of Children and Youth Experiencing Homelessness: What You Need to Know!

Arizona Department of Education
(602)542-4963
homeless@azed.gov
Housekeeping Items

• If you have questions, please feel ask throughout the presentation.

• You may also email homeless@azed.gov with any specific questions.

• All resources referenced in this training can be located on the ADE Homeless Education Program website.
Meet the Team
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Inspiring Every Child to Achieve
PHOENIX #1
Elementary School District
Today’s Session
Today’s Session

• Who is eligible under the McKinney-Vento Act?
• What are the rights of students experiencing homelessness? What services must LEAs provide them?
• How do LEAs implement the McKinney-Vento Act?
• Bring it Home! – Bringing the McKinney-Vento Act to your Community
Common Acronyms

**SEA** - State educational agency

**LEA** - Local educational agency (includes charter schools)

**HEP** - Homeless Education Program

**BID** - Best interest determination

**HCY** - Homeless Children and Youth

**UHY** - Unaccompanied Homeless Youth

**SIS** - Student information system

**CBO** - Community-based organization
Take a moment to **introduce yourself** to the people around you.

Share your name, organization, role, and why you chose this session.

Discuss your thoughts with those around you!
Who is eligible under the McKinney-Vento Act?

- History of the McKinney-Vento Act
- Legal Definition of Homeless
  - Common Qualifying Living Situations
- Common Obstacles Faced by HCY
- Considerations for Newcomer Students Experiencing Homelessness
McKinney-Vento Act History

1987: Signed into law

1990: Amended

1994: Reauthorized by Improving America's Schools Act

2001: Reauthorized by Title X, Part A of ESSA

2015: Reauthorized by Title IX, Part A of ESSA

“awaiting foster care placement” is removed from the definition of “homeless children and youth”
Legal Definition of Homeless

**Fixed**: Stationary, permanent, not subject to change.

**Regular**: Used on a predictable, routine, consistent basis.

**Adequate**: Lawfully and reasonably sufficient. Does it sufficiently meet the physical and psychological needs typically met in a home environment?
# Common Qualifying Living Situations

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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| **Sheltered**  | - Shelters  
                 - Transitional housing programs                                                                                                         |
| **Unsheltered**| - Abandoned buildings  
                 - Campgrounds, parks, vehicles  
                 - Inadequate housing structures or trailer parks                                                                                       |
| **Hotel / Motel** | - Temporary housing in hotel or motel                                                                                                     |
| **Doubled-Up**  | - Sharing housing with friends or family due to loss of housing, economic hardship, or similar reason.  
                 - Typically not of mutual interest.                                                                                                     |
| **Unaccompanied** | - A homeless child or youth not in the physical custody of a parent or guardian.  
                 - This includes when a student is with a family member, but that person is not their legal guardian.                                |

*Migratory children may qualify as homeless for the purposes of this subtitle if the child or youth is living in circumstances described.*
Common Obstacles Faced by Homeless Children and Youth

• Unable to meet standard school enrollment requirements
• Move around and change schools often
• Experience hunger, tiredness, and stress
• Lack school supplies or completed homework (lack of space or resources)
• Lack access to reliable transportation
• Do not have a parent or guardian to help them (unaccompanied youth)
Refugee Student Support considers a “newcomer” student to be any immigrant student that has recently arrived in the United States. A newcomer student may be a(n):

• Refugee/Asylee
• Humanitarian Parolee/Entrant
• Asylum-seeker
• Special Immigrant Visa (SIV) Holder
• Survivor of Torture or Victim of Trafficking
• Humanitarian Migrant

Newcomer students may also be classified as:

• an English language learner
• experiencing homelessness
• a child in foster care
• a migratory student
• unaccompanied
What are the rights of students experiencing homelessness?

What services must LEAs provide them?

• Key Provisions of the McKinney-Vento Act
• Identification and Immediate Enrollment
• Transportation of HCY
• Dispute Resolution
“LEAs shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.”

42 U.S. Code §11431 (1)
Key Provisions of the McKinney-Vento Act

- Immediate enrollment, even without documents
  - Unaccompanied youth = immediate enrollment
- Eliminate barriers = ensure school policies and procedures are fair
- Dispute Resolution Process
- District Liaison assigned to every school district
- School stability
  - Transportation to school of origin
Identification Process

- Awareness
- Identification
- Referral
- Enrollment
- Interview
- Eligibility Determination
  - Eligibility Determination Letter
- Notification to District Level Supports
- SIS Data Entry
When should this be shared?

- At the time any child or youth seeks enrollment (re-enrollment) and at least twice annually;
- Anytime a McKinney-Vento Eligibility Determination is made;
- Anytime a school enrollment decision is made;
- During training with school district personnel and community partners; and
- On the district website and in district newsletters.
ADE requires the **Student Residency Questionnaire** be utilized to aide in identifying students at the time of enrollment.

To ensure identification and enrollment of homeless students, LEAs are required to:

- have a **procedure** in place to **identify** students who may be experiencing homelessness
- use either an **electronic** or **hard copy** of the Student Residency Questionnaire.

Upon **indication** of homelessness, all potentially eligible students are to be **immediately enrolled**.
Proof of Residence

Birth Certificate

Immunizations

School Records

ENROLLMENT BARRIER REMOVED
Identifying Unaccompanied Homeless Youth (UHY)

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

Children of **all ages** (PS-12th grade) may be unaccompanied youth.

An unaccompanied homeless youth is a young person who is both **homeless** (meeting McKinney-Vento definition) **and unaccompanied** (not in the physical custody of a parent or guardian).
Total HCY & UHY Enrollment Counts
SY 2019-2020 - Feb. 2024

<table>
<thead>
<tr>
<th>Year</th>
<th>HCY</th>
<th>UHY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-2020</td>
<td>16,347</td>
<td>657</td>
</tr>
<tr>
<td>2020-2021</td>
<td>13,255</td>
<td>621</td>
</tr>
<tr>
<td>2021-2022</td>
<td>16,785</td>
<td>1,157</td>
</tr>
<tr>
<td>2022-2023</td>
<td>17,671</td>
<td>1,687</td>
</tr>
<tr>
<td>2023-2024 (Feb. 2024)</td>
<td>18,017</td>
<td>1,587</td>
</tr>
</tbody>
</table>
Early Childhood Referrals and Homeless Identifications

Liaisons must ensure that families, children, and youth experiencing homelessness have access to and receive educational services for which such families, children, and youths are eligible, including services through:

- HeadStart and Early HeadStart programs,
- AzEIP (Arizona Early Intervention Program),
- other services under part C of IDEA, and
- LEA administered preschool programs
“The McKinney-Vento Act strongly emphasizes the **importance of school stability** for homeless children and youths. Therefore, the McKinney-Vento Act calls for LEAs to **maintain** students in their **school of origin** to promote school stability and greater educational outcomes overall, **unless** it is **not** in the student’s **best interest**. LEAs must make **school placement determinations** on the basis of the “**best interest**” of the homeless child or youth based on **student-centered factors.**”

42 U.S.C. § 11432(g)(3)(B)
Transportation of HCY
“LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of children and youth (including preschool-aged children and unaccompanied youth) experiencing homelessness in school, including barriers to enrollment (re-enrollment) and retention due to outstanding fees or fines, or absences.”

42 U.S.C. §11432(g)(1)(I)
“The term “school of origin” means the school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool.

42 U.S.C. § 11432(g)(3)(I)(i)
School Stability

School of origin is defined as “the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool”. 42 USC 1432(g)(3)(I)(i).

Permanent Housing

Loss of Housing

Temporary Housing

ABC School
School student was last enrolled when they moved into temporary housing

XYZ School
School in attendance area of temporary housing

School enrollment choices

School Stability Diagram
“LEAs must make **school placement** determinations on the **basis** of the **“best interest”** of the homeless child or youth based on student centered factors.”

42 U.S.C. § 11432(g)(3)(B)
“LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the school of origin in accordance with McKinney-Vento statute.”

42 U.S.C. § 11432(g)(1)(J)(iii)
The Right to Transportation

LEAs must provide transportation to remove barriers to enrollment, attendance and retention for HCY.

LEAs must have procedures to ensure HCY do not face barriers to accessing academic and extracurricular activities.
“The local educational agency described in subparagraph (B)(ii) shall—(i) implement a **coordinated system** for ensuring that homeless children and youths—(III) are **promptly** provided necessary services described in subsection (g)(4), including **transportation**, to allow homeless children and youths to exercise their choices of schools. (g)(3)(A);”

“However, some situations exist in which an LEA must provide transportation assistance for a student experiencing homelessness that may exceed what is provided to other students because LEAs and schools are required to remove barriers to the school enrollment and attendance of children and youth experiencing homelessness, including transportation barriers.”

“Transporting Children and Youth Experiencing Homelessness”, NCHE
The **mode of transportation** offered should be the result of a *student-centered decision* with consideration given to the safety, viability, and logical option.
Who is responsible?

**LEAs and McKinney-Vento Liaisons**
- Conduct McKinney-Vento **eligibility determinations**
- Request **transportation**

**Service Providers**
- Service providers such as shelter staff **cannot** request **transportation**.
- However, they can **notify** the school of origin Liaison if there is a need for transportation.
What Service Providers Should Know

• Your assistance is welcome to ensure
  • Collaboration in the coordination of transportation services
  • Streamline communication (if a parent doesn’t’ have a phone)
  • Assist in established an alternate point of contact for emergencies

• Consider what transportation options your organization can provide until the LEA is contacted, and transportation routing is established

• The Release of Information (ROI) is a recommended best practice
Dispute Resolution
“If a dispute arises over eligibility, or school selection or enrollment in a school—

(i) 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;

42 U.S.C. § 11432(g)(3)(E)
Dispute Resolution Process

**LEA Level**

**SEA Level**

**LEA vs. LEA at the State Level**

TRANSPORTATION PROVIDED THROUGHOUT
How do LEAs implement the McKinney-Vento Act?

- Requirements of Arizona’s Homeless Education Programs
- LEA Responsibilities
- McKinney-Vento Homeless Liaison Responsibilities
- Shared Responsibility
What has your experience been collaborating with an LEA or with a CBO to support a student or family experiencing homelessness?
Requirements of Arizona’s Homeless Education Programs

Arizona’s ESSA State Plan requires that LEAs and McKinney-Vento Homeless Liaisons:

- Complete the McKinney-Vento Homeless Liaison Contact Form found on the ADE Homeless Education Program website;
- Collaborate with school personnel to ensure use of the Student Residency Questionnaire and Unaccompanied Youth Caregiver’s Authorization Form to identify homeless students;
- Utilize the Best Interest Determination (BID) Form to make school enrollment decisions, when necessary,
- Assess the needs presented by the students through locally developed informal needs assessment tools;
- Ensure required student data elements for homeless students and youth are accurately submitted to ADE;
- Provide at minimum an annual training to all LEA/Charter District school staff including administrative staff; and
- Annually develop, review, and revise policies to increase access to educational opportunities and academic success.

42 U.S.C. § 11432 (g)(3)
## Responsibilities of the LEA

In general, each LEA must:

- Ensure access to education,
- Connect families with services,
- Form collaborations with CBOs, and
- Inform and provide learning for all stakeholders.

| Ensure a student's education may continue at their **school of origin**, |
| Enroll students in the same school a non-homeless student would be enrolled in, |
| Comply with **school stability** protocol, |
| Assist families in attaining **enrollment** forms and records if needed, |
| Manage any **disputes**, |
| Uphold student and family **privacy**, |
| Provide comparable **services** and **education** to homeless students, |
| Coordinate with local social service agencies, within the LEA. |

Align with the **Arizona State Plan**.

42 U.S.C. § 11432 (e)(3)(C), (g)(3)
### Responsibilities of the McKinney-Vento Homeless Liaison

1. Homeless youth are **identified** through outreach with other agencies;

2. Homeless youth are **enrolled** in and have full and equal opportunity to succeed in school;

3. Access to federally required resources: HeadStart and other **preschool** programs, interventions under IDEA, etc.;

4. **Referral to well-being services:** health care, dental, mental health, substance abuse, housing, etc.;

5. **Inform** families and youth of **educational opportunities** with meaningful opportunities to participate;

6. Provide understandable **public notice of educational rights** in locations frequented by homeless youth, guardians, and unaccompanied youth: schools, shelters, public libraries, soup kitchens;

7. Mediate enrollment **disputes** according to federal guidance;

8. Inform family and youth of all **transportation** services;

9. Provide **professional development** and support for all stakeholders who serve homeless students; and

10. Assist **unaccompanied youth** with: enrollment, academic access and success, and notification of “Independent” status and assistance for FAFSA.

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42 U.S.C. § 11432 (g)(6)
“Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that homeless children and youth (including preschool-aged children and unaccompanied homeless youth) are identified by school personnel through outreach and coordination activities with other entities and agencies.”

42 U.S.C. § 11432 (g)(6)(A)(i)
Where should this be posted?

- Every school building
- On the school district website
- Throughout the community

Why should this be posted?

LEAs are required to post and disseminate the public notice of the educational rights of homeless children and youths in locations frequented by parents, guardians, and unaccompanied youths.

You can find this poster and more at: www.azed.gov/homeless

42 USC § 11432(g)(6)(a)(vi)
Community partners may need information about how to best work with school systems to meet both academic and other basic needs.

“To meet the needs of homeless students, local liaisons must have a diverse network of collaborative partners, as students experiencing homelessness have many needs beyond what schools have the ability to address on their own. Assisting families through referrals for additional services, such as housing, medical, dental, and social services, can increase stability and ensure students are ready to learn when they reach the classroom.”

(NCHE Local Liaison Toolkit: Collaboration)

Some community partners to consider:
- Local city governments
- Shelters
- Community-Based Organizations (CBO’s)
- Non-profit organizations
- Faith based organizations
- Post-secondary institutions
- Early Childhood facilities
- Continuum of Care (CoC)
- Social services (DES, WIC)
- Community Action Network (CAN)
Shared Responsibility

Federal McKinney-Vento Statute

State Education Agency (SEA)

Local Education Agencies (LEAs)

Parents, Guardians, HCY

Community-Based Organizations
Bring it Home! – Bringing the McKinney-Vento Act to your Community
Mindfulness Moment
WHY EDUCATION??

Isn’t homelessness a housing problem...
In your role, how can you support children and youth experiencing homelessness with accessing a quality education?

Discuss your thoughts with those around you!
Collaboration

Invite McKinney-Vento Homeless Liaison to provide training for your organization.

Attend professional learning provided by the ADE HEP to gain knowledge about each program.

Conduct monthly check-ins with McKinney-Vento Liaisons to obtain necessary updates or share information.

Be familiar with the Rights of Homeless Students and the Student Residency Questionnaire to assist with identification if needed.

Know where to view a list of McKinney-Vento Homeless Liaisons in the State.

Collaboration between programs.
Recommendations for Homeless Service Providers

- **Designate** an educational **point-of-contact** for questions, comments, access for materials sharing/collaboration (potential CFU/discussion)

- **Understand** CBOs don’t determine eligibility, and they cannot determine where a student is enrolled. (Some utilizing transportation request form, politely describe the process with this clarification!)

- **Develop** a list of **questions** to ask during the **intake** that will help guide the next steps with addressing educational needs
  - Do you know about the McKinney-Vento Act?
  - Where is your child currently attending school?
  - Is your child currently enrolled in school?
  - Have you notified your child's school that you are experiencing a loss of housing?
  - Ask your client to complete an ROI

- **Know** who **your** McKinney-Vento Homeless **Liaison** is
THE MCKINNEY-VENTO ACT: HOMELESS CHILDREN AND YOUTH PROGRAM

The mission of the Homeless Education Program is to ensure positive comparable academic outcomes for children and youth experiencing homelessness through implementation of the McKinney-Vento statute.

Homeless students are those who lack a fixed, regular, adequate nighttime residence. This includes students who are sharing the housing of other persons due to a loss of housing, economic hardship or similar reason; are living in motels, hotels, trailer parks or campgrounds due to lack of alternative adequate accomodations; are living in emergency or transitional shelters; are abandoned in hospitals. The definition includes migratory students who live in the aforementioned situations. Beginning December 10th, 2016, "those awaiting foster care placement" are not included in the definition.

To learn more about the Arizona Department of Education's Homeless Education Program, view the following brief overview video:

ADE's Homeless Education Program Overview

Parent and Family Rights

The McKinney-Vento Act provides certain rights for students experiencing homelessness. They include waiving certain requirements such as proof of residency when students are enrolling and allowing categorical eligibility for certain services, such as free textbooks. The Act also states.

- Homeless students may attend their school of origin or the school where they are temporarily residing.
LEA Tools that Aid in Supporting Families Experiencing Homelessness

- Liaisons are encouraged to use an ROI between the LEA and community-based organizations.

- Utilizing an ROI supports:
  - **Referral** process for prompt identification
  - **Coordination** of services
  - Streamlining **communication**
  - Share details regarding **services** provided by the LEA; such as **transportation**
  - **Assist** in locating students that stop attending school
  - Yearly re-evaluations

You can find this resource and more at: [www.azed.gov/homeless](http://www.azed.gov/homeless)
Ideas for Collaboration

Collaboration provides opportunities to:

• Create cohesive plans between LEAs and service providers that aid in the
  • Awareness of the Rights of Homeless Children and Youth
  • Ensure prompt identification and enrollment

• Share insights and trends to support underserved subgroups within education and the homeless service provider network

• Help impact positive comparable academic outcomes for HCY

• Discover what wrap-around services are available
  • Ask the Liaison what existing, and supplement resources and services are available through awarded grants

• Build relationships that reach across all organizations supporting HCY
Shared Responsibility

The ADE HEP has recently established a membership with AZHC that includes the McKinney-Vento Liaisons for every LEA in the State.

We will continue to build partnerships with other organizations throughout the State.