January 31, 2020 McKinney-Vento Eligibility Q&A Pop Up Session Notes

The power point address the questions and scenarios submitted ahead of time. The answers typed in the “notes” section of each slide, provide concrete examples of applying the three factors that determine eligibility from Slide 4:

* Is the housing fixed? (attached to the ground)
* Is the housing regular? (family returns every night and has a key)
* Is the housing adequate? (has heat, bedroom, bathroom)

Other questions asked during the session:

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| **Question** | **Response** |
| Slide 3 used the word “children.” Can you define that term?Follow up: Can students be in Head Start? | McKinney Vento eligibility applies to children and youth 21 and under, *consistent with their eligibility for public education services.*Preschool students, who are actively receiving instructional services and/or are enrolled in a public Pre-K program such as Universal Pre-K/Head Start, are eligible.Since McKinney Vento is a program under ESSA/Title I, students must be enrolled in public education services hosted by an LEA to qualify.Yes, McKinney-Vento students can be in Head Start.  |
| Slide 4.Can you define “regular?”Is there a standard definition of “Adequate?”You said "fixed" means attached to the ground. Can you elaborate? What about a trailer?  | A “regular residence” is a place that a student can return to consistently and count on, night after night. Example: If the family has a lease or they own their own home, the housing is usually "regular," but if the students are staying in someone else's home with the host's permission, the housing *may* not be, (but cannot be automatically assumed), regular. An “adequate residence” is one that is sufficient for meeting both the physical and psychological needs that are typically met in home environments. For example: A home without heat, running water, or with an infestation may not be "adequate." Adequate is most subjective, and it is up to the Migrant Educator to make the initial determination and submit it, with the parent/family, to the McKinney Vento Liaison at the LEA, and the Liaison may (1) accept the determination and provide services or (2) ask for additional information/seek to initiate a dispute.A “fixed residence” is one that is stationary, permanent, and not subject to change. For example: a tent is not fixed to the ground and a car is not fixed to the ground; but a house or an apartment are usually fixed to the ground. In particular for trailers, a trailer that is still on wheels is likely changing locations, and thus is neither fixed nor regular. |
| Slide 9 says that the housing is likely not adequate because the family is sharing one room in the crew house.I have 3 students in 3 different families in one house sharing one bathroom. Two students share the bedroom with their fathers. My question is who will qualify between the 2 students if both are PFS? | There is no set rule about number of bathrooms and/or bedrooms/beds per household that is adequate. I encourage you to reflect and seek advice on whether the physical and psychological needs are being met.In the example here, I would ask:* “How many total people are using the single bathroom? Is there a lock on the bathroom door? Are there different shifts that are in the house? Is there hot water?”
* “How old are the students? What is their gender (born or identified)? Is sharing a room developmentally appropriate?”

As I said in the webinar, (1) PFS status does not impact whether the student qualifies for McKinney Vento services or not and (2) in this example, since this adolescent girl is sharing a room with her father and male sibling, this is likely not an adequate living situation. |
| **Additional Scenarios and Questions** |
| Can a student be qualified for McKinney-Vento for more than one academic/funding year? | Students can maintain enrollment in the school of origin for the duration of homelessness and through the end of the school year in which the student becomes permanently housed. The student may be able to remain in the school of origin for one additional year, if the year constitutes the student’s terminal year in such school building.1. Scenario 1: A student becomes homeless over the summer and registers for school as McKinney Vento eligible. Partway through the year (e.g. December), the family is able to move to a new, permanent and stable housing situation in another school district. This student can remain in the original school (here, the “School of Origin”) until the end of the school year.

LEAs will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, the district will provide transportation to school until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.1. Scenario 2: A student becomes homeless in a middle school that serves grades 5 – 8 when they are in 7th grade. Over the summer between 7th and 8th grade, they become permanently housed. Here, the districts will provide transportation through the end of 8th grade in the student’s original school.

Note: I am using “districts” or “LEA” generally here. While there are specific rules about district of origin and district of attendance and payment/provision of transportation, it is not the migrant program’s responsibility to determine which district provides transportation. Ultimately, the districts will identify which district is responsible, and often they will compromise and coordinate together. Note, students should be provided transportation within 3 days; occasionally districts will struggle to meet this deadline. As an advocate you can ask if they’ve put the route out to bid or posted for a driver to identify whether steps have been taken to initiate transportation.***Does Scenario 2 include transitioning to a new school building within the district?*** Yes, this could entail a school building across town, such as moving from Middle School 1 to Middle School 2.The District or LEA is the town responsible for bussing etc.; building refers to the actual school that they are attending. In districts that cohabitate (e.g. Elementary and Middle School are in the same building – school is either the Elementary or the Middle program within that building). |
| I have found in the past that many districts find reasons not to identify a student as McKinney Vento eligible because it has substantial cost attached for the district. Do we have to agree on eligibility with the district? | Of course! There is cost and responsibility associated with identifying a student as homeless. This does not remove the school districts responsibility under federal and state law to identify homeless students and provide services. I suggest reporting a barrier to NYS TEACHS if a district is chronically under-identifying or failing to provide transportation to homeless students.We do not have to initially agree with a district’s eligibility determination, but we DO have to accept it. If we have strong evidence to believe that a student is not in a permanent housing situation, then we can educate the family on initiating a dispute and providing translation and interpretation services within local METS capacity throughout the process. The NYS Commissioner of Education will make the final determination, and that determination is final unless another dispute is initiated.Ideally, if we run a SIRS report, the students who are marked as “migrant” and “homeless” should match our ESPERANZA list of students served. |
| We have a family who started the summer in a tent, then moved to a shelter, and eventually to an adequate, fixed, and regular home. We completed our form in the summer, but by the time the school looked at the family’s residency the family was no longer in McKinney-Vento housing and did not identify the family as eligible. (The family was in the same school district for all of these housing moves.) | I think I need more information about this because there seems to be a lot of gray area around why there was such a lag on the registration. Did the tutor/family not submit it in time? Did the district not do the paperwork immediately? My suggestion is to regularly follow up with the district (e.g. weekly) to confirm registration and identification.However, if a *family/parent* declares homelessness to the liaison, the school district must immediately enroll the student and provide transportation. The migrant educator may provide translation and interpretation here to support the family. Many districts have strong relationships with migrant educators and accept all determinations/referrals at face value. Others will ask for more evidence, and so, participation of the parent/family is imperative.Again, a district may pursue a dispute if they disagree. If they do, the process will culminate in the Commissioner of Education making a final determination. Supporting the family towards self-advocacy is always significant. Support the family by calling districts together, practicing phone calls and asking for interpreters, and releasing the family to call independently as soon as possible.***When does “the year” start for McKinney-Vento in school districts?*** Here, I think that there is confusion between the ESPERANZA program dates and the school year. The ESPERANZA program dates begin on 7/1 and end on 6/30, but this is really just significant for Julia and her team and the submission of receipts and receiving payments.The academic school year is still September – June. My suggestion is that Julia clearly defines to the team if data they are asked to record in July and August is for the previous school year or upcoming school year, and that she confers with TEACHS.***When the METS identifies a family as eligible for McKinney –Vento, enrolls in ESPERANZA, and provides services; and then the District determines that the family does not qualify; what do the METS and ESPERANZA do about their paperwork?***I would strongly suggest that METS and ESPERANZA reconcile the paperwork with school districts. I’ve done an initial analysis and mapped our regions identification rates. Some regions are over/under identifying compared to data available in SIRS. This will require more state level discussion and coordination, but for now, I suggest reconciling with the district.  |
| In a multiple family situation as doubled-up, eligibility is determined by which family moves in, correct? Or can they both be eligible for McKinney –Vento? | Again, I would ask: is the housing fixed, regular and adequate for *all* PreK – 12 students involved?While the original family was not homeless, in a doubled-up situation, the change in living arrangements MAY change the adequacy of the housing. Consider talking to each family separately. I urge you to ask questions regarding the following to make a determination:* Why did the housing situation change? Was it because of economic hardship, abuse or a domestic disagreement (e.g. argument between mother and daughter that resulted in daughter and her children moving into a friend’s home)?
* Are you content with the living arrangement?

**New from NYS TEACHS Guidance: Whether the family is happy or unhappy in the living arrangement is usually irrelevant to the MV eligibility determination. And MV requires that the LEA liaison determine whether the housing arrangement is adequate, as assessment that the parent may agree or disagree with. Also children and youth living in substandard housing are also protected under MV.** **While the law does not define substandard, the US Department of Education’s Guidance has set some parameters that include housing being dangerous or out of compliance with housing codes (in question A-3, at** [**https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidanceupdated082718.docx**](https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidanceupdated082718.docx)**) .** |
| Sometimes the family has the permission of the "lady" who is collecting the rent weekly, but neither the lady or any of the inhabitants have the right to be there, and the Leasing company has rules that forbid sub-letting with immediate eviction of any inhabitants. | When making this determination, do not rely solely on the presence of this rent intermediary. It may be outside of the purview of the determination, but it does suggest that additional questions about “regularity” of housing must be asked. To gain additional information about this element of the definition, ask:* Do you and the children have a key?
* Can you and the children have the freedom come and go as you please?
* Do you and the children sleep here every night?
* Are there additional rules about living here that you know about? If yes, what are they?

Again, this additional individual adds complexity and suggests that the situation may be tenuous, but if the housing is fixed, regular and adequate, the family is permanently housed until asked to leave. |

**Reference Materials from Julia:**

This is a great reference: <https://nysteachs.org/wp-content/uploads/2018/07/INF_NCHE_DeterminingEligibility_083017.pdf>

I also recommend the Resource for "Navigating Challenging Conversations": <https://nysteachs.org/wp-content/uploads/2018/09/INF_TEACHS_NavigatingChallengingConversations_010919.pdf>

Other resources:

It may be beneficial for the parent to give certain parental decision-making authority with respect to educational and medical decision-making to the adult caretaker. This can be done by the parent designating the adult caretaker as the person in parental relation pursuant to General Obligations Law Section 5-1551. Forms to do this can be found here: <https://nysteachs.org/topic-resource/designation-of-person-in-parental-relation-form/>