

Determining Eligibility:
The Never-ending Discussion



May 7, 2013
1:00 p.m. - 2:30 p.m.
Grand Hyatt Tampa Bay
Tampa, Florida

2012 - 2013 FASFEPA/ECTAC SPRING
TECHNICAL ASSISTANCE FORUM

Unanswered Questions

- Will attempt to answer as many questions as possible; if you have an unanswered question after the session, please e-mail the presenters
- We will focus on general questions; please follow up with presenters if you have detailed, district-specific questions that may need further discussion



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Session Outline

- **The Definition:** Who is considered *homeless* under the McKinney-Vento Act?
- **The Process:** How do we apply the M-V definition to real-life situations?
- **The Application:** What would you do in this situation?

This presentation is based on NCHC's *Determining Eligibility for Rights and Services Under the McKinney-Vento Act* at www.serve.org/nche/downloads/briefs/det_elig.pdf.



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Laying the Groundwork

- McKinney-Vento eligibility is determined on a case-by-case basis by examining the living arrangement of each student.
- Some instances will be clear-cut; others will require further inquiry and then a judgment call.
- If the living arrangement does not meet all three criteria (*fixed, regular, and adequate*), it is considered a homeless situation.
- The examples of homeless situations listed in the definition address some of the more common situations of homelessness; the list of examples is not exhaustive.



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What If We Disagree?

- If there is a disagreement about whether the student meets the McKinney-Vento definition of a homeless child or youth (*between the parents/youth and the school*), the state's dispute resolution process should be followed.
- Under the dispute resolution process:
 - the parent/guardian/unaccompanied youth should be referred to the local liaison for assistance with the appeal process
 - the student must be enrolled immediately in the requested school
 - the student must be provided with all services to which McKinney-Vento eligible students are entitled (*e.g. transportation, Title I services, free meals*)
 - enrollment must continue until the dispute is resolved



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The Definition

- Individuals who **lack a fixed, regular, and adequate nighttime residence**, including
 - 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
 - Awaiting foster care placement



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The Definition

- Have a primary nighttime residence that is 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 circumstances described above
- Unaccompanied youth living in the circumstances described above



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Step 1: Get the Facts

- Use an enrollment questionnaire for all students; this will assist with identifying eligible students.
- If the form indicates a possible homeless situation, school staff should refer to the local liaison to determine eligibility.
- Discuss the living arrangement with the family/student in a private place and with sensitivity.
- Ask additional questions respectfully, as needed. *(these are often very personal discussions for the family)*

What are the facts?



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Step 1: Get the Facts

- Inform the family about your reason for asking questions - to determine potential eligibility
- Avoid using the word "homeless" -- Some families may want to avoid the stigma; others may not consider themselves homeless and yet they might be eligible.
- Avoid contacting persons outside the school system to probe for more information regarding the family's living arrangement; (be mindful of FERPA) see NCHE's *Confirming Eligibility* brief at www.serve.org/nche/downloads/briefs/verif_11.pdf



Step 2: Analyze the Facts

- Does the student's living arrangement fit into one of the examples of homelessness in the law?
- If not, would the student qualify for services because he/she lives in another type of living arrangement that does not meet the fixed, regular, and adequate standard?
- Use the information/questions contained in the *Determining Eligibility* brief to assist in answering these questions.



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Step 3: Call for Back-up

- Contact your State Coordinator or Program Staff for Homeless Education
 - Regions 1-2 Skip Forsyth (skip.forsyth@fldoe.org)
 - Regions 3-5 Lorraine Allen (lorraine.allen@fldoe.org)



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Fixed, Regular, and Adequate

- Working definitions:
 - **Fixed:** Stationary, permanent, and not subject to change
 - **Regular:** Used on a predictable, routine, or consistent basis (*e.g. nightly*); consider the relative permanence of the living arrangement
 - **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

Can the student go to the SAME PLACE (fixed), EVERY NIGHT (regular), to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?



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Doubled-Up

- Legislative wording: "Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason"
- Questions:
 - Why did the parties move in together? Crisis or by mutual choice as a plan for mutual benefit?
 - How permanent is the living arrangement intended to be?
 - Where would the party live if not doubling up?
 - Is the living arrangement fixed, regular, and adequate?



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Doubled-Up

- But...
 - Is there a limit on how long a doubled-up child should be considered homeless?
 - Are both doubled-up parties homeless?
- Common practice: Revisit homeless situations prior to the beginning of each school year



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Eligible or Not?

Sergio and his son, Diego, showed up at your school at the beginning of the year to enroll Diego.

Included in your district's enrollment packet is a housing questionnaire. On the questionnaire, Sergio checked "Yes" to the question regarding sharing housing, indicating that they are living with Sergio's parents who live in the area.

Would you qualify Diego for McKinney-Vento?

- Eligible?
- Would you like to have additional information? If so, what questions would you ask?
- Questions?



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Awaiting Foster Care Placement (AFCP)

- US ED July 2004 Guidance (available at www.ed.gov/programs/homeless/guidance.pdf)
 - Awaiting foster care placement = homeless
 - Already in foster care = not homeless
 - Local liaisons should coordinate with local public social service agencies to determine how to support this population



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Awaiting Foster Care Placement

- Why qualify? Children awaiting foster care placement often face the same residential and school mobility as other homeless students.
- Florida is working on specific guidance on "awaiting foster care placement."
- The Fostering Connections Act may also be relevant.
- Liaison views through the lens of lacking a fixed, regular, and adequate nighttime residence



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Eligible or Not?

Susan and Debra are removed from their home by DCF and placed in relative care on a temporary, short-term basis.

Would you qualify them for McKinney-Vento?

- Eligible?
- Would you like to have additional information? If so, what questions would you ask?
- Questions?



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Questions on AFCP?

*How do you currently determine
"awaiting foster care placement"
in your district?*



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Unaccompanied Homeless Youth

- An unaccompanied youth's living arrangement must meet the Act's definition of homeless for him/her to qualify for McKinney-Vento services
- The McKinney-Vento Act defines unaccompanied youth as a child or youth "not in the physical custody of a parent or guardian"
- There is no lower age limit for unaccompanied youth; the upper age limit (as with all McKinney-Vento eligible students) is your state's upper age limit for public education (usually 21, sometimes older for IDEA)
- A youth can be eligible regardless of whether he/she was asked to leave the home or chose to leave; remember that sometimes there is "more than meets the eye" for youth's home life situations



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In Their Shoes

*Would you share sensitive, personal information
about your family life with someone you're just
meeting?*

Unaccompanied homeless students
and/or parents may or may not wish to discuss
or feel comfortable sharing issues occurring
in their home life.



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The School's Charge

- Schools first and foremost are educational agencies
- The school's primary responsibility and goal is to enroll and educate, in accordance with the McKinney-Vento Act (federal); federal law supersedes state and local law
- Schools do not need to understand and/or agree with all aspects of a student's home life to educate him/her



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Eligible or Not?

Ashley shows up at your school to enroll herself without an adult. She tells you that she can't get along with her stepdad and had to leave home. Her mom calls the school and says Ashley just wants to live with her boyfriend. Would you qualify Ashley for McKinney-Vento?

- Eligible?
- Would you like to have additional information? If so, what questions would you ask?
- Questions?



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Substandard Housing

- No official federal definition; evaluated according to community norms
- Common indicators
 - Does not meet local building code
 - Inoperable indoor plumbing
 - Nonworking, inadequate and/or unsafe electrical service
 - No working kitchen
 - Condemned by a government agency
 - Overcrowded: Consider occupancy guidelines in local/state building codes



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Questions on Substandard Housing?

How do you implement "substandard housing" in your state/district?

- Questions?



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Let's Practice

Group Activity
Scenarios

Final Questions?



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For more information

FHEP website: <http://www.fldoe.org/bsa/title1/titlex.asp>

National Center for Homeless Education (NCHE) website:
www.serve.org/nche

NCHE helpline: 800-308-2145 or homeless@serve.org

NCHE National Partner:
National Association for the Education of Homeless Children
and Youth (NAEHYC): www.naehcy.org

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Contact Information

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