

Educating Children and Youth in Homeless Situations: Laws, Policies, and How They Work in Real Life

January 26, 2015 Webinar Presentation

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Note: These questions were submitted by participants during the live, online presentation on January 26, 2015. Preliminary answers to the questions are provided below. Individuals reviewing this document should address any general or specific questions regarding implementation of the McKinney-Vento Homeless Assistance Act to their Education for Children and Youth Experiencing Homelessness (ECYEH) Program regional coordinator, or the ECYEH state coordinator at the Pennsylvania Department of Education for assistance or clarification.

Eligibility/Identification:

Q 1 E: Are families that choose to reside together, (doubled –up), due to economic hardships considered homeless?

A 1 E: It depends - you need to discuss the whole situation with your liaison, and with your regional staff. It may or may not meet the McKinney-Vento definition of homelessness.

Q 2 E: Duration of Homelessness: If a child was found to be homeless in September but the living situation changes in February, do we still consider it a homeless situation until the end of the academic year?

A 2 E: Yes - the child is still considered homeless through the end of the academic year in which they were identified as homeless. Then for the next school year the situation can be reassessed.

Q 3 E: ABC School District always asks for three items as proof of residency for school admission; however, most of the families are doubling up. Are they considered homeless?

A 3 E: It is not legal to require proof of residency for a student experiencing homelessness. It depends on why the families are doubling up. This situation should be discussed with your regional staff to make a determination as to their homeless status.

Q 4 E: If a student loses their guardian and moves in with other family members out of the school district, does that make them homeless as an unaccompanied youth?

A 4 E: It depends. You need to discuss this specific situation with your regional staff - it depends. More discussion is required to make a determination as to whether the student is lacking a fixed, regular and adequate nighttime residence.

Funding/Fiscal Issues:

Q 1 F: Title IA funds: Can they be used to pay/hire an ESL teacher for an ELL who is attending a non-Title I school?

A 1 F: No.

Q 2 F: Could an outreach service under Title I funds be used to purchase a washer and dryer for use at the school to assist homeless families?

A 2 F: No.

Q 3 F: Regarding "reimburse parents for gas" - It was my understanding that Title I cannot be used for that. What funds are available?

A 3 F: Yes, based on the new Title I regulations, reimbursing parents or unaccompanied youth experiencing homelessness for gas to transport their child/ren or themselves to school could be an allowable Title I expenditure. LEAs must track this expense as they would for any other type of reimbursement to make it transparent. Evidence of the expense would include distance and gas receipts.

Confidentiality/School Records:

Q 1 C: Is it appropriate to share information about a student (e.g. grades, health issues, attendance, discipline, etc.) with the caregiver of an unaccompanied youth, as they are not the student's legal guardian?

A 1 C: Under the Family Educational Rights and Privacy Act, a "parent" is defined as "a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian." (Authority: 20 U.S.C.1232g). Therefore a determination would need to be made by the school district solicitor as to whether the "caregiver" is "acting as a parent in the absence of a parent or a guardian."

Data/Statistics:

Q 1 D: Are the homeless student statistics only for documented students, or do they take into consideration undocumented children as well?

A 1 D: If the undocumented student is known to the school district or regional staff, is McKinney-Vento eligible, and is enrolled in school and/or receiving McKinney-Vento services, they should be entered in the homeless database and therefore counted in the state and federal database of students experiencing homelessness. Undocumented children and youth and immigration status are not addressed in the McKinney-Vento law. Schools cannot ask about a family's immigration status.

School Enrollment/School of Origin:

Q 1 S: Can you talk a little more about what you mean by "school of origin?"

A 1 S: School of origin is defined in the law as the school in which the student was attending when permanently housed, or school in which they were last enrolled. This could be the same school in some situations, and two different schools depending on the extent of the student's mobility. If you have any questions about school of origin, this should be discussed with your regional staff.

Q 2 S: If a homeless student obtains permanent housing in another school district during the school year, should they enroll in the new district?

A 2 S: This situation should be discussed with your regional or site coordinator. There is no time limit on homelessness, and a child's homeless status remains in effect for the school year even after permanently housed. The child's best interest and many other factors need to be considered.

Q 3 S: A family entered our district and claimed to be homeless (doubling up). The child had previously attended a neighboring district and was a truancy problem, including fines and involvement with Children and Youth Services. The parent wants to enroll the child in our district and have the child attend a cyber charter school. Must we allow the child to enroll in the cyber school if that was not his school of origin?

A 3 S: Truancy and enrollment in the cyber school are two separate issues. As truancy issues can be a warning sign of homelessness, further information needs to be garnered regarding this family and the student's educational needs. Under the law, any student experiencing homelessness has the right to immediate enrollment. Your regional staff can assist in making a determination regarding homelessness. The school district in which the parent resides is responsible for facilitating charter school enrollment if that is in the best interest of the student. This would be determined at the local level.

Q 4 S: Immediate participation in class is difficult for a high school student experiencing homelessness without knowing what classes they took previously, how many credits toward graduation they have earned so far, etc. The student may need to be moved after the previous school/s' records are obtained.

A 4 S: The most important consideration is the immediate enrollment of the student to maintain compliance with McKinney-Vento. The details can be worked out later as you receive the records from the past school/s; some changes in grade or classroom placement may be necessary after all information is obtained.

Transportation:

Q 1 T: What do you mean by "assist" families in getting immunizations? We had a homeless family from India, and the children did not have the necessary immunizations. The family wanted us to provide transportation to the doctor's office. How much assistance are we required to provide?

A 1 T: The school district is not required by law to provide transportation to a doctor's appointment, but if that is the only way they can get there (no public transportation or no other options) the district certainly could provide this service. Discuss the situation with other school personnel and your regional staff as they may be aware of other possible resources for this family. This family is probably not aware of the resources that are possible and the school can make them aware so that the immunizations can be brought up to date.

Q 2 T: Can a school district make the determination not to transport children based on a family's repeated use/abuse of the transportation mandates even when they are determined to be homeless according to the McKinney-Vento act? Note: This family has moved 27 times in just over 3 years. The family is well aware of the transportation mandate. This is the fourth time they have been in this school district, and have recently moved just outside the school district lines. They are doubled up. The school has determined that they are not considered homeless and that the school has no obligation to provide transportation.

A 2 T: This situation should be discussed with your regional staff. As appropriate transportation is a right for homeless students as mandated by McKinney-Vento, you could be violating the federal law if transportation is withheld. However, each child's situation is different, so further discussion is needed to make an informed decision about transportation. If a family is homeless, the student remains in the school of origin and often does not meet the bus or take advantage of the transportation provided, "best interest" could be revisited. In this case, and/or if there are truancy/tardiness issues, a letter could be sent to the family about holding up their side of the transportation arrangement.

Q 3 T: I thought an LEA does not transport children once they are permanently housed; while they can continue their education at the LEA?

A 3 T: To continue to provide transportation after the child is permanently housed is an option under the law for the school district - not a requirement. Many times a school district will continue to provide transportation to the school of origin to maintain continuity and stability for the student. All factors regarding the situation need to be considered to determine what is in the child's best interest – their age, grade level, amount of time remaining in the school year, the length of the commute, etc. The situation can be discussed with your regional staff.

Food/Nutrition:

Q 1 F: Food is listed under examples of uses of Title IA funds. Does that mean meeting the student's nutritional needs at school and at home, or just at school?

A 1 F: Students who are McKinney-Vento eligible automatically qualify for free school meals. The general interpretation is that “free meals” applies to food/nutrition provided at school only. If the child also participates in after-school or other school-related programs, they could also obtain meal/s through those programs. There is no specific guideline provided to address nutritional needs beyond the school day or beyond extended school time. For further information and clarification, see the National Center for Homeless Education brief on this topic at <http://center.serve.org/nche/downloads/briefs/nutrition.pdf>.

Legal/Liability Issues:

Q 1 L: As unaccompanied youth may be able to write their own absentee excuse depending on school policy, if such a student leaves school early for a doctor's appointment and has a car accident on their way to an appointment, who assumes responsibility? Does the school's responsibility for the student end when they leave the school grounds?

A 1 L: This is not an uncommon policy in schools around the nation. School districts must have a mechanism in place to allow unaccompanied youth to enroll, and review and revise any other related policies that are necessary to be in compliance with McKinney-Vento. This is a complicated situation, with no clear answer. If there was any outward sign at school that the student should not have been driving, then the school could be liable for not taking “reasonable care” in the situation should the child be injured in an accident after signing him/herself out for the appointment. The situation/possibility should be discussed with the school district solicitor to make a determination.

Q 2 L: Should a school district make a formal report or referral to the local Children and Youth Services agency if a minor child is determined to be unaccompanied?

A 2 L: That might be necessary, especially for a younger student, but you should discuss it with other school personnel such as the liaison, principal or superintendent because they might have additional information about the situation. The child might already be involved with Children and Youth. There is no specific age cut off for unaccompanied youth that necessitates an automatic referral to Children and Youth Services, however if there are concerns of abuse or neglect, including not having a parent, the situation should be reported as schools are mandated reporters.