

# RIGHTS AND SERVICES FOR HOMELESS MIGRANT STUDENTS



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# SESSION OUTLINE

EHCY Program Basics

Data Comparison

Understanding Eligibility

Student Rights

EHCY - MEP Collaboration

Q&A

# WHAT IS NCHE?

- NCHE is the U.S. Department of Education's homeless education technical assistance and information center
- NCHE has
  - A comprehensive website: [www.serve.org/nche](http://www.serve.org/nche)
  - A toll-free helpline: Call 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org)
  - A listserv: e-mail [tlewis@serve.org](mailto:tlewis@serve.org) to join
  - Free resources: Visit [www.serve.org/nche/products.php](http://www.serve.org/nche/products.php)

# LIFESTYLE SIMILARITIES?

- ◉ What similarities are there between the migrant and homeless lifestyles?
- ◉ What differences are there between the migrant and homeless lifestyles?



# HOMELESS EDUCATION PROGRAM STRUCTURE

- ◉ Education for Homeless Children and Youth (EHCY) is authorized under Title XC of the ESEA
- ◉ Also part of the McKinney-Vento Homeless Assistance Act (a bipartisan law, if you're interested...)
- ◉ Originally authorized in 1987; has gone through various reauthorizations that have included important changes to the law



# HOMELESS EDUCATION PROGRAM STRUCTURE

## ○ Personnel:

- State Coordinator for Homeless Education; contact information available at [www.serve.org/nche/states/state\\_resources.php](http://www.serve.org/nche/states/state_resources.php)
- Local Homeless Education Liaison in every school district

## ○ Funding:

- Flows from federal to state
- States reserve a portion for state-level activities
- Remaining portion is distributed to districts through a competitive subgrant process

# PROGRAM DIFFERENCES AND SIMILARITIES

- ◉ What similarities and/or differences are there between the EHCY and MEP Programs?



# NATIONAL NUMBERS: HOMELESS STUDENTS ENROLLED

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	2008-09	2009-10	2010-11	% Change
Enrolled in LEAs with Subgrants	539,022	748,538	761,603	41%
Enrolled in LEAs without Subgrants	417,892	191,365	304,191	-27%
Total Enrolled	956,914	939,903	1,065,794	11%

*Education for Homeless Children and Youths Program: Analysis of  
2010-2011 Federal Data Collection and Three-Year Comparison*

[http://center.serve.org/nche/downloads/data\\_comp\\_0909-1011.pdf](http://center.serve.org/nche/downloads/data_comp_0909-1011.pdf)

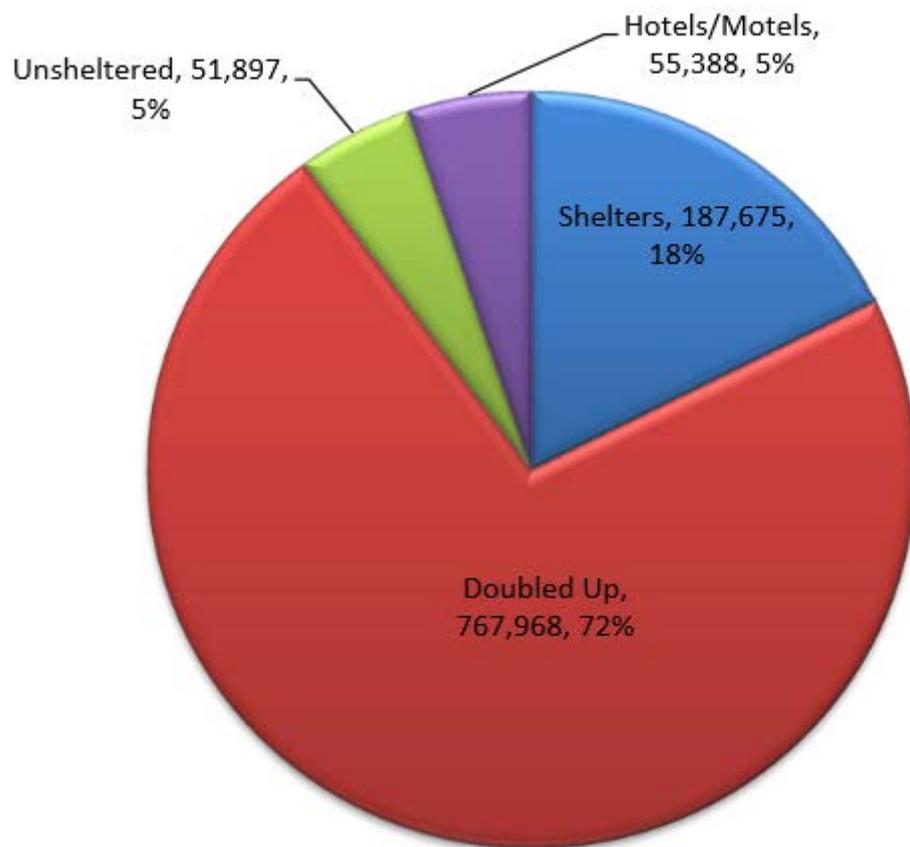


# NATIONAL NUMBERS COMPARISON

- 2008-2009  
956,914 (Homeless Education)  
461,627 (Migrant Education)
- 2009-2010  
939,903 (Homeless Education)  
429,540 (Migrant Education)
- 2010-2011  
1,065,794 (Homeless Education)  
424,720 (Migrant Education)



# NATIONAL NUMBERS: 2010-2011 PRIMARY NIGHTTIME RESIDENCE



# QUESTIONS?



# MCKINNEY-VENTO DEFINITION OF HOMELESS

- Children and youth who **lack a fixed, regular and adequate nighttime residence**, including:
  - Living in emergency or transitional housing;
  - Sharing housing due to loss of housing, economic hardship, or other similar reason;
  - Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate housing;
  - Awaiting foster care placement;

# MCKINNEY-VENTO DEFINITION OF HOMELESS

- Living in cars, parks, public spaces, abandoned buildings, substandard housing, or bus or train stations;
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations; or
- Migratory children who qualify as homeless because they are living in the circumstances described above.



# DETERMINING MIGRANT STUDENT ELIGIBILITY

- No categorical McKinney-Vento eligibility for migrant children; the determination is based on the nature of the child's/family's living arrangement
- The mobile lifestyle and/or need to move for work associated with the migrant lifestyle in and of themselves do not create McKinney-Vento eligibility; focus on the living arrangement and the reason for the mobility
  - Example: Compare a qualifying move in search of work vs. a loss of housing leading to local-area mobility

# DETERMINING MIGRANT STUDENT ELIGIBILITY

- ◉ If a migrant student's living arrangement meets the M-V definition of homeless, they should be qualified as eligible and included in the data count, whether or not they receive additional services under M-V
- ◉ The local liaison has the responsibility to determine eligibility; collaborate with your homeless education program to see what role migrant education personnel can play
- ◉ Some states include a homeless indicator on their COE and/or other forms

*Sample forms from Louisiana and New York*

# NATIONAL COE QUESTIONS AND ANSWERS (MAY 2009)

- ◉ **Q27:** What should be listed as Current Address for homeless migrant families living in their car?
- ◉ **A27:** In this very specific case, a Current Address does not apply. If the family is likely to remain at the same physical location for a while, the interviewer should record as much localization information as possible (e.g., migrant camp name, landmark) in the Current Address field. Otherwise, the recruiter should record "N/A" in the Current Address field, write "**Possible MV**" ("MV" stands for "McKinney-Vento Homeless Assistance Act") in the Comments section, and describe appropriate means for contacting the family (e.g., a cell phone number, the name of a contact at a local community agency who would be able to relay information to the family). The abbreviation will be a signal that **this child might be eligible for services under the McKinney-Vento Homeless Assistance Act**, while still being sensitive to the family's current status by not stating "homeless" directly on the COE.

# DETERMINING ELIGIBILITY: THINGS TO KEEP IN MIND

- ◉ Determining eligibility is a case-by-case determination made by examining the living arrangement of each individual student
- ◉ Some instances will be clear-cut; others will require further inquiry and then a judgment call
- ◉ Determinations of eligibility must be made expeditiously so that immediate enrollment and the prompt provision of services can occur

*Case by Case*

# IS THIS MIGRANT STUDENT HOMELESS?

- Steps to determining eligibility:
  - Get the facts about the student's living arrangement
  - Does the student's living arrangement fit into one of the examples of homelessness in the law?
  - If not, does the student live in another type of living arrangement that does not meet the law's fixed, regular, and adequate standard?
- Check out NCHE's *Determining Eligibility* brief at <http://www.serve.org/nche/briefs.php>



# 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)
- **Adequate:** Sufficient for meeting both the physical and psychological needs typically met in home environments

Can the student stay in the **SAME PLACE** (fixed) **EVERY NIGHT** (regular) in a **SUFFICIENT AND SAFE SPACE** (adequate)?

# UNDERSTANDING “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 parties live if not doubling up?
  - Fixed, regular, and adequate?

# UNDERSTANDING SUBSTANDARD HOUSING

- No official federal definition
- Use a common standard and apply it consistently
- Common practices in defining “substandard housing”
  - Evaluated according to community norms
  - Common indicators
    - Building not up to local building code
    - Inoperable indoor plumbing
    - Nonworking, inadequate and/or unsafe electrical service
    - Inadequate or unsafe source of heat
    - Unit has been declared unfit for habitation by a government agency
    - Is overcrowded: Consider “occupants per square foot” guidelines in state/local building codes

# YOUTH: DEFINITIONS IN THE MIGRANT AND HOMELESS EDUCATION COMMUNITIES

## ○ Unaccompanied Youth

- Homeless: Living arrangement meets the M-V definition of homeless
- Unaccompanied: “Not in the physical custody of a parent or guardian”
- No lower age limit; upper age limit is your state’s upper age limit for public education
- Can be eligible regardless of the reason for the separation from the parent(s) or guardian(s)

## ○ Emancipated Youth

## ○ OSYs (Out-of-school Youth)





# SHOW OF HANDS...

- ⦿ Based on what you've learned about the McKinney-Vento definition of *homeless*, what percentage of your migrant students do you believe would qualify?
  - a) 0-10%
  - b) 11-20%
  - c) 21-40%
  - d) More than 40%
  - e) I'm not sure

# WHAT DO YOU THINK?



Based on what you've learned about the McKinney-Vento definition of *homeless*, what part(s) of the definition are most likely to apply to the living arrangements of your homeless migrant students?

# QUESTIONS?



# RIGHTS OF ELIGIBLE STUDENTS

- ◉ Immediate enrollment, even if lacking paperwork
- ◉ School selection
  - School of origin (if feasible)
  - Local school
- ◉ Transportation to/from school of origin, if requested by the parent (or, for unaccompanied youth, by the local liaison)

# RIGHTS OF ELIGIBLE STUDENTS

- ◉ Comparable services
- ◉ Free school meals
- ◉ Title I, Part A support
- ◉ Special education, when necessary
- ◉ Support from other programs for which they meet eligibility criteria



# SUPPORT FOR HIGHER EDUCATION

- ◉ Waivers available for:
  - Advanced Placement (AP) exam fees
  - College entrance exam fees (e.g. ACT, SAT)
  - College application fee waivers through College Board or NACAC
- ◉ Waivers based on financial need
- ◉ Speak with high school counselor for more information



# SUPPORT FOR HIGHER EDUCATION

- Unaccompanied homeless youth can apply for federal financial aid for college as independent students
  - No parental signature necessary
  - Parental income and assets are not considered when awarding aid
- UHY status must be verified by the local liaison, HUD or RHYA shelter director, or College Financial Aid Administrator
- For more information, visit [www.serve.org/nche/ibt/higher\\_ed.php](http://www.serve.org/nche/ibt/higher_ed.php)

# QUESTIONS?



# PROGRAM STRENGTHS

## ◉ Homeless Education

- Legal protections: Immediate enrollment, school selection, UHY provisions for higher education
- *Some* funding with different authorized activities
- Good knowledge of supports available in the community

## ◉ Migrant Education

- Higher funding levels?
- More staff?
- More wrap-around services?

# WHY COLLABORATE?

- ◉ Some students will be eligible for both programs and will receive unique rights and services from each
- ◉ Good opportunities to pool resources and provide programming and services that may benefit both student populations
- ◉ Serve eligible students more efficiently and with a more complete array of supports



# COLLABORATION: FIRST STEPS

- ◉ Do you know who your local liaison is?
- ◉ Discuss how you might work together:
  - In identifying eligible students
    - What should migrant personnel do if they believe one of their students may be M-V eligible?
  - In providing complimentary services
    - What can migrant education provide that homeless education cannot, and vice versa?
    - Are there joint activities and services that we can provide together?
      - Events
      - Programming: Tutoring, Summer Programs, etc.

# WHAT DO YOU THINK?



Where do you see the greatest potential for collaboration between the EHCY and MEP Programs in your area?

# QUESTIONS?



# MORE INFORMATION

- ◉ NCHE brief: *Migrant Students Experiencing Homelessness: Rights and Services Under the McKinney-Vento Act*  
<http://center.serve.org/nche/downloads/briefs/migrant.pdf>
- ◉ Informational webpage  
[http://center.serve.org/nche/ibt/sc\\_migrant.php](http://center.serve.org/nche/ibt/sc_migrant.php)