NYS-TEACHERS: New York State Technical and Education Assistance Center for Homeless Students

- NYS-TEACHERS is funded by the New York State Education Department and housed at Advocates for Children of New York.
- NYS-TEACHERS provides technical assistance on homeless education issues. Services include:
  - Infoline (800-388-2014)
  - Website (www.nysteachs.org)
  - Webinars, Annual Workshops, and On-Site Trainings
  - Outreach Materials
Today’s Topics

- Incidence of Youth Homelessness
- McKinney-Vento Definition of Unaccompanied Youth and McKinney-Vento Services
- Strategies for Working with School Staff, Families, and Youth
- Consent for Special Education & Additional Common Consent Issues
Who are Homeless Unaccompanied Youth?

- Infographic from a report from Chapin Hall’s Voices of Youth Count, Missed Opportunities: Youth Homelessness in America
- 1 in 10 young adults, 18-25, experience homelessness in a given year.
- 73% experienced an episode lasting longer than one month, 42% experienced more than one episode, and 52% felt unsafe.

**Figure 5. Youth at Greater Risk of Experiencing Homelessness**

Statistics describe the relative risk of certain groups of young adults, 18-25, having reported “explicit homelessness” in the last 12 months.

- **346%**
  - Youth with less than a high school diploma or GED
  - had a 346% higher risk than their peers who completed high school.

- **162%**
  - Youth reporting annual household income of less than $24,000
  - had a 162% higher risk of reporting homelessness.

- **33%**
  - Hispanic, non-White youth
  - had a 33% higher risk of reporting homelessness.

- **120%**
  - LGBT youth
  - had a 120% higher risk of reporting homelessness.

- **83%**
  - Black or African American youth
  - had an 83% higher risk of reporting homelessness.

- **200%**
  - Unmarried parenting youth
  - had a 200% higher risk of reporting homelessness.
Youth Homelessness Affects Rural and Urban Areas Alike

Rates of youth experiencing homelessness were similar in rural and nonrural areas.

Health Outcomes for Homeless High Schoolers

- Lack of sleep: 42% (Housed), 32% (All Homeless)
- No breakfast: 14% (Housed), 20% (All Homeless)
- Asthma attacks: 20% (Housed), 33% (All Homeless)
- Partner violence: 9% (Housed), 9% (All Homeless)
- Bullying at school: 13% (Housed), 34% (All Homeless)
- Use of any street drugs: 6% (Housed), 8% (All Homeless)
- Abuse of any prescription drugs: 7% (Housed), 25% (All Homeless)
- Blurred drinking: 7% (Housed), 17% (All Homeless)
- Marijuana by 12: 4% (Housed), 20% (All Homeless)
- Sex by 13: 6% (Housed), 20% (All Homeless)
- Pregnancy: 1% (Housed), 10% (All Homeless)

Social/Emotional Risk:
- Depression: 43% (Housed), 25% (All Homeless)
- Suicidal thoughts: 12% (Housed), 12% (All Homeless)
- Self-injury: 12% (Housed), 23% (All Homeless)
- Suicide attempts: 6% (Housed), 19% (All Homeless)
- Missed school—felt unsafe: 4% (Housed), 13% (All Homeless)
Students Who Reported Being Bullied at School in Past 12 Months, 2015

- Housed: 15%
- All Homeless: 25%
- Unaccompanied Homeless Youth: 30%

For more info about YRBS in NYS, see: https://www.schoolhealthny.com/NYSYRBS
Did you know?

Any school-age child or youth can be an unaccompanied youth.

In 2016-17, about 6.7% of identified homeless students in NYS were homeless unaccompanied youth.

https://eddataexpress.ed.gov/
Who is covered by the McKinney-Vento Act?

Children and youth who lack a fixed, regular, and adequate nighttime residence, including those:

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason
- Living in emergency or transitional shelters
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living in public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory living in circumstances described above

*Awaiting foster care removed from definition as of 12/10/16.
Any youth living apart from his/her parents is considered to be homeless under the McKinney-Vento Act.

A. True
B. False
Homeless Unaccompanied Youth: Defined

Lacks a fixed, regular and adequate nighttime residence

Not in the physical custody of a parent or guardian
Jessica is a 16-year-old high school junior who left her parents’ home in School District A to live with her boyfriend’s family in School District B. Jessica’s parents have told school officials in District A that Jessica can come home at any time, but Jessica does not feel comfortable doing so.

What information would you need to determine whether Jessica is an unaccompanied homeless youth?
What if the student’s parent/guardian says they can return home?

An offer to return home does not disqualify a youth from McKinney-Vento eligibility.
Financial support from a parent does not disqualify a youth from McKinney-Vento eligibility.

What if the student’s parent/guardian continues to provide the student with financial support?
What are schools required to report?

Must schools contact the parents or guardians of homeless unaccompanied youth?

- No. But if parent/guardian contacts school, school must share information the student’s educational records with them, unless their parental rights have been curtailed. School may be required to call child protective services if there is suspected abuse/neglect.

- Rights to education records transfer to youth at 18, with some exceptions.

Do schools have to contact the police when enrolling unaccompanied youth?

- No. Educators are mandated to report suspected abuse and/or neglect (homelessness alone generally is not abuse/neglect), and this reporting can be to child welfare officials, not police.

- If you have reason to suspect kidnapping, you can immediately see if the student has been reported missing at www.missingkids.com or 1-800-THE-LOST.
School/District Selection

School attended when last permanently housed ("School of Origin")

School most recently attended (Also a "School of Origin")

School serving area where student is temporarily living (New Local School)
School Selection and Best Interest Decision-Making

- **School selection**: A youth (in the case of unaccompanied youth) must designate a school and school district where they would like to attend.

- **Best interest decision-making**: After the unaccompanied youth makes their designation, the school district must decide whether the designation is in the best interests of the student and must presume that keeping the student in the same school is in the student’s best interests unless the youth disagrees.

N.Y. Ed Law § 3209[2][f][3]; 8 N.Y.C.R.R. § 100.2[x][7][ii]; 42 U.S.C. § 11432[g][3][E]; Non-Regulatory Guidance, Questions I-3 & I-4.
Removing Barriers

- Children and youth who are homeless must be enrolled in school immediately, even if they have missed application or enrollment deadlines during any period of homelessness.\(^1\)

- LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.\(^2\)

- States must have procedures to ensure that children and youth who are homeless meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels.\(^3\)

- Credit must be provided for full or partially completed coursework completed while attending a prior school.\(^4\)

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1. 42 U.S.C. § 11432[g][3][C][i]; U.S. Department of Education’s Education for Homeless Children and Youths Program Non-Regulatory Guidance, Question I-5.
2. 42 U.S.C. § 11432[g][1][i], Non-Regulatory Guidance, Questions A-4, I-5, I-6
3. 42 U.S.C. § 11432[g][1][F][iii], Non-Regulatory Guidance, Question I-6
4. 42 U.S.C. § 11432[g][1][F][ii], Non-Regulatory Guidance, Section o
Immediate Enrollment
Can a school require a caregiver to get legal guardianship to enroll a homeless student in school?

- a. Yes
- b. Yes, if the student is in elementary school
- c. Yes, if the student is trying to enroll in a new district
- d. No. School districts must enroll youth in school even if they do not have guardianship documents.
Transportation for Students in Temporary Housing

- Students experiencing homelessness, including preschoolers, are entitled to transportation to school of origin.
- Students who move into permanent housing are entitled to transportation through the remainder of the school year and an additional year if it is the child’s terminal grade in the school.
- Students who enroll locally are entitled to comparable transportation as their permanently housed peers receive, and elimination of barriers to enroll in and attend school.

42 USC §11432(g)(1)(J)(iii), 11432(g)(3)(A)(i)(II); Education Law § 3209(1), 3209(2)(c), 3209(2)(d), 3209(4)(l); 8 NYCRR §§100.2(x)(2), 100.2(x)(6)(iv); Non-Regulatory Guidance, Question J-5.
Transportation from Runaway and Homeless Youth Facilities is 100% Reimbursable

- RHY facility or District may transport
- Submit RHYA Transportation Reimbursement form to NYSED
- For students in temporary housing not staying at an accredited RHY facility:
  - State Aid for transportation
  - Title I, Part A for excess costs
Removing Barriers for Unaccompanied Youth

Access to a consistent adult mentor

Welcoming clubs and school tours, Safe Spaces

Access to in-school after-school activities

Full access to school and educational records

Higher Ed & FAFSA
What are the rights of parents/guardians?

- Parents do not lose parental rights unless explicitly revoked
- Examples of parental rights:
  - Special education consent
  - Access to education records
  - Medical decision-making
What strategies can parents use if they want their child to return home?

- PINS Diversion Programs
- Counseling/Family Mediation
- Local Youth Bureau
- Other community resources
## Consent and Info Sharing

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<tr>
<th>Topic</th>
<th>Details</th>
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<td>Educational Records</td>
<td>- Parent has right to inspect unless student is 18 or older</td>
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<td>Medical Care</td>
<td>- Parent usually has to consent for elective medical care. No parental consent required for emergency care</td>
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<tr>
<td>Absences and Field Trips</td>
<td>- Law does not require parental consent</td>
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<td>School Selection</td>
<td>- Unaccompanied Youth with liaison</td>
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Strategies for Working with...

School Staff
- Explain MV and school access
- Identify procedures for removing barriers
- Clarify policies re: sharing of info/consent

Parents
- Explain MV and school access
- Parental rights not minimized
- School access cannot be used as stick to compel student to return home

Youth
- Explain MV and MV Liaison
- Provide a consistent adult mentor (liaison, guidance counselor, coach, etc.)
Scenario: Leah

Leah, a 16 year-old youth, has left home to live with her cousin. Her mother is mentally ill and is not equipped to take care of her. Leah wants to participate in school field trips.

Can Leah’s cousin sign consent forms for Jackie? Why or why not?
“Person in Parental Relation” means:

- father or mother, by birth or adoption
- step-father or step-mother
- legally appointed guardian
- custodian who is a person who has assumed the charge and care of a student because the parents:
  - have died,
  - are imprisoned,
  - are mentally ill,
  - have been committed to an institution,
  - have abandoned or deserted such individual,
  - are living outside the state, or
  - their whereabouts are unknown.
Designation of Person in Parental Relation by Parent for Purposes of Educational Decisions

Child’s Name: _____________________________ Child’s DOB: __/__/____

I, ______________________________________, am the parent of the above-named child.

I understand that I may voluntarily designate another person to act for me as a person in parental relation in order to make decisions regarding my child’s education. I understand that I may revoke this designation at any time by notifying, either orally or in writing, the designee or an educational provider at my child’s school, or by executing a subsequent designation. To my knowledge, there is no prior order of any court in any jurisdiction currently in effect that would prohibit me from making this designation.

In accordance with Section 5-1531 of the General Obligations Law, I am designating ________________________________ as a person in parental relation to my minor child.

Designee’s Full Name

Designee’s Address: _____________________________ Apt. No.: ______

City or Town: _____________________________ Zip Code: _____________

State:

Designee’s Telephone Number: Home (___) ____________________________
Work (___) ____________________________
Cell (___) ____________________________

Parent’s Address: _____________________________ Apt. No.: ______

City or Town: _____________________________ Zip Code: _____________

State:

Parent’s Telephone Number: Home (___) ____________________________

Scenario: Dave

Dave's parents died when he was a baby and his aunt raised him. She passed away and since then he has been bouncing around among different friends and other relatives. A teacher has referred Dave to the Committee on Special Education.

Who can sign the special education consent forms normally signed by the parent? Can Dave? The McKinney-Vento liaison?
Definition of Parent in Special Education

Context

- a birth or adoptive parent
- a legally appointed guardian authorized to act as the child’s parent or authorized to make educational decisions for the child (but not the State if the student is a ward of the State)
- a person in parental relation under NY Educ. Law § 3212
- an individual designated as a person in parental relation under Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides)
- a surrogate parent who has been appointed in accordance with 8 NYCRR 200.5(n)
- a foster parent
- specific person(s) identified in a judicial decree or order to act as the parent or make educational decisions on behalf of the student (except that an agency providing education or care for the student shall not act as parent).

8 NYCRR 200.1(ii)
Committee on Special Education must appoint a surrogate parent when:

- No “parent” can be identified, or
- After reasonable efforts, the District cannot discover the whereabouts of the parents (in NYC, two attempts at contact suffice) **or the student is an unaccompanied homeless youth, or**
- The student is a ward of the state and does not have a “parent” or the judge has “subrogated” the rights of the parent to make educational decisions on behalf of the student (that is, the rights have been assigned to someone else)

District must appoint a surrogate parent within 10 business days.

8 NYCRR 200.1(ccc)

8 NYCRR 200.5(n)(3)(iii)
Scenario: Sarah

Sarah, age 16, recently moved in with her older brother after there was a house fire in her parents’ home. Sarah enrolled in the 10th grade in the local district where her older brother lives because the commute was too far back to her district of origin. The State Regulations requires that all 10th graders have physicals on file with the district. Sarah has been unable to get a new physical from her doctor.

Does the district have to exclude Sarah from school if she can’t get a physical/health certificate on her own? Is the district required to get parental consent for Sarah to get a physical or other health appraisal?

True or False?

High school guidance counselors must give verification of independent student status to all 12th graders identified as homeless.

a. True
b. False
Independent Student Status of Unaccompanied Homeless Youth
Determination for the 2018-2019 FAFSA

To Whom It May Concern:

I am providing this letter to convey my determination that after July 1, 2017, [NAME OF STUDENT] was

☐ an unaccompanied homeless youth, as defined by the College Cost Reduction and Access Act and

☐ an unaccompanied, self-supporting youth at risk of homelessness.

Student’s SSN:

Student’s DOB:

Student’s Mailing Address: [if the student does not have a stable address, you may list the name, phone
number and mailing address of a friend or relative, or the school]

As per the College Cost Reduction and Access Act (Public Law 110-84), I am authorized to document
this student’s living situation and determine his/her independent student status as an unaccompanied
homeless youth or unaccompanied, self-supporting youth at risk of homelessness. The financial aid
office is not required to confirm this determination in the absence of conflicting information. It is not
conflicting information if the financial aid administrator disagrees with my determination. Feel free to
address any questions to me at the number or e-mail address listed below.

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Unaccompanied youth are students who meet criteria for homelessness under McKinney-Vento and are not in the physical custody of a parent or guardian.

Liaisons must ensure that unaccompanied youth have full access to school, including academic and extracurricular activities. Credit must be provided for full or partially completed coursework completed at a prior school.

Liaisons should use a thoughtful, trauma-sensitive approach to working with unaccompanied youth, and be sure to provide a consistent adult mentor.

Districts must help students in temporary housing prepare and apply for college. For unaccompanied youth, liaisons are required to provide verification of independent student status when students are eligible.