

McKinney-Vento: Advanced Session

WI DPI ENCY Conference

About SchoolHouse Connection

SchoolHouse Connection works to overcome homelessness through education. We provide strategic advocacy and practical assistance in partnership with schools, early childhood programs, institutions of higher education, service providers, families, and youth.



Website

Federal and state policy advocacy

Q&A from our inbox

Webinars and implementation tools

Youth leadership and scholarship

Learning Outcomes:



1. To learn tools and strategies to support immigrant students.
2. To learn the finer points of conducting best interest determinations regarding student attendance at the school of origin.
3. To learn how to conduct a dispute from start to finish, under state and federal law.

Tools and Strategies to Support Immigrant Students

Important Terminology

- **English Learner:** students who are come from non-English-speaking homes and backgrounds and are learning English as a second (or third) language.
- **Immigrant:** A person who moves to a country and plans to stay permanently.
- **Migrant:** Someone who moves because the student or family are involved in seasonal agricultural or fishing work.
- **Humanitarian parolee:** an individual who may be inadmissible or otherwise ineligible for admission into the United States but is allowed to be in the country for a temporary period for urgent humanitarian reasons or significant public benefit. (Afghanistan, Ukraine)

Important Terminology, Continued

- **Refugees:** People who have fled their home country due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and are not in the U.S. while they are going through the initial immigration process.
 - **Asylees:** Refugees who are in the U.S. when going through the initial immigration process.
- **Unaccompanied (alien) minors:** Youth under age 18 who come to the U.S. without an accompanying parent or guardian. The term “unaccompanied” in this context refers to their immigration status, not their McKinney-Vento status.
 - Unaccompanied homeless youth as defined by the McKinney-Vento Act are children and youth who lack fixed, regular, and adequate nighttime residence and are also not under the care of a parent or legal guardian.

Educational Rights of Undocumented Children and Youth

- Children and youth living in the United States have the right to attend and participate fully in public schools, regardless of their immigration status.
- Schools and LEA-administered preschool programs cannot ask about a student's or family's immigration status, or take other actions that could discourage students from seeking enrollment.
- Schools and LEA-administered preschool programs cannot require Social Security numbers or immigration or citizenship documentation.
- Schools and LEA-administered preschool programs cannot contact ICE or other law enforcement officials about a student's or family's immigration status.
- For all McKinney-Vento eligible students, regardless of immigration status, schools must address barriers to full participation in school activities, including transportation.
 - Career and Technical Education (CTE) services may require Social Security numbers or employment authorization if required for an employment or internship opportunity.
 - Foreign travel as part of an activity is not advisable for undocumented students, as their ability to reenter the U.S. is not guaranteed.

Determining Eligibility

Shared housing

- Is it due to loss of housing, economic hardship, or a similar reason, whether in the US or another country?
- Family lost housing due to natural disaster, violence (war, gangs, coup), loss of employment or subsistence
- Where would they go if they had to leave where they are staying?
- Do they have any right to be there?
- Is the housing adequate?
- “Sponsors” don’t change the analysis.

To ask or not to ask:

- Determining eligibility requires information about the student’s housing situation.
- Federal law says schools cannot ask any questions that might “chill” the right to enrollment for an undocumented student.
- Balance!

McKinney-Vento Eligibility of Immigrant and Migrant Children and Youth

- As with all McKinney-Vento eligibility determinations, each situation should be evaluated individually.
- Immigration or documentation status does not affect McKinney-Vento eligibility.
- The right to public education for immigrant children, including undocumented children, extends to preschool programs run by LEAs and/or state agencies.
 - Families may enroll their children in Head Start and Early Head Start programs regardless of their immigration status.
- Unaccompanied minors who are living with a sponsor do not necessarily have fixed, regular, and adequate housing. Sponsors are not legal guardians.

Cultural Considerations of Doubled Up

Shared housing or multigenerational living situations:

- Who is included on the lease?
- Who is contributing to household costs?
- Does everyone have adequate space to sleep?
- Is the living arrangement for everyone's mutual benefit?
- Are any members of the household looking for their own place to live?
- Was one family already living in the space and another family moved in?

Just because multigenerational families may be cultural, homeless liaisons still must evaluate each situation individually.



Strategies and Best Practices to Support Immigrant and Migrant Children and Youth

- Identify Immigrant Families Experiencing Homelessness.
- Collaborate across Programs to Provide Wrap-around Services.
- Provide Families with Information and Support They Can Access.
- Remove Barriers for Immigrant Children, Youth, and Families.
- Build Relationships with Community Partners.

Examples:

- New Philadelphia City Schools, Ohio
- Metro Nashville Public Schools, Tennessee
- Shakopee Public Schools, Minnesota

Strategies and Best Practices to Support Immigrant and Migrant Children and Youth, Continued

- Building trust is essential.
- Identification
- Accommodate unique circumstances.

Example: New Philadelphia City Schools, Ohio

Additional Resources:

- Colorín Colorado: [How to Build Relationships with Immigrant Families](#)
- Colorín Colorado: [How Immigration Status Affects Students, Families, & Schools](#)
- Colorín Colorado: [Helping Students Heal Through Love and Trust: A Social Worker's Perspective on Serving Immigrant Youth](#)

Consider the Unique Needs of Migrant Families Experiencing Homelessness

- Train migrant recruiters on the McKinney-Vento Act, including basic understanding of eligibility.
- Establish a clear process for migrant educators to make referrals to the homeless liaison.
- For states with summer-only migrant programs, work with program staff or family liaisons to help transition students to sending states, including referring to the homeless liaison in the sending district.
- When working with migrant families experiencing homelessness who have young children (ages birth – six), [check to see if there is a Migrant and Seasonal Head Start program nearby](#).

[The Head Start Program Performance Standards and Homelessness](#)

Higher Education Opportunities for Undocumented Youth

- Undocumented youth can apply to public colleges and universities in every state, except Alabama and South Carolina.
- Youth with legal immigration status can apply for federal aid, even if their parents are undocumented, but undocumented youth are not eligible for federal financial aid.
- A number of states offer in-state tuition and/or state financial aid to undocumented students. [See what your state offers](#).

(Please note that states are frequently updating and changing in-state tuition and financial aid information for undocumented youth. Please make sure to check this information your state.)

SchoolHouse Connection Scholarship

Deadline early October

Eligible students:

- Under 20 years old
- Entering college for the first time

<https://schoolhouseconnection.org/youth-leadership/scholarship-program/>



Using ARP-HCY Funds

Examples:

- Middletown, RI used ARP-HCY funds to hire a Family Services Coordinator to support multilingual families and contracts with Boys and Girls Clubs to provide wraparound services.
- New Philadelphia, OH used ARP-HCY funds to purchase bikes to support attendance of immigrant students within the LEA's walk zone.
- Grand Island, NE used ARP-HCY funds to hire a bilingual parent liaison to support families in the district's Early Learning Center access summer resources.
- Monte del Sol, NM used ARP-HCY funds to hire a bilingual benefits navigator to help families navigate housing in their native language.
- Shakopee Public Schools, MN is using ARP-HCY funds to provide mental health supports for immigrant high school students to navigate and manage the trauma of their immigration experiences.

For more ideas about how to use ARP-HCY, take a look at SchoolHouse Connection's Resources:

- [Allowable and Strategic Uses of ARP-HCY Funds](#)
- [ARP-HCY spotlights](#)

Temporary Protected Status (TPS)

- Temporary immigration relief for people from countries impacted by natural disasters, civil war, epidemics, or other emergencies.
 - Can include a work permit.
 - Includes Medicaid for children and pregnant women in WI.
- Current eligible countries:
Afghanistan, Burma, Cameroon, El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, Yemen

Ukraine

- “Uniting for Ukraine”
 - Displaced Ukrainian citizens and their immediate family members who are outside the United States can come to the United States and stay temporarily for up to two years.
 - **Must have a supporter** in the United States who agrees to provide them with financial support for the duration of their stay in the United States.
 - <https://www.dhs.gov/ukraine>
- <https://cgrs.uchastings.edu/our-work/support-those-fleeing-ukraine-after-russian-invasion>

Afghanistan

- Special immigrant visas for Afghans employed by/on behalf of the U.S. government: 8,000 total approved last year.
- Humanitarian parole: Case-by-case
 - Eligible for public benefits and/or Refugee Cash Assistance (up to 8 months)
 - **Some** receive refugee resettlement support
 - Some receive employment assistance and can seek a work permit
- <https://www.acf.hhs.gov/sites/default/files/documents/orr/Benefits-for-Afghan-Humanitarian-Parolees.pdf>
- <https://cliniclegal.org/toolkits/assistance-afghans>

Best Interest Determinations

Best Interest Determination

What is required?

- When choosing the school a child experiencing homelessness should attend, the choice must be made “according to the child’s or youth’s best interest.” [42 U.S.C. §11432(g)(3)(A)]
- In determining the child’s best interest, the LEA “shall presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.” [42 U.S.C. §11432(g)(3)(B)(i)]

School Placement Decisions

- Decisions on best interest and school placement must be student-centered and individualized
- Factors to consider:
 - The age of the student
 - Distance of the commute and the impact it has on the student's education
 - Safety
 - Specialized instruction, such as special education and related services
 - Anticipated length of stay in temporary situation
 - Time of the school year

Transportation caveats:

- McKinney-Vento does not put a limit on time or distance for school of origin transportation.
- Cost of transportation cannot be a factor in determining best interest.

Navigating Disputes

Let's begin with a poll...

Dispute Resolution

What is required?

- The McKinney-Vento Act requires every state to develop a procedure to promptly resolve disputes. [42 U.S.C. §11432(g)(1)(C)]
 - https://docs.legis.wisconsin.gov/code/admin_code/pi/1
- The school must then refer the youth, parent, or guardian to the McKinney-Vento liaison, who must carry out the dispute resolution process as quickly as possible. [42 U.S.C. §11432(g)(3)(E)(iii)]
- Liaisons are required to carry out the dispute resolution process as expeditiously as possible, making sure that families and youth are aware of their rights to appeal and receive appropriate written explanations and notices, and are able to access the dispute process. [42 U.S.C. §11432(g)(3)(E)]

What Can Be Disputed?

- Eligibility
- School Selection
- Enrollment

What Steps Are Required?

1. The student must be immediately enrolled in the school in which the family or student is seeking enrollment, including through the entire dispute process. While enrolled, the student has the right to full participation and all McKinney-Vento services
2. The family or accompanied youth must be referred to the homeless liaison who will carry out the process as outlined in the district's policies
3. The family or unaccompanied youth must be provided with a written explanation of all dispute-related decisions, including the right to appeal. The written notice must be in a manner and form understandable to the family or youth. It must include:
 - a. The reason for the decision
 - b. Contact information for the homeless liaison and the State Coordinator
 - c. A description of the of the dispute process and a timeline
 - d. Steps to appeal

Scenario [Part 1]

A family has been living in the same doubled-up situation with grandparents since October, 2021. The students have remained in their school of origin. Today, you learned that the entire family has moved to a larger home that is an additional 15 miles away from the school of origin.

- Given the size of the new home and the long-term nature of the living situation, you think they might not qualify for McKinney-Vento services.
- You also wonder whether continuing in the school of origin is in the students' best interest.



Let's take this one step at a time:

Pre-dispute steps

1. Speak with the parent(s).
 - What do they need/want?
 - What is their position?
1. Make efforts resolve the dispute.
 - Timing of a school change
 - Ways to ease the transition



Let's take this one step at a time:

Beginning dispute steps

1. What is/are the subject matter(s) of the dispute?
 - Eligibility?
 - School selection?
 - Transportation?
1. What needs to be included in the written explanation?
 - How can you ensure the manner and form are understandable?



Let's take this one step at a time:

Active dispute steps

1. Immediately enroll the student where enrollment is sought.
 - Remember the definition of “enroll.”
 - Provide all services, including transportation.
1. The liaison is the first stop for resolution.

The Process: Requirements and Best Practices

- Liaisons must help families or youth navigate the dispute process.
- The district/LEA must have written policies outlining the dispute process.
 - <https://dpi.wi.gov/homeless/forms>
- There must be more than one level of appeal within the district.
 - The family or youth must be able to appeal the decision made by the homeless liaison to at least one other person in the district before appealing to the state.
- Failure to follow the district's policies on dispute may result in the state-level decision to start the dispute process over.
- Follow up with staff at the school where the student is attending during the dispute to ensure the student is receiving all services.
- Follow up with the family or youth once the dispute process has concluded.

Dispute Strategies

- Train staff to use a trauma-informed approach in communicating with families to diffuse and resolve disagreements before they become disputes.
- Gather information from the family or youth in ways that don't violate FERPA or McKinney-Vento.
- Keep thorough documentation of relevant evidence and of all dispute-related communication with the family or youth.
- Think critically about who is in the role of the liaison from the dispute process.
 - Example: If the Superintendent is the liaison, who is the next level of dispute?



Questions?

Resources & Contact Information

- School House Connection: [Strategies for Supporting Immigrant and Migrant Students Experiencing Homelessness](#)
- SchoolHouse Connection: [Immigrant Students Experiencing Homelessness: Liaisons' Strategies](#)
- SchoolHouse Connection: [Immigrant Students: How Schools Can Help](#)
- Sesame Street In Communities: [Supporting Families Resettling in the U.S.](#)
- Colorín Colorado: [Guides and Toolkits](#)
- National Immigration Law Center: [Basic Facts about In-State Tuition for Undocumented Immigrants](#)

Thank you!



Patricia Julianelle

Senior Strategist for Program
Advancement and Legal Affairs

patricia@schoolhouseconnection.org



Karen Rice

Senior Program Manager of
Education Initiatives

karen@schoolhouseconnection.org