

Supporting Students in Temporary Housing:

Meeting the Needs of Students with Disabilities



Presented By: NYS TEACHS

April 4, 2024

9:30am -11:00am





NYSTEACHS.org

The New York State Technical and Educational
Assistance Center for Homeless Students

Webinar Format

 Your microphone will be automatically muted.

 Your camera will be automatically disabled.

 The in-webinar chat will allow you to communicate with the panelists and the host only.

 For questions, please email Rita Danis at RDanis@measinc.com. She will get back to you as soon as she is able.



Housekeeping



- We will launch poll questions periodically throughout the session and there will be opportunities to share your thinking in the chat.
- We won't be able to answer questions about specific situations in the chat, but we welcome you to call the Help Line to discuss these issues at **800-388-2014**.
- The Help Line is open 24 hours a day. Specialists are available from 9:00am – 5:00pm. If you leave a message, you will be called back by the next business day.
- Following today's webinar, today's recorded session, attachments, and Q&As will be posted/accessible online.

Who is in the Room?

Are you a...

- New McKinney-Vento Liaison (1st Year)
- McKinney-Vento Liaison (2 – 4 years)
- McKinney-Vento Liaison (5 – 9 years)
- McKinney-Vento Liaison (10+ years)
- Pupil Personnel/CPSE/CSE Staff
- Other School/District Staff



Which region are you from?

- * Western
- * Finger Lakes
- * Central
- * Southern Tier
- * Mohawk Valley
- * Capital
- * Hudson Valley
- * New York City
- * Long Island
- * North Country

Session Outcomes

By the end of today's webinar, participants will be able to:



- Identify key provisions of the McKinney-Vento Act as it pertains to the rights of students with disabilities under the Individuals with Disabilities Education Act (IDEA).
- Gain knowledge about the Individualized Education Program (IEP) and special education services for children experiencing temporary housing.
- Access resources for students with disabilities who are experiencing temporary housing.

Today's Agenda



Welcome/Who is in the Room?



IDEA – Individuals with Disabilities Education Act + McKinney-Vento Act



IEP – Individualized Education Program



McKinney-Vento and Special Education Services



Scenarios and Strategies for Collaboration



Summary, Survey and Resources

Let's Talk About It

How have you assisted families of children with disabilities who have lost their housing?

Please
respond in
the chat.



Staggering Statistics

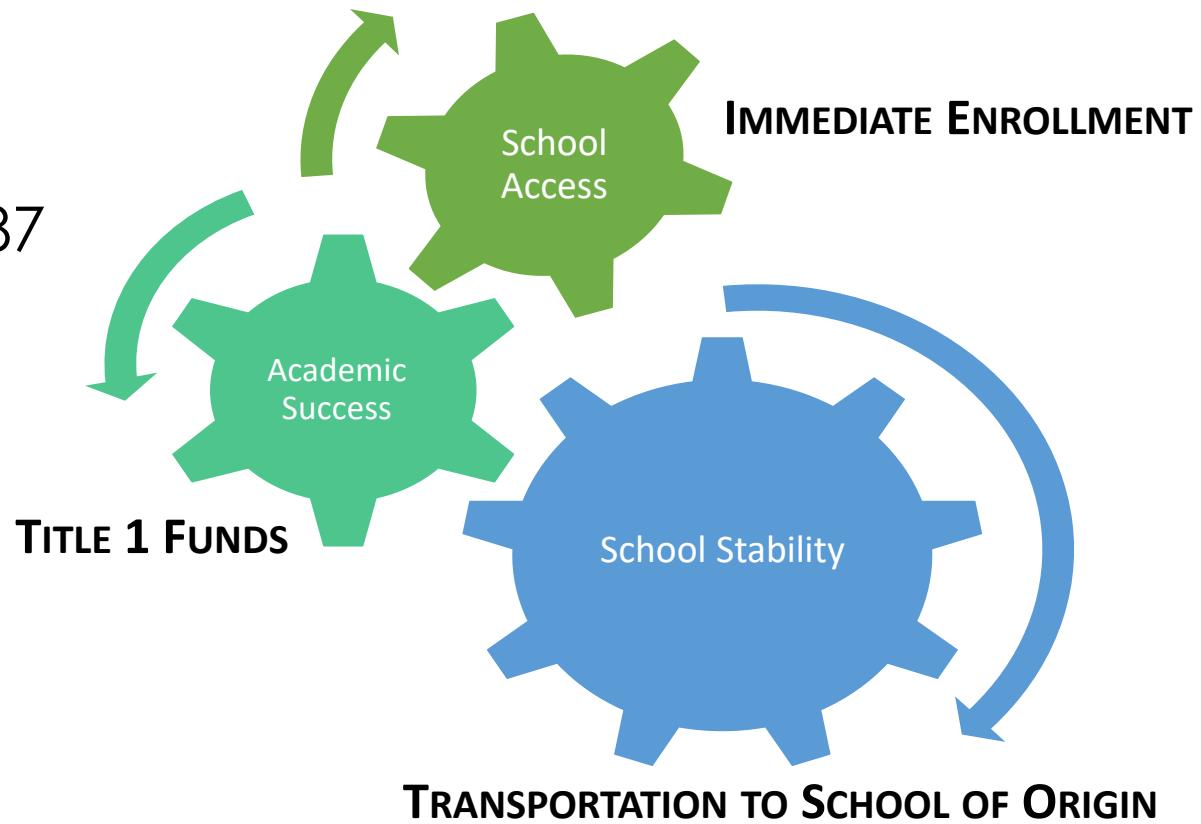
The National Center on Family Homelessness reported that children who are homeless, as compared to other children:

- have three times the rate of behavioral and emotional problems;
- are four times more likely to show delayed development; and
- have twice the rate of learning disabilities.

https://www.nysteachs.org/files/ugd/10c789_3af1746d60c74bcf80cc27bddcdcba5c.pdf

McKinney-Vento Homeless Assistance Act

- Federal Law established in 1987
- Reauthorized in 2015 as part of ESSA



The McKinney-Vento Act

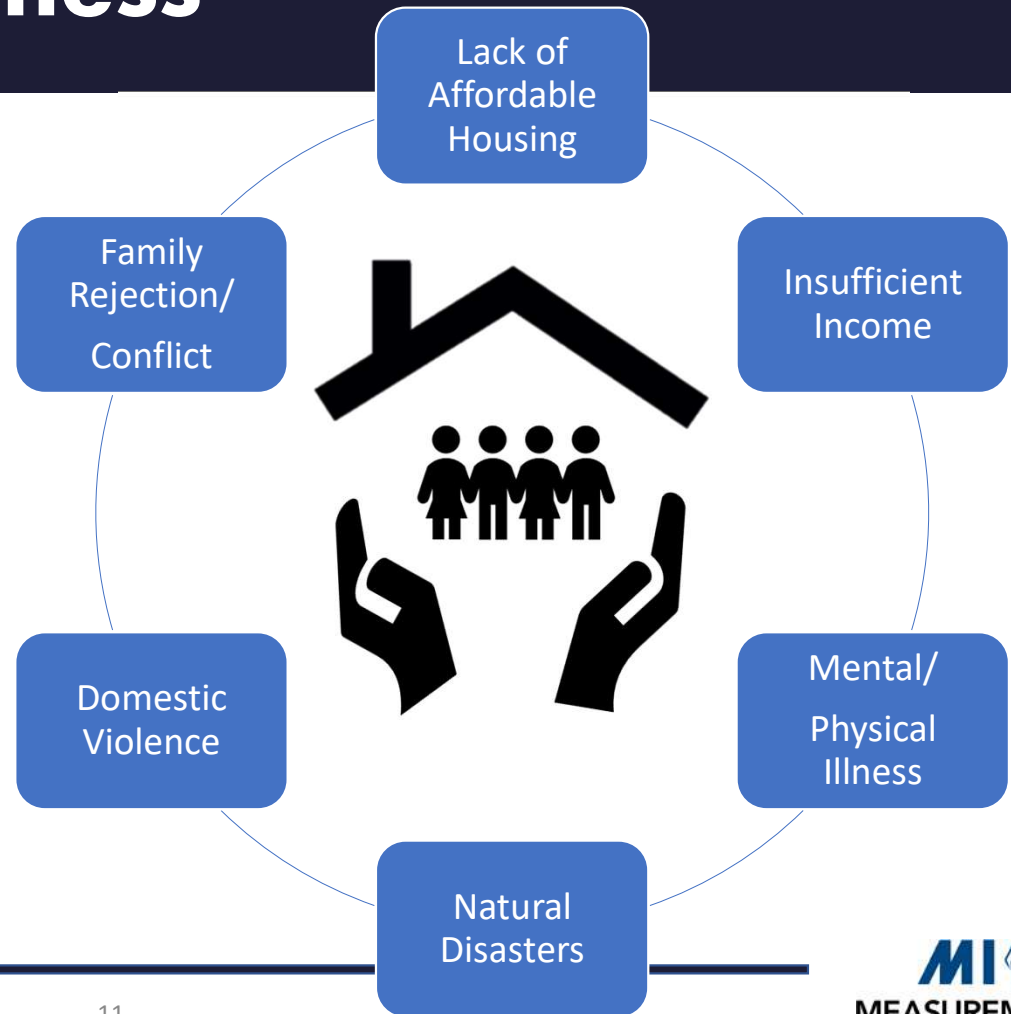
The **McKinney-Vento Act** is a federal act that guarantees:

- Access to education and educational support for any child or youth who lacks a fixed, regular, and adequate nighttime residence;
- Immediate school enrollment, even if they do not have documents that are usually required for enrollment;
- Attendance in classes and participation in all school activities, even if they do not have school supplies or uniforms;
- School stability by continuing in their school when the family moves to a new location, to the extent feasible, if this is in their best interest, and to receive transportation to their school; and
- Students can remain in their school for one more year if it is their terminal grade.

42 U.S.C. §§ 11431-11435

Causes of Homelessness

What are the potential causes of homelessness?



Homelessness: Living Conditions

- 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 a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory children living in circumstances described above
- Unaccompanied youth living in circumstances described above

Education Law §3209(1)(a); 8 NYCRR §100.2(x)(1); see also 42 USC §11434A(2)(B)(i);
U.S. DOE's Non-Regulatory Guidance, Question A-2

McKinney-Vento Students' Rights

- ✓ Free appropriate education
- ✓ Immediate enrollment
- ✓ Attend classes
- ✓ Receive transportation
- ✓ Receive educational services



Receive a **free, appropriate public education**



Enroll in school immediately, even if lacking documents normally required for enrollment, or having missed the application or enrollment deadlines during any period of homelessness



Enroll in school and attend classes while the school gathers needed documents



Receive transportation to and from the school of origin, if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth



Receive educational services comparable to those provided to other students, according to each student's need

Laws Pertaining to McKinney-Vento



McKinney-Vento
Homeless Assistance
Act



New York State
Education Law 3209

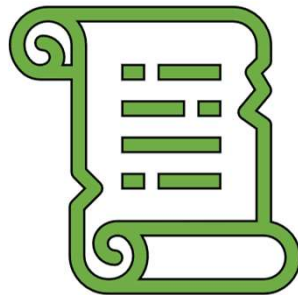


NYS Commissioner's
Regulations Section
100.2(x)

Laws Pertaining to Special Education



IDEA, 34 CFR
Part 300



Article 89 of NYS
Education Law



Part 200 of the
Commissioner's
Regulations

The Individuals with Disabilities Education Act (IDEA)

One of the primary purposes of the IDEA is to ensure that all children with disabilities receive a free, appropriate public education (FAPE), including special education and related services to prepare them for further education, employment, and independent living.

20 U.S.C. § 1400(d)(1)(A)

IDEA defines special education as “specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability”.

20 U.S.C. § 1401(29)



IDEA (continued)

- FAPE must be available to all children with disabilities residing in the State between the ages of 3 and 21.
- FAPE does not apply to children with disabilities who have graduated from high school with a regular high school diploma.

20 U.S.C. §1412(a)(1)(A) and 34 CFR §300.101-102



Let's Talk About It

What challenges have you experienced assisting children with disabilities whose families have lost their housing?

Please
respond in
the chat.



Eligibility

Eligibility for Preschool-Age Children (3-5)

- Following the Multidisciplinary Evaluation (MDE), the results are interpreted by comparing the child's scores to other children with the same birthday. That is how they calculate a child's "percentage delay". A moderate delay consists of 25%; a severe delay is 33% or more. To qualify for services a preschool student must have a 25% delay in two areas or a 33% delay in one area.

Eligibility

- For a preschool student with a disability eligibility shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team. NYCRR §200.4(b)(1-5)

Eligibility

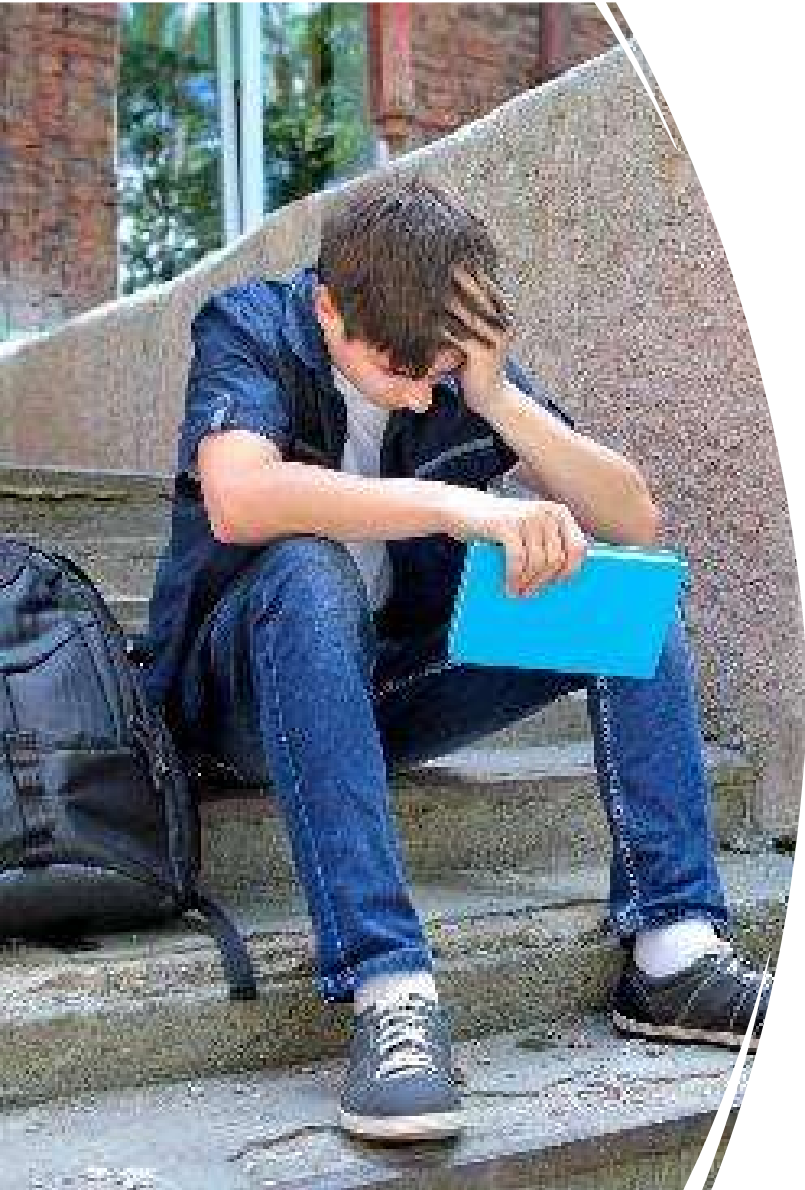
Eligibility for School-Age Children (K-12)

- The student must meet the criteria for one or more of the 13 disability classifications as defined in Part 200 of the [New York State Regulations of the Commissioner of Education](#); and
- Because of mental, physical or emotional reasons, the student has been identified as having a disability and requires special services and programs

Eligibility cannot be based on:

- A lack of appropriate instruction in reading;
- A lack of appropriate instruction in math; or
- Limited English proficiency.

NYCRR §200.1 (zz) and section 200.4(c)(2)



Quick Poll #1

Would the LEA be responsible to provide an evaluation of a student after they lose their permanent housing and move out of the district?

- A. Yes
- B. No
- C. Not Sure

Students with a Disability

NYS's definition of a student with a disability:

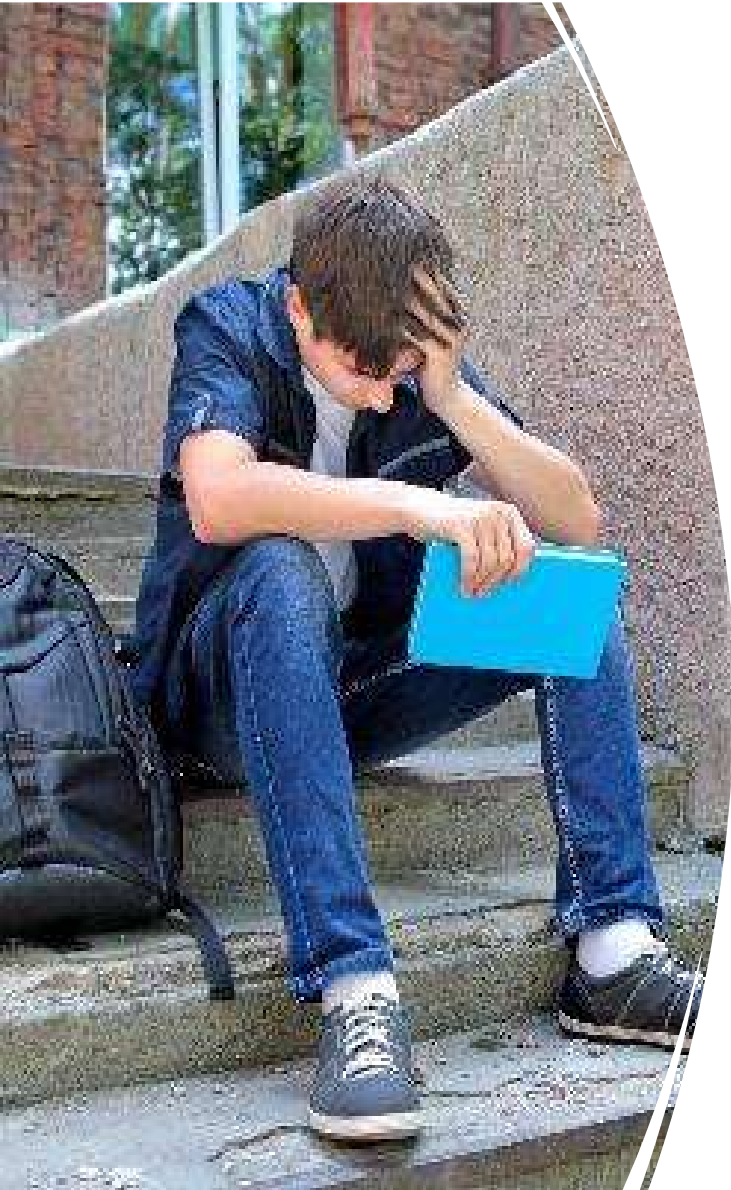
- (1) Autism
- (2) Deafness
- (3) Deaf-blindness
- (4) Emotional disability
- (5) Hearing impairment
- (6) Learning disability
- (7) Intellectual disability
- (8) Multiple disabilities
- (9) Orthopedic impairment
- (10) Other health-impairment
- (11) Speech or language impairment
- (12) Traumatic brain injury
- (13) Visual impairment including blindness

NYCRR §200.1 (zz)

Ongoing Eligibility

Annual Review The IEP of a student with a disability must be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. 8 NYCRR §200.4(f)

Reevaluation A reevaluation of a student with a disability must be conducted at least once every three years (parent and district may agree, in writing, that the three-year reevaluation is not necessary) and/or if the district determines that the educational or related services needed warrant a reevaluation or the student's parents or teacher requests a reevaluation. 8 NYCRR §200.4(b)(4)



Quick Poll #2

If a student with an IEP changes schools due to homelessness, is the new district required to convene a CSE meeting and develop a new IEP before enrolling the student?

- A. Yes
- B. No
- C. Not Sure

Least Restrictive Environment (LRE)

For eligible children, IDEA specifies that special education instruction may take place in a general education classroom, special education classroom, specialized school, home, hospital, or institution. 20 U.S.C. § 1401(29)(A)

Under the provision to educate children in the least restrictive environment (LRE) to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 20 U.S.C. § 1412(a)(5)(A)

Parents and Guardians

“Parents,” for the purpose of special education, include

- biological, adoptive, or foster parents,
- guardians,
- surrogate parents, individuals legally responsible for the child’s welfare, or individuals acting in the place of a parent and with whom the child lives (specifically including grandparents, stepparents, or other relatives).

For unaccompanied youth, NYS specifically requires LEAs to appoint surrogate parents, and to make reasonable efforts to complete the appointment process within 10 days. This allows for a surrogate parent to act in the parental role if the parents or other family members of a child with a disability are unknown or completely unavailable, if the child is a ward of the state, or if the child is an UHY.

NYCRR §200.5(n)(3)(iii)



Quick Poll #3

Does a surrogate parent have the authority to make changes to the child's IEP?

- A. Yes
- B. No
- C. Not Sure



School Selection

Local education agencies (LEAs or school districts) must “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 homeless youth) the youth...”

42 U.S.C. § 11432(g)(3)(B)(i), 2001

School Selection & School of Origin

The term "school district of origin" shall mean the school district within the state of New York in which the homeless child was attending a public school or preschool on a tuition-free basis **or was entitled to attend when circumstances arose which caused such child to become homeless**, which is different from the school district of current location. NYS Ed Law § 3209(1)(c)

Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they become permanently housed.

If a student becomes homeless in between academic years, he or she can continue attending the school of origin for the following school year.

A child or youth experiencing homelessness may enroll in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend (the local attendance area school).

School Selection: Determining Best Interest

In determining the best interest of the child or youth, the LEA shall:

- Keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
- Provide a written explanation, including a statement regarding the right to appeal, to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian;
- Ensure that the homeless liaison assists the unaccompanied homeless youth in placement or enrollment decisions and provides notice to such youth of the right to appeal.

42 U.S.C. § 11432(g)(3)(B)

[Education for Homeless Children and Youth Non-Regulatory Guidance](#) (updated March 2017)

McKinney- Vento Act: School Selection

Parents, guardians, or unaccompanied youth (“the designator”) in temporary housing may have choices for school enrollment.

They can choose:

- The school attended or was entitled to attend when circumstances arose which caused the child or youth to become homeless,
- The school last enrolled, even if the student was temporarily housed during that time, or
- The local school where the student is currently temporarily housed.
- District participation in a Regional Placement Plan (RPP).

NYS Education Law § 3209(1)(c)

School Selection for Preschool



1. The school that a child attended or was entitled to attend when permanently housed.



2. The school where the child was last enrolled.

NYS Education Law § 3209(1)(i)



3. The child's new local publicly-funded preschool.

Special Education School Selection Example

A family with two children were last enrolled in District A when a fire occurred in the rental home. They moved in with relatives in District B. The 11-year-old has an IEP and was attending an out of district placement. The family wants to enroll both children in the district of current location District B, but they do not participate in that out of district placement.

Considerations:

If District B doesn't contract with the special placement school, that student can remain enrolled in School of Origin (District A) while District B obtains a contract or finds alternative appropriate placement.

Siblings may be split up, if appropriate and in alignment with parent's wishes to accommodate the IEP.



Quick Poll #4

If a student with an IEP changes schools due to homelessness, is the new school district of residence allowed to decline enrolling a student with special needs because they do not have an opening in a special class?

- A. Yes
- B. No
- C. Not Sure

Special Education Programs

The Committees on Special Education

Every school district has a Committee on Preschool Special Education (CPSE) and a Committee on Special Education (CSE) that decides a child's special education needs and services.

The CPSE is responsible for students with disabilities ages 3-5.
The CSE is responsible for students with disabilities ages 5-21.

Some school districts also have Subcommittees on Special Education (sometimes called the Sub CSE).

In New York City the Subcommittee is sometimes called the School Based Support Team.

Preschool Special Education

The **Preschool Special Education Program** is for children ages 3 to 5 years old and is administered by NYSED similarly to K-12 special education.

Referrals to the program are handled by the school district and the Committee on Preschool Special Education (CPSE).

The municipality is a part of the CPSE and is responsible for arranging transportation for those eligible.

Students may receive related services in their home/daycare/preschool settings and/or may be approved to attend a special class, as is specified on the child's Individualized Education Plan (IEP).

Children attending a UPK, Head Start, or Special Education Class who experience temporary housing would be eligible for McKinney-Vento services.

K-12 Special Education Programs

The continuum of placement options in NYS includes:

- Public schools,
- Board of Cooperative Educational Services (BOCES),
- Private approved day and residential schools, and
- Home and hospital instruction.



Special Education Quality Assurance (SEQA)

- Provides general information regarding services for students with disabilities to parents, school district personnel, private providers, and other stakeholders.
- Investigates complaints alleging a public or private special education program's noncompliance with federal or state law or regulation pertaining to the education of students with disabilities.

Special Education Scenarios

Scenario #1



Bobby and his mom were permanently housed in District A, where Bobby attended a preschool special class in an integrated setting (SCIS). They later became displaced due to job loss and are now living in temporary housing in the District B. Bobby's mom wants to keep him in his special education preschool program. Where can she enroll him?

- A. The school Bobby attended when permanently housed – District A
- B. The school where Bobby was last enrolled – District A
- C. Bobby's new local District administered preschool – District B
- D. All of the above
- E. None of the above- preschool isn't included in McKinney-Vento

Scenario #1B



Bobby and his mom are then placed by DSS in a shelter in District C. The district says they don't transport from that far away (25 miles). Who is responsible for preschool special transportation?

- A. The school of origin, District A
- B. The district of last residency, District B
- C. The district of current location, District C
- D. The municipality (county)

Scenario #2

Anthony (kindergarten) and his brother Andrew (1st grade) have been living with their uncle after their family was evicted. The apartment is 15 miles from their original home. The boys sleep on the living room floor in sleeping bags. Both children have IEPs and are placed out of district in an approved special education school.

Would Anthony and Andrew be eligible to remain in their current placement in the approved special education school and continue to receive transportation from their new temporary residence?

- A. Yes
- B. No
- C. Not Sure



Scenario #3

Jeffrey attends a special class 6:1+1 in District A. Father loses his job and can't afford their apartment, so the family moves in with relatives in District B. Although only 30 miles away, the transportation director stated his new bus ride would be about 75 minutes one way. The family decides to enroll in District B, but they only have an 8:1+1 class spot available.

What should the liaison do to help with this transition?

- A. Immediately enroll him in the 8:1+1 class and see how he does until further notice
- B. Liaison and CSE should meet with family to discuss best interest and make appropriate placement decision.
- C. Keep looking to find a class with an opening
- D. Not sure



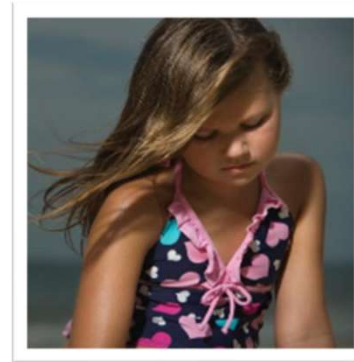
Scenario #4

A family recently arrived from the Dominican Republic and is living doubled up with relatives in a small apartment. The youngest child is 4 years old and a social worker recommended that she be evaluated as she displays signs of special needs. CPSE office says the family must "fully register" and since they are missing documentation, the family must wait. Since preschool is included in MV, doesn't the CPSE need to move forward with the MDE (Multidisciplinary Evaluation)?

A. Yes

B. No

C. Not Sure



Scenario #5

Luke is 13-years-old and lives in District A. Luke attends a BOCES class out of district. Luke's mother moved south suddenly with her boyfriend, giving the grandmother 1 day's notice that she was leaving. Luke now resides with his grandmother in District B. Luke receives wheelchair transportation to get to school. District B tells the grandmother that they don't have an equivalent class for Luke so he should stay in District A.

Can the district deny enrollment due to not having an opening in a special class?

A. Yes

B. No

C. Not Sure



Scenario #6

A 15-year-old student experienced a conflict with his parents, moved out, and is living doubled up with a friend. The district is designating him as a UHY but is questioning who can sign off on IEP services and make decisions. Does the district need to inform his parents?

- A.** Yes
- B.** No
- C.** Not Sure



Barriers in Special Education

- Bus driver shortages
- Full special education classrooms
- Caseload capacity
- Meeting the needs as per the IEP
- Parent follow-through
- Challenging behaviors
- Absenteeism



Due Process

IDEA and NYS law and regulations establish due process procedures that provide specific options for concerns or disagreements that arise between parents and school districts about the identification, evaluation, educational placement of, or the provision of a FAPE to a student with a disability or a student suspected of having a disability.

These include:

- Mediation
- Impartial Hearing
- State Complaint



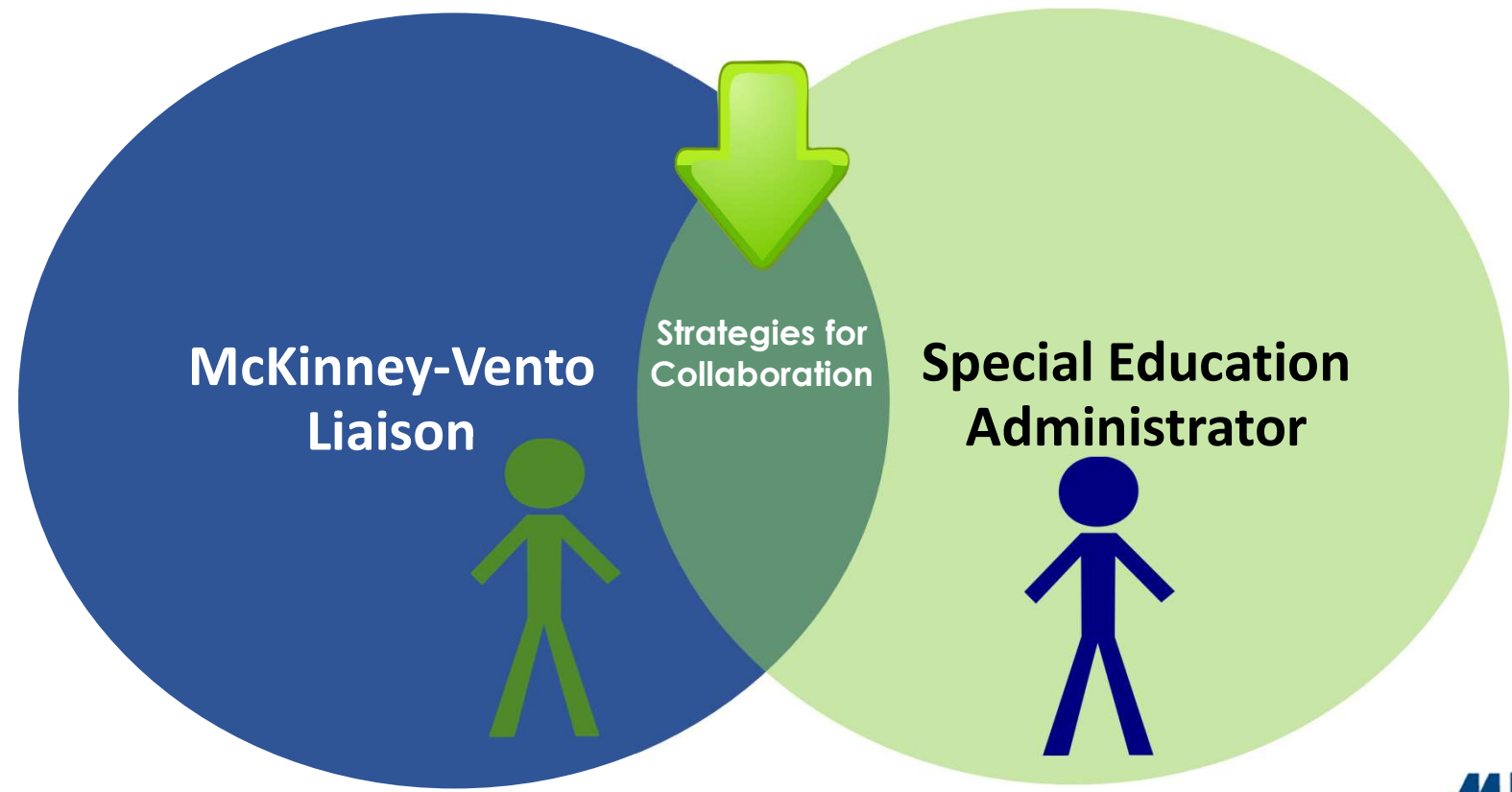
Note- if there is a disagreement between the parent and the LEA regarding the McKinney-Vento benefits (enrollment, eligibility, transportation), there is a Dispute 310 Appeal Process to be followed.

Role of McKinney-Vento Liaisons

- In the role of supporting young children, LEA homeless liaisons must:
 - Coordinate with CPSE/CSE chairs
 - Coordinate with the transportation department
 - Involve the family and inform them of all timelines and offer solutions
- Remove barriers that exist to ensure enrollment, attendance and educational opportunities without gaps or extraordinary “red-tape”



Working Together to Support Students with Disabilities Experiencing Temporary Housing



Strategies for Collaboration

- Invite local liaisons to CPSE/CSE meetings
- Consult with the CPSE/CSE chairperson for best interest determinations
- Special Education Administration and McKinney-Vento staff meet informally
- Create policies or procedures to address complex situations
- Provide school registrars with a checklist of questions to ask families upon enrollment of their children

Summary

- **McKinney-Vento Services** (enrollment, school selection, transportation, etc.) also apply to students experiencing homelessness with an IEP.
- Close **communication and collaboration** must exist to ensure a smooth process and no gaps in services
- **Special Education Placements** and services may be modified after a transfer to a new district, following a CPSE/CSE meeting to meet FAPE and including services that are comparable with parent/guardian/UHY input and agreement.

Let's Talk About It

What is a key take away from today's session?

Please
respond in
the chat. 😊





1. [Navigating the Intersections of the McKinney-Vento Act and Individuals with Disabilities Education Act: Coordination to Help Homeless Children and Youth with Disabilities](#)
2. [Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Act](#)
3. [School Help for Homeless Children with Disabilities: Information for Parents](#)

NYSED Resources

More
Information



1. <http://www.nysed.gov/special-education/due-process-hearing>
2. <http://www.nysed.gov/special-education/new-york-state-laws-and-regulations-related-special-education-and-students>
3. <http://www.nysed.gov/special-education/continuum-special-education-services-school-age-students-disabilities>
4. <http://www.nysed.gov/essa/mckinney-vento-homeless-education>
5. <http://www.nysed.gov/special-education/guide-quality-individualized-education-program-iep-development-and-implementation>

IDEA Resources

More
Information



1. https://sites.ed.gov/idea/files/QA_on_Special_Education_and_Homelessness_512.pdf
2. <https://sites.ed.gov/idea/idea-files/policy-letter-august-5-2013-to-diana-bowman/>
3. <https://sites.ed.gov/idea/files/spec-ed-homelessness-q-a.pdf>

Technical and Educational Assistance Center

- **Help Line** (800-388-2014)
- **Website** (<https://nysteachs.org>)
- **Web-Based Trainings**

Next Webinar:

Supporting Young Children in Temporary Housing (Early Childhood)
Thursday May 9, 2024 9:30-11am

- **Outreach Materials**
<https://www.nysteachs.org/order-brochures/brochures-posters>
- **Tales from the Field** <https://www.nysteachs.org/>

The New York State American Rescue Plan Homeless Children and Youth (ARP-HCY) Technical Assistance Center at **SchoolHouse Connection**



Tools & Resources



Webinars



Practitioner
Community
Conversations



On-Demand ARP-HCY
Technical Assistance

American Rescue Plan Homeless Children and Youth (ARP-HCY) funds must be obligated by **September 30, 2024** and spent by **January 31, 2025**.

Email arphcyros@schoolhouseconnection.org or visit <https://schoolhouseconnection.org/nysed/> to learn more!