



# HOMELESSNESS AND VICTIMIZATION

*Improving Learning Outcomes for  
Students Experiencing Homelessness  
and Domestic Violence*

2016

Missouri Department of Elementary and Secondary Education and  
Missouri Coalition Against Domestic and Sexual Violence

## In today's webinar...



Attendees should increase understanding...

- How to promote resiliency with students who have been exposed to trauma such as domestic violence.
- Of how LEAs can assist families affected by domestic violence, stalking, sexual assault and trafficking.
- Of the rights homeless students in these situations have under the McKinney-Vento Act.
- Of the collaborative roles between domestic and sexual violence agencies and schools when assisting families.



# Missouri Coalition Against Domestic and Sexual Violence



## Mission—

The Missouri Coalition Against Domestic and Sexual Violence (MCADSV) unites Missourians with a shared value that rape and abuse must end, and advances this through education, alliance, research and public policy.

[www.mocadsv.org](http://www.mocadsv.org)



**PROMISING FUTURES**  
**PROMOTING RESILIENCY**  
 among children and youth experiencing domestic violence

Almost 30 million American children will be exposed to family violence by the time they are 17 years old.<sup>12</sup> Kids who are exposed to violence are affected in different ways and not all are traumatized or permanently harmed. Protective factors can promote resiliency, help children and youth heal, and support prevention efforts.

Research indicates that the #1 protective factor in helping children heal from the experience is the presence of a consistent, supportive, and loving adult—most often their mother!<sup>13</sup>

PROTECTIVE FACTORS THAT PROMOTE RESILIENCY

INDIVIDUAL		FAMILY		COMMUNITY	
<b>Temperament</b> Individual characteristics or patterns of behavior	<b>Relationships</b> Ability to form stable, trusting relationships	<b>Role Models</b> Adults who role model healthy relationships	<b>Supportive Relationships</b> Positive, trusting, supportive relationships	<b>Access to Services</b> Abuse records, advocacy, health	<b>School</b> Positive school climate and supports
<b>Understanding</b> Ability to make sense of their experiences	<b>Expression</b> Opportunities to express feelings through words, music, etc.	<b>Health</b> Healthy caregivers	<b>Networks</b> Relationships with extended family, friends, and others	<b>Mentors</b> Role models & mentors in a positive role	<b>Neighborhood Cohesion</b> Safe & connected neighborhood
<b>History</b> Opportunities to experience success	<b>Conflict Resolution</b> Opportunities to learn healthy ways to resolve conflict	<b>Culture</b> Strong cultural identity	<b>Stability</b> Stable living arrangements		

Get started at [www.PromisingFuturesWithoutViolence.org](http://www.PromisingFuturesWithoutViolence.org)  
 National Domestic Violence Hotline: 1-800-799-7233 (SAFE)  
 National Dating Abuse Helpline: 1-866-331-9474 or text "loveis" to 77054

Promising Futures: Best Practices for Supporting Children, Youth & Parents in a violent or abusive Without Violence

**FUTURES WITHOUT VIOLENCE**



## D/SV Outreach Now Required

5

- Liaisons must ensure that:
  - McKinney-Vento students are identified by school personnel through **outreach** and coordination with other entities.
  - **Identification should be part of all LEA needs assessments and school improvement plans.** (Guidance F4)
  - Public notice of MV rights is disseminated **in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to them.**



## D/SV Referrals Now Required

6

- Liaisons must ensure:
  - Children, youth and families receive referrals to health care, dental, mental health, **substance abuse, housing** and other services



## D/SV Service Providers in Missouri



## D/SV Dispute Resolution



- “Doubling-Up” makes them MV eligible
  - This might occur as a safety plan or diversion strategy if local facility currently has no bed space available



## Non-regulatory Guidance

9

- Education for Homeless Children and Youths Program Non-regulatory Guidance
- Issued July 2016
  - <http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>



## Privacy and Confidentiality

10

### **A-8. What additional steps should an LEA take to protect student privacy and ensure that student records are secure?**

- In addition to incorporating practices to protect student privacy, such as holding conversations about students in private locations to prevent information from being overheard, liaisons should work with other school personnel to secure the PII contained in student databases and records.



## Privacy and Confidentiality

11

- In particular, many homeless students are survivors of domestic violence or have other safety issues that must be addressed in student records and information release procedures. Failure to protect personal information can result in an inappropriate release of information that endangers students, their caregivers, and possibly even school personnel.
- In addition, the Violence Against Women Act of 1994 (VAWA) and the Family Violence Prevention and Services Act (FVPSA) contain provisions governing the sharing of victims' PII.
  - What does this mean when working with a local D/SV program?



## Confidential Information

“Confidential information includes any written, electronic or spoken information and communication between a person seeking or receiving services and any program staff, volunteer, or Board member in the course of that relationship; any records or written or electronic information identifying a person to whom services are provided; and any information about services provided to an individual.”

- *MCADSV Standards for Domestic Violence Programs*



## Personally Identifying Information

13

- Although some types of information obviously identify individuals, such as name or Social Security number, a variety of seemingly general information can be combined to identify an individual. Therefore, controlling the release of any information pertaining to service recipients helps protect their identities.



## Types of data

### PERSONALLY IDENTIFYING INFORMATION

- Any information alone or in combination that would identify a specific individual
- May not be shared with a third party
  - A third party is defined as any person or entity outside of the local domestic violence program

### AGGREGATE DATA

- Data collected and reported by organizations as a sum or total during a given time
- Cannot be traced back to a specific individual
- May be shared with third parties



## Examples of data

### PERSONALLY IDENTIFYING INFORMATION

- First and/or last name
- Home or physical address
- Contact information (phone number, e-mail address)
- Date of birth
- Social Security number

### AGGREGATE DATA

- Number of women, men and children served
- Number of hotline calls
- Number of individuals who attended support group
- Age ranges of participants



## Can aggregate data identify a person?

- It's possible.
- Information becomes personally identifying when it could be used in combination with any other non-personally identifying information (such as age, ethnicity, religious affiliation, work place, disability, number of children, country of origin, etc.) and would allow someone to identify an individual.



## Examples of identifying aggregate data

- A study found that zip code, birth date and gender from Census data can be used in combination to re-identify 87 percent of individuals in the United States.
  - L. Sweeney. Uniqueness of Simple Demographics in the U.S. Population, LIDAPWPA. Carnegie Mellon University, Laboratory for International Data Privacy, Pittsburg, PA, 2000.
- When program staff in a rural area discuss how they are currently serving a 25-year-old Latina with three children, they might be inadvertently be identifying the survivor to others.
  - This type of information is especially identifying in smaller communities where many people know each other.



## Which data is not considered confidential?

- Aggregate data not used in combination with any other non-personally identifying information is not considered confidential.



## Federal law: VAWA

- Violence Against Women Act of 2005 and 2013 (VAWA) defines personally identifying information as:
  - “A first and last name, a home or other physical address, contact information, a Social Security number, and any other information including date of birth, racial or ethnic background, or religious affiliation, which, in combination with any other non-personally identifying information would serve to identify the person.”
    - 42 U.S.C. § 13925(a)(18)
    - 42 U.S.C. § 11383



## Federal laws: Federal funds

- Federal confidentiality laws apply to any grantees or sub-grantees receiving federal funds (i.e., VAWA STOP and discretionary funds, FVPSA, VOCA).
- The organization is the entity that is under confidentiality requirements. Every employee, volunteer, intern and board member must follow confidentiality provisions.
- In the case of an umbrella organization that operates multiple programs, confidentiality laws apply only to victim service programs receiving funds.



## Federal law: VAWA

- Violence Against Women Act of 2005 and 2013 (VAWA)
  - Programs receiving funding:
    - Must protect the confidentiality and privacy of adults, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families.
    - Cannot reveal individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought.
      - 42 U.S.C. § 13925 (b)(2)



## Federal law: FVPSA

- Family Violence Prevention and Services Act (FVPSA)
  - Programs receiving funding must:
    - Develop and implement procedures to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services.
    - Provide assurances that the address or location of any shelter facility, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.
      - 42 USC § 10402(a)(2)(E)



## State law: Definition of shelter

- Missouri state law regarding confidentiality applies to the organizations that:
  - are a "Shelter for victims of domestic violence" or "shelter," a facility established for the purpose of providing temporary residential service or facilities to family or household members who are victims of domestic violence.
    - Section 455.200 RSMo
  - qualify for marriage and dissolution funds
    - Sections 455.200 to 455.230 RSMo



## Case law

- *State ex rel. Hope House, Inc. v. Commissioner Merrigan*, 133 S.W.3d 44, 47 (Mo. 2004)
  - Also known as "The Hope House Case"
- Upheld Section 455.220 RSMo
  - Domestic violence shelters are prohibited from releasing information that would identify a domestic violence victim unless they have received **both** of the following:
    - A subpoena; and
    - A written release of information from the individual about which information is sought.



## The Hope House Case

- The Missouri Supreme Court has held that the prohibition of releasing information includes not only a victim's name, but also extends to the release of "an array of potentially identifying characteristics such as former residences, place of employment, identity of the abuser or even a physical description of the resident."
  - *State ex rel. Hope House v. Merrigan*, 133 S.W.3d 44, 47-48 (Mo. 2004)



## State law: Definition of rape crisis center

- Missouri state law regarding confidentiality applies to rape crisis centers. This:
  - "Shall mean any public or private agency that offers assistance to victims of sexual assault, as the term sexual assault is defined in Section 455.010, who are adults, as defined by Section 455.010, or qualified minors, as defined by Section 431.056, RSMo"
    - Section 455.003.3 RSMo



## Prohibition on Segregation

27

### **B-2. May a district educate homeless children at an off-site facility, such as at a shelter?**

- No. Homeless children and youths must be educated as part of a school's regular academic program, and services must be provided to homeless children and youths through programs and mechanisms that integrate homeless children and youths with their non-homeless peers. (See sections 721(1), 721(3), 722(e)(3), 722(g)(1)(j)(i)). Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. (Section 723(a)(2)(iii))



## Prohibition on Segregation

28

### **B-3. May a school separate a child from the regular school program if he or she resides in a domestic violence?**

- No. However, schools can and should coordinate with domestic violence service providers and others, as appropriate, to take all other necessary steps to protect any child who is a victim of domestic violence (including as a witness). In this way, schools can address safety concerns and provide equal educational opportunities without causing further disruption in children's lives.



## Prohibition on Segregation

29

### What are examples of collaboration?

- Protecting the child's identity in school data systems,
- Arranging for anonymous pick-up and drop-off locations for school buses,
- Enrolling the child in a different school,
- Sensitizing bus drivers and school personnel to the child's circumstances,
- Training school staff on confidentiality laws and policies, and
- Helping the family to file copies of Orders of Protection with the school.



## McKinney-Vento Liaisons

31

The single most critical factor in how children deal with and handle trauma is the presence of at least ONE loving and supportive adult in their life.

LEA Liaisons play an important role.



## McKinney-Vento Homeless Assistance Act

32

- 1987 Stewart B. McKinney Act signed into law. It required states to review and revise residency requirements for enrollment of homeless children and youth.
- 1990 McKinney Act amended.
- 1994 Education portion of McKinney Act included in Improving America's Schools Act (IASA). Added preschool services, greater parental input, and emphasis on interagency collaboration.
- 2001-2002 Reauthorization of the Act. Strengthened requirements to provide access and success; required local liaison in all LEAs.
- December 2015—ESSA (Every Student Succeeds Act) signed into law by President Obama. Included several changes under the Act.



## Federal Law Supersedes State Law

33

Since the McKinney-Vento Act is a **federal law**, it takes precedence over state laws.

Main themes include:

- School access
- School stability
- Support for academic success
- Child-centered, best interest decision making



## Homelessness

34

Homelessness is described as...

“Children who lack a fixed, regular, and adequate night time residence.”

- Fixed...permanent and unchanging
- Regular...happening again and again
- Adequate...satisfactory or acceptable



## Causes of Homelessness

35

- Lack of affordable housing
- Divorce
- Domestic violence
- Illness/Injury
- Job loss/Insufficient wages
- Lack of child support
- Natural disaster (fires, floods, tornados)



## Homeless Data in America

36

- 39% of America's homeless population are children
- 42% of homeless children are under 5 years of age and of the 42%, only 15% are enrolled in pre-school
- 38% of the homeless population have less than a high school degree by age 18
- 50% of the homeless population report dropping out of school during the course of their education



## Children, Youth and Poverty

37

- 954,914 homeless children and youth were enrolled in public schools during the SY 09-10. This number has jumped to over 1.2 million for SY 10-11.

The data collected represents only those children identified and enrolled in school. The number does not include all preschool-age children, or any infants and toddlers.

Source: National Association for the Education of Homeless Children and Youth



## Missouri Students

38

**In 2014-2015,  
Missouri school districts reported  
30,656 students as homeless.**

- In 2013-2014—29,680
- In 2012-2013—26,525
- In 2011-2012—24,465
- In 2010-2011—20,046
- In 2009-2010—16,623



## Barriers Homeless Children Face

39

Enrollment requirements – they may not have:

- School or immunization records
- Proof of residence or guardianship
- Other records needed for enrollment

They have high mobility.

- Creates a lack of school stability and educational continuity

Lack of transportation, school supplies, clothing, etc.

They may experience poor health, fatigue, and hunger.

They often face prejudice and misunderstanding.



## Identification – Who is homeless?

40

Students **not** living in a fixed, regular and adequate residence.

- ✓ living in motels, hotels, camping grounds
- ✓ living in an emergency or transitional shelter
- ✓ living in places not designed for humans to live
- ✓ living in cars, parks, abandoned buildings, bus or train stations
- ✓ migratory children also qualify as homeless when living under these same conditions



## Who is Homeless?

41

- Children who live with friends or relatives because of loss of housing or other similar situation should be considered homeless.
- Children living in “doubled up” situations may be considered homeless if the family is doubled up or tripled up because of loss of housing or a similar situation.



## Identifying and Questioning

42

Homeless eligibility can be handled in such a way that **it does not violate privacy or jeopardize housing arrangements.**

It is up to the local liaison, enrollment staff, and/or other school personnel to be **sensitive and discreet.**

- Where did you stay last night?
- Where do you plan to stay tonight?



## Questions you may need to ask...

43

Does the student have any legal rights to be in the home?  
In other words, can he/she be asked to leave at any time  
with no legal recourse?

Is the living situation intended to be temporary or long-  
term?

Did the student move into the home as an urgent measure  
to avoid being on the street or in another precarious  
situation?



## Who is homeless?

44

- Children who are runaways – even if their parents have provided or are willing to provide a home for them.
- Children who are “throwaway children” should be considered homeless until a fixed, regular, and adequate residence is established for them.



## Who is Homeless?

45

School aged, unwed mothers or mother-to-be who reside in a home for unwed mothers should be considered homeless if they have no other available living accommodations.

Undocumented children and youth have the same right to attend public school as U.S. citizens and are covered by the McKinney-Vento Act to the same extent as other children and youth. (*Plyler v. Doe*)



## Who is Homeless?

46

Foster Care Students ***awaiting*** foster care.

**Until December 10, 2016.**

After this date awaiting foster care  
is no longer considered McKinney-Vento.

**Local homeless liaisons should coordinate with local public social service agencies in determining how best to assist homeless children/youth awaiting foster care placement. They should also coordinate with each other for transportation under ESSA.**



## Who is Homeless?

47

The McKinney-Vento Act specifically applies to children and youth living in transitional shelters.

This term includes transitional housing programs and transitional living programs.

A Federal Court affirmed that transitional housing programs are covered by the McKinney-Vento Act. *Bullock v. Board of Education of Montgomery County*, Civ. A. DKC 2002-0709 (D. Md.) memorandum decision filed November 4, 2002.



## Age Eligibility

48

The Act applies to children and youth age 21\* and under, consistent with their eligibility for public education services under state and federal law.

The Individuals with Disabilities Education Act (IDEA), provides rights to access services until age 22, with the exception of students with disabilities who are incarcerated as adults and students with disabilities who have earned a high school diploma.



\*Until their 21<sup>st</sup> birthday

## Incarcerated Youth

49

Children and youth who are incarcerated for violation or an alleged violation of the law ***should not*** be considered homeless.

Incarcerated children and youth are part of the juvenile justice system.



## Enrollment

50

### Immediately

Enrollment questions must be grounded in sensitivity and respect. Invasive probing may destabilize the family or youth further and may create a barrier to the student's enrollment, thereby violating the McKinney-Vento Act.

Additionally, employing these techniques may violate the Family Educational Rights and Privacy Act (FERPA).



Schools are required to assist homeless students and their families in obtaining necessary records to enroll in school.

## Enrollment

51

Immediately enroll homeless students eliminating delays caused by lack of records or other enrollment requirements.

- Talk with parents and students
- Sign the student up for free lunch
- Get contact information for a family member or guardian
- Can not** require proof of residency



## If Determination is not Homeless

52

Students should be enrolled while homelessness is being determined. If determined not homeless, then the applicant must be given a letter explaining the reason.

The applicant can request due process.

The LEA should follow the policies they have in place to address other forms of fraud



## School Selection

53

### *School of origin or school of residence*

The school of origin is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

The school of residence is the current physical dwelling where the homeless child is sleeping.



## School Selection

54

Students can continue attending their school of origin the entire time they are homeless.

If they become permanently housed, they can also continue at their school of origin until the end of the academic school year. If requested, transportation must be provided.

If a student is sent to a school other than the school of origin or the school requested by the parent/guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal.



## Transportation

55

Children and youth experiencing homelessness are entitled to receive transportation to and from the school of origin.

The district is responsible for the transportation costs if the school of origin and the temporary residence are in the same district.

Questions to ask...

- What is the school of best interest?
- How old is the student?
- What are the possible transportation choices?
  - Special education bus?
  - City Transit?
  - Cab?
- Gas Reimbursement?



## Crossing District and/or State Lines

56

If a student finds temporary housing in another district or across a state line from the school of origin, the McKinney-Vento Act still applies.

If the districts cannot agree upon the transportation. Then transportation cost should be split between the school of origin and the school of residency.



## Dispute Resolution

57

- Every school district in Missouri must establish dispute resolution procedures.
- When a dispute over enrollment arises, the student must be admitted immediately to the school of choice while the dispute is being resolved.
- Liaisons must ensure unaccompanied youth are enrolled immediately while the dispute is being resolved.
- If a dispute arises, refer the child, youth, parent, or guardian to the liaison to carry out the dispute resolution process as expeditiously as possible.
- Documentation should be kept for all local liaison interventions with parents-not just formal disputes (NCLB).



## Segregation

58

School Districts cannot segregate homeless students.

School Districts **must** adopt policies and practices to ensure students are not segregated or stigmatized on the basis of their status as homeless.

Districts cannot have separate programs within the school or have separate settings within the school.

If a homeless student resides in a domestic violence shelter, the school:

- Should take all necessary steps to protect children who are victims of domestic violence and keep the students in the regular school program.



## Early Childhood & Homelessness

59

Homeless children are categorically eligible for Head Start [42 U.S.C. 9840(a)(1)(B)].

Head Start reauthorization includes a definition of homelessness that matches the definition of homelessness in the education subtitle of the McKinney-Vento Homeless Assistance Act, which governs public schools.

- Implies that verification of homeless living situation suffices.
- Under McKinney-Vento, determinations of eligibility are case-by-case, individualized.



## Local Liaison

60

- Designate an appropriate staff person as a local homeless education liaison.
- The homeless liaison must work to ensure that homeless children and youth have equal access to the same free public education as is provided to other children and youth.



## Duties of the Liaison

61

- Must collaborate and coordinate with—
  - State Coordinators for Homeless Education
  - Community personnel
  - Other school personnel
- Inform parents, guardians, or youth of education and parent involvement opportunities.
- Inform parents, guardians, or youth of transportation services, including the school of origin.
- Resolve disputes
- Post public notice of educational rights
- Ensure that children and youth in homeless situations are identified.
- Provide awareness activities for school staff.
- Use enrollment and withdrawal forms to inquire about living situations



## Duties of the Liaison

62

- Educate school staff about “warning signs” that may indicate an enrolled child or youth may be experiencing homelessness.
- Ensure that homeless students enroll in and have full and equal opportunity to succeed in school.
- Provide outreach materials and posters where there is a frequent influx of low-income families and youth in high-risk situations.
- Link students with educational services, including preschool and health services.
- Make special efforts to identify preschool children, including asking about the siblings of school-age children.
- Develop relationships with truancy officials and/or other attendance officers



## Review, Revise & Develop



63

- Homeless Coordinator Job Description
- Needs assessment
- Enrollment Identification
- Records
- Placement
- Services
- Resolution of Grievances



## Contact Us

64



Missouri Coalition Against Domestic and Sexual Violence  
**Jennifer Carter Dochler, Public Policy Director**  
[jennc@mocadsv.org](mailto:jennc@mocadsv.org)  
 573-634-4161

Department of Elementary and Secondary Education  
**Donna Cash, McKinney-Vento State Coordinator**  
[donna.cash@dese.mo.gov](mailto:donna.cash@dese.mo.gov)  
 573-522-8763

