

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS

Frequently Asked Questions

School Year 2017-18

This document compiles answers to some of the most frequently asked questions on the homeless and unaccompanied youth status indicators. If you do not find the answer to your question(s), please contact the Texas Homeless Education Office at 1-800-446-3142. To access the Texas Education Data Standards go to:

https://www.texasstudentdatasystem.org/TSDS/TEDS/Texas_Education_Data_Standards/

To access this FAQ document go to:

http://www.theotx.org/wp-content/uploads/2016/02/TSDS_PEIMS_Homeless_Unaccompanied_FAQ_2017.pdf

1. What is the homeless status indicator?

The homeless status indicator is the student data element that enables schools to report data on homeless students to TEA. The Texas Student Data System (TSDS) requires that a student's homeless status be recorded on the data element *E1082 HOMELESS-STATUS-CODE*. *E1082* is populated by the code table *C189 HOMELESS-STATUS-CODE*. The code table *C189 HOMELESS-STATUS-CODE* has five (5) codes.

The previous code "1" (shelter) on code table C189 was retired when the definition for homelessness was revised with the ESSA reauthorization. The retired code "1" for shelters was replaced with the new code "5" (shelter).

All students in the state must fall within one of the five code categories:

0 = Student is **not homeless** at any time during the current school year.

2 = Student lives temporarily **doubled-up** (sharing residence with a family or individual) at any time during the current school year.

Doubled-Up (e.g., living with another individual or family) is defined as sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason. This classification requires a case-by-case determination. Many students in doubled-up situations are homeless, but that is not always the case. See Question 6 below for more information.

3 = Student is **unsheltered** (i.e., lives on the street, lives in cars, parks, campgrounds, temporary trailers [including FEMA trailers], or abandoned buildings) at any time during the current school year.

Unsheltered is defined as a nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. It includes such places as cars, parks, campgrounds (if they live there because they lack an alternative accommodation), abandoned buildings, and substandard housing. Substandard housing may be determined by local building codes, community norms, and/or a case-by-case determination as to whether the accommodation is a "fixed, regular, and adequate nighttime residence." For more information regarding determining whether an accommodation is "fixed, regular, and adequate" see the Texas Homeless Education Office website for the NCHE document entitled *Determining Eligibility for Rights and Services Under the McKinney-Vento Act* at http://www.theotx.org/wp-content/uploads/2016/02/det_elig-Updated-August-2017.pdf

4 = Student lives in a **motel or hotel** at any time during the current school year.

Students who stay at a **motel or hotel** are considered homeless if they reside there because they have lost their housing, lack an alternative accommodation, and do not have a "fixed, regular, and

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

adequate nighttime residence.” In rare instances, some students living in hotels or motels might not be considered homeless.

5 = Student lives in a **shelter**, transitional housing at any time during the current school year.

Shelters are defined as supervised publicly or privately operated facilities designed to provide temporary living accommodations. The “shelters” category for homeless students **includes** emergency shelters, family shelters, domestic violence shelters, youth shelters, and transitional housing programs.

The “shelters” category for homeless students **does not include** residential treatment facilities, Title I Neglected or Delinquent facilities, or Texas Juvenile Justice Department facilities.

For guidance, questions about any of these categories, or assistance with determining the correct code for any given situation, contact the Texas Homeless Education Office (THEO) at 1-800-446-3142.

2. What is the unaccompanied youth status indicator?

The unaccompanied youth status indicator is the student data element that enables schools to report data on unaccompanied homeless students to TEA. For students identified as homeless, a homeless student’s unaccompanied youth status must be recorded in data element *E1084 UNACCOMPANIED-YOUTH-STATUS-CODE*. *E1084* is populated by the code table *C192 UNACCOMPANIED-YOUTH-CODE*. Code table *C192 UNACCOMPANIED-YOUTH-CODE* has two (2) codes. All homeless students in the state must fall within one of the two code categories:

3 = Homeless Student is in the physical custody of a parent or legal guardian (i.e., **homeless student is not unaccompanied**) for the entire school year.

4 = Homeless Student is not in the physical custody of a parent or legal guardian (i.e., **homeless student is unaccompanied**) at any time during the school year.

3. Why are districts required to collect this information on homeless students and unaccompanied youth?

As required by McKinney-Vento, all states must collect and report this information to the US Department of Education.

4. What is the definition of “homeless” for TSDS purposes?

A homeless student is one who “lacks a fixed, regular, and adequate nighttime residence.” For more information regarding determining whether an accommodation is “fixed, regular, and adequate” see the Texas Homeless Education Office website for the NCHE document entitled *Determining Eligibility for Rights and Services Under the McKinney-Vento Act* at http://www.theotx.org/wp-content/uploads/2016/02/det_elig-Updated-August-2017.pdf

The statutory definition from the McKinney-Vento Act, 42 U.S.C. § 11434a(2), states:

- (2) The term "homeless children and youths"--
(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

B) includes--

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

For more information on the definition of homelessness for the purposes of public education, see the *Definition/Who Is Homeless* section of the THEO website, http://www.theotx.org/resource_type/definition-who-is-homeless/ Start with the *Determining Eligibility* fact sheet.

5. Are migrant students considered to be homeless?

Migrant students are not categorically considered to be homeless. In other words, migrant students are not considered homeless only because they are migrant students. Migrant students must be living in one of the situations described in the McKinney-Vento definition in order to be considered homeless. For example, a migrant student who is living in a homeless shelter is considered homeless.

6. Are all students in doubled-up situations considered to be homeless?

No, not every student who is living in a doubled-up situation meets the definition of homeless under the McKinney-Vento (MV) Act.

However, many students living in doubled-up situations do meet the definition of homeless in the MV Act. Each doubled-up situation is unique and must be evaluated on its own terms in order to determine whether or not the student is considered homeless.

In doubled-up situations, the student is homeless if the shared housing arrangement is due to loss of housing, economic hardship, or similar reasons.

For example:

In a situation where the parent has lost her job and subsequently, can no longer afford to pay the mortgage—the house goes through foreclosure and the family is evicted. The children are placed with different relatives until the mom can find suitable housing. These children would be considered homeless (and unaccompanied if the mom is not staying in the house with them).

A teenage student lives with his mom, who has a new boyfriend. The mom invites the new boyfriend to move in with her. However, the new boyfriend has told the mom that he will not move in until the student is out of the house. The mom informs her son that he has to leave so the boyfriend can move in. With no other place to go, the student leaves to stay with his aunt and cousins, but doesn't know how long he can

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

stay there. The student would be considered homeless and unaccompanied.

Two parents decide to move in with a grandmother because she is showing signs of dementia and can no longer take care of herself. They move into the grandmother's house to provide long-term, at-home care. Grandmother has a large home that can easily accommodate the parents and their children. Students in such a situation would not be considered homeless and certainly not unaccompanied.

7. What is the definition of *unaccompanied youth* for TSDS purposes?

An unaccompanied youth is defined by McKinney-Vento to mean a youth not in the physical custody of a parent or guardian, 42 U.S.C. §11434A(6).

A student in the physical custody of a parent or legal guardian every day of the school year is not considered unaccompanied. A student not in the physical custody of a parent or legal guardian is considered unaccompanied. **Legal guardianship is granted by a court of law**; a parent does not have the right to transfer legal guardianship to another individual without going through court.

Any student who is under age 21 on September 1 of the applicable school year or, if the student is eligible for special education services, under age 22 of the applicable school year, may be considered unaccompanied if s/he meets the definition of "unaccompanied" as described above.

So, students up to 21 (up to 22 if eligible for special education services) can be identified as unaccompanied youth if they are not living in the physical custody of a parent or legal guardian.

There may be some confusion with the use of the word "youth," which is often used to describe teens, but for McKinney-Vento purposes, there is no lower age limit for unaccompanied youth.

8. Why are there two categories—homeless AND unaccompanied youth? Aren't all homeless students unaccompanied? Aren't all unaccompanied youth homeless?

Not all homeless students are unaccompanied. For example, if a whole family becomes homeless and moves into an emergency family shelter, the students in that family will be homeless but not unaccompanied—they would be living with their parents in the shelter.

Not all unaccompanied youth are homeless. For example, take a situation where both of a student's parents die together in a car accident. The student inherits the house, and his retired aunt from North Dakota moves to Texas to live with the student until he graduates from high school in three years. The student is not living with parents or a legal guardian so he is unaccompanied, but the student is not homeless because the student is living in a house that is fixed, regular, and adequate.

9. If a student becomes housed during the school year, do we change the coding to not homeless?

No. The TSDS must be able to report **all** the students who were ever homeless in a given school year to the federal government. It is cumulative information. If a student experiences homelessness at any point in the school year, their homeless status indicator shows that he was homeless for that school year. When the new school year starts, the homeless status of all students must be re-evaluated.

10. Once a student is coded homeless, do we have to update their primary nighttime residence information each time their residence changes? For example, if the student starts out doubled-up,

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

but then moves to a shelter, do we have to update the homeless status coding to reflect their new primary nighttime residence at the shelter?

No. A homeless student's primary nighttime residence information is only reported once in a given school year—at the time of the initial identification as homeless for that school year. The primary nighttime residence information is not changed after the initial identification for the given school year, regardless of any changes to where the student sleeps at night. A student's primary nighttime living situation will be re-evaluated for the next school year or if they transfer to a new school district.

11. How long can students be considered homeless?

There is no limit on how long a student may be considered homeless. Homelessness is defined by primary nighttime residence, not time limitations. Every student's homeless status must be re-evaluated at the start of each school year or if the student transfers to a new school district in the middle of a school year.

For TSDS purposes, a student is considered homeless through the end of the school year, even if the student moves into what appears to be permanent housing during the data reporting period. If the student is homeless at the end of the school year and remains in the same situation or in another situation that is considered homeless at the beginning of the next school year, the student must be considered homeless in the new school year. In some cases and for a variety of reasons, students remain homeless for a number of years.

12. Can a married student who is younger than 21 be considered unaccompanied?

Yes. If a married student meets the age criteria for unaccompanied youth (see item #7 above), that student would be considered unaccompanied if he or she is not with a parent.

For example, a 19-year-old, married student is enrolled in her senior year of high school. She and her husband live with her parents. The student is NOT unaccompanied.

Suppose that things do not work out and the student's parents kick her and her husband out of the home. The couple goes to live with the husband's aunt. The student is now homeless AND unaccompanied.

13. Can a student who is younger than 18 and has had the "disabilities of minority removed" (is emancipated) be considered an unaccompanied youth?

Yes. When a student has the "disabilities of minority removed" (is emancipated) through a court of law, it affects the legal, minority status of a student. However, changing that legal status does not change the broader characteristic of "youth".

If such a student does not live with a parent, the student would be considered to be unaccompanied. An unaccompanied homeless student who has had the disabilities of minority removed would meet the age criteria (see item #7) and should be coded as such.

Once a youth's disabilities of minority are removed, the youth would not have a legal guardian, since the purpose of removal of disabilities of minority is to relieve the youth of a requirement for a legal guardian. Therefore, any homeless student who has had their disabilities of minority removed who does not live with their parents should be identified as a homeless, unaccompanied youth.

For example, a 17-year-old whose disabilities of minority have been removed is living with a friend's parents because her own parents have passed away. She is homeless AND unaccompanied.

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

14. Who decides which students are homeless?

The McKinney-Vento Act states that one of the duties of the district's homeless liaison is to identify homeless students. In larger districts, several individuals, such as counselors and registrars, may be trained to assist the liaison with this responsibility, but *it is up to the homeless liaison to make final determinations about homelessness*, especially in those cases where there may be some complications.

The district must have a process in place where the liaison identifies homeless students and ties the appropriate homeless status code to each homeless student. The liaison should then provide the PEIMS clerk the names and codes of each homeless student, along with any other information the PEIMS clerk needs to ensure proper reporting to TEA. It is NOT the responsibility of the PEIMS clerk to identify or code homeless students; the PEIMS clerk's responsibility is to enter accurate information about students into PEIMS.

15. Who decides which students are unaccompanied?

There is nothing in statute that assigns this responsibility to a particular position. The district determines the position that will be responsible for identifying unaccompanied youth. However, it is logical for the homeless liaison to perform this task.

16. Is it permissible for a district to identify ALL unaccompanied youth—even those that are not homeless?

Yes, a district MAY choose to identify all unaccompanied youth. However, in the TSDS, a district can only report unaccompanied youth who are homeless. The unaccompanied youth indicator cannot record unaccompanied youth who are NOT homeless. Unaccompanied youth status information for students that are not homeless would be local data; it would not be reported to TEA. A district that wishes to collect this information may have to modify its student data software to do so.

In the process to identify all unaccompanied youth, districts may inadvertently find some homeless students who might have "slipped through the cracks."

17. What is the age range for students to be considered homeless?

Any student who is enrolled in a public school may be considered homeless as long as s/he meets the definition of homeless as described in question 4 above. There is no lower age limit for homeless children.

18. What is the age range for students to be considered unaccompanied youth?

Any student who is under age 21 on September 1 of the applicable school year or, if the student is eligible for special education services, under age 22 of the applicable school year, may be considered unaccompanied if s/he meets the definition of "unaccompanied" as described in question 7 above.

So, students up to 21 (up to 22 if eligible for special education services) can be identified as unaccompanied youth if they are not living in the physical custody of a parent or legal guardian.

There may be some confusion with the use of the word "youth," which is often used to describe teens, but for McKinney-Vento purposes, there is no lower age limit for unaccompanied youth.

HOMELESS AND UNACCOMPANIED YOUTH STATUS INDICATORS Frequently Asked Questions (*continued*)

19. Are there any forms we can use at registration to help identify homeless students?

There are no state-mandated forms for this purpose. However, the Texas Homeless Education Office has posted sample forms on its website that districts may use as guides for this purpose.

http://www.theotx.org/wp-content/uploads/2016/02/TSDS_PEIMS_HomelessStatus_Template_2017.pdf

20. Are there any forms we can use at registration to help identify unaccompanied students?

There are no state-mandated forms for this purpose. However, the Texas Homeless Education Office has posted sample forms on its website that districts may use as guides for this purpose.

http://www.theotx.org/wp-content/uploads/2016/02/TSDS_PEIMS_UnaccompaniedYouthStatus_Template_2017.pdf

21. Where do we go if we want more help regarding homeless and/or unaccompanied youth?

There are a number of resources available to help you with questions about homeless and/or unaccompanied students.

Visit the Texas Homeless Education Office (THEO) website at <http://www.theotx.org/> or call the office at 1-800-446-3142 or 512-475-9702. Staff phone numbers and email are available on the website. THEO conducts trainings at most Education Service Centers throughout the school year. Check with the ESC near you for more information.

Visit the Region 10 ESC website at <https://www.region10.org/programs/mckinney-vento-homeless/overview/> or call Region 10's homeless office at 972-348-1786. Region 10 conducts webinars and other training on homeless education and related issues throughout the school year. Check with Region 10 for more information.

Visit the Texas Education Agency website at <http://www.tea.state.tx.us/index4.aspx?id=2147503685>

Visit the National Center for Homeless Education (NCHE) website at <http://center.serve.org/nche/>. NCHE conducts webinars and other training on homeless education and related issues throughout the school year. Check with NCHE for more information.

Visit the National Association for the Education of Homeless Children and Youth (NAEH CY) website at www.naehcy.org. NAEHCY conducts webinars and other training on homeless education and related issues throughout the school year. Check with NAEHCY for more information.

Visit the National Law Center on Homelessness and Poverty (NLCHP) website at www.nlchp.org. NLCHP conducts webinars and other training on homeless education and related issues throughout the school year. Check with NLCHP for more information.

For general questions on homelessness, visit the Texas Homeless Network (THN) website at <http://thn.org/>

For information on resources for homeless youth, visit the Texas Network of Youth Services (TNOYS) website at www.tnoys.org.