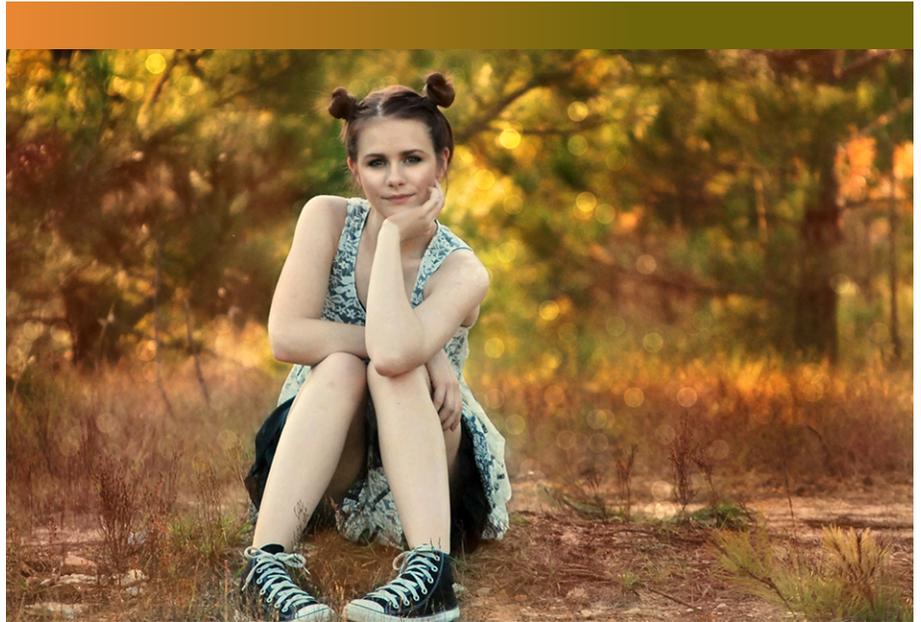




National Center for Homeless Education  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
<http://nche.ed.gov>



#### MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

## Supporting the Education of Unaccompanied Students Experiencing Homelessness

### This NCHE brief:

- describes the educational barriers and challenges faced by unaccompanied youth experiencing homelessness,
- explains key provisions of the McKinney-Vento Homeless Assistance Act related to the education of unaccompanied youth, and
- suggests proven strategies from across the country for supporting the educational success of unaccompanied youth.

### INTRODUCTION

Homelessness is a devastating circumstance for any child or youth; but for youth on their own, the stresses of homelessness are multiplied. The myriad of challenges faced by youth experiencing homelessness on their own puts these students at risk of dropping out or school failure. Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter *the McKinney-Vento Act*), guarantees educational rights and supports for students experiencing homelessness, including specific supports for unaccompanied youth. This brief explains the Act's provisions related to unaccompanied youth and suggests strategies for implementation. Briefs on additional homeless education topics are available at <https://nche.ed.gov/briefs.php>.

### MCKINNEY-VENTO DEFINITION OF HOMELESS 42 U.S.C. § 11434a(2)

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- 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...;
  - 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...who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

## WHO ARE UNACCOMPANIED YOUTH?

### FEDERAL DEFINITION

The McKinney-Vento Act defines *unaccompanied youth* as “a homeless child or youth not in the physical custody of a parent or guardian” [42 USC § 11434a(6)]. Taking a closer look at the definition, two conditions must be present for a child or youth to be considered an unaccompanied youth under the McKinney-Vento Act:

1. The child’s or youth’s living arrangement meets the Act’s definition of *homeless*, and
2. The child or youth is not in the physical custody of a parent or guardian.

Physical custody refers to where a child or youth is physically living; as such, a child or youth who is not in the physical custody of a parent or guardian is a child or youth who is not living with a parent or guardian. It is important to note, however, that the presence of a custody or guardianship issue alone would not make a student eligible for McKinney-Vento services; rather the student’s living arrangement also must be considered homeless. With this federal definition in mind, the term “unaccompanied youth”, as used throughout this brief, refers to youth who are both unaccompanied and experiencing homelessness. For more information, see *Appendix 9.A Unaccompanied Youth Eligibility Flowchart* of NCHÉ’s *Homeless Liaison Toolkit* at [https://nche.ed.gov/pr/liason\\_toolkit.php](https://nche.ed.gov/pr/liason_toolkit.php).

### AGE RESTRICTIONS

The McKinney-Vento Act includes no program-specific age requirements to qualify as an unaccompanied youth. Thus, if a child or youth is eligible for K-12 public education in the State, he or she may be enrolled and served as an unaccompanied youth. In many States, the upper age limit for eligibility for K-12 public education is 21; however, this limit may be lower in some States and/or may be extended in some States for students receiving special education services. Visit [https://nces.ed.gov/programs/statereform/tab5\\_1.asp](https://nces.ed.gov/programs/statereform/tab5_1.asp) or contact your State Coordinator for Homeless Education (hereafter *State Coordinator*) for more information about age guidelines for public education in your State. State Coordinator contact information is available at [https://nche.ed.gov/states/state\\_resources.php](https://nche.ed.gov/states/state_resources.php).

## THE NUMBERS

Each year, as required by the U.S. Department of Education, schools collect data on the enrollment of children and youth experiencing homelessness, including unaccompanied youth. During the 2014-2015 school year, U.S. public schools enrolled 95,032 unaccompanied students experiencing homelessness, up 21% from 78,654 during the 2012-2013 school year (National Center for Homeless Education [NCHE], 2016, p. 17). And yet, these data represent only school-age unaccompanied youth who were identified and enrolled by U.S. public schools. Actual numbers of youth experiencing homelessness on their own vary widely, depending on the definition and methodology used. With this in mind, experts estimate that as many as 1.7 million youth experience homelessness on their own in any given year (Hammer, Finkelhor, & Sedlak, 2002).

### PATHS TO BEING ON THEIR OWN

Unaccompanied youth consistently report family dysfunction as a primary reason they no longer live at home. Family dysfunction may include issues related to blended families, substance abuse, pregnancy, sexual activity, and/or sexual orientation. In addition, parental neglect and abuse (emotional, physical, sexual, and/or substance), incarceration, illness, deportation, or death can lead to youth experiencing homelessness on their own. Many youth experience homelessness after running away from a foster care placement or aging out of the foster care system. Also, some youth are forced to leave their families when the family becomes homeless and is unable secure shelter that can accommodate all family members.

Unaccompanied youth are eligible for services under the McKinney-Vento Act regardless of the circumstances that led to their separation from family; this includes youth who ran away from home, and youth who were forced from the home by their families. The dynamics of family conflict or dysfunction often are very personal and sensitive, and may not be shared readily with school staff; as such, what students or parents disclose may be an inaccurate or incomplete representation of what has occurred within the family.

It is important for schools to remember that their primary responsibility is to enroll and educate children and youth experiencing homelessness in accordance with the McKinney-Vento Act, which neither authorizes nor

## LOCAL HOMELESS EDUCATION LIAISONS

Under the McKinney-Vento Act, every school district must appoint a local homeless education liaison to serve as the key homeless education contact in the district. The local liaison oversees the implementation of the Act within the district, ensuring that eligible children are identified and afforded the rights and services to which they are entitled. The McKinney-Vento Act includes specific local liaison responsibilities regarding unaccompanied youth. Because many of these youth have little or no support from a responsible, caring adult, the local liaison's interest and involvement in an unaccompanied youth's education is especially valuable and can be life-changing. For more information, see NCHE's *Local Homeless Education Liaisons: Important Information for New Liaisons* brief at <https://nche.ed.gov/pr/briefs.php>.

requires schools to make judgments about the validity of why a student is not living with a parent or guardian. Rather, determinations of McKinney-Vento eligibility are to be based solely on the definitions of unaccompanied and homeless included in the Act. A student's eligibility should be evaluated based on the nature of his or her current nighttime living arrangement, not the circumstances that caused him or her to leave home.

## EDUCATIONAL BARRIERS

Unaccompanied youth face many barriers to enrolling, attending, and succeeding in school, including

- lack of safe and stable housing;
- lack of support from a caring adult;
- lack of basic needs, including food and medical care, resulting in hunger, fatigue, and poor health;
- lack of consistent access to bathing and laundry facilities;
- emotional crises/mental health issues due to experiences of trauma that can interfere with school engagement;
- lack of access to school records and other

paperwork;

- lack of school supplies and clothing;
- employment that may interfere with school attendance and homework completion;
- irregular school attendance;
- difficulty accumulating credits due to school mobility;
- lack of reliable transportation; and
- concerns about being reported to child welfare and/or law enforcement agencies.

## EDUCATIONAL RIGHTS UNDER THE MCKINNEY-VENTO ACT

The purpose of the McKinney-Vento Act is to address the barriers that children and youth in homeless situations face in enrolling, attending, and succeeding in school. This is accomplished by ensuring that these children and youth have equal access to the same free, appropriate public education as other children and youth; experience school stability despite residential mobility; and receive the educational and other supports they need to enable them to meet the same challenging academic achievement standards to which all students are held. To this end, McKinney-Vento students, including unaccompanied youth, have the right to

- receive a free, appropriate public education;
- enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;
- enroll in school and attend classes while the school gathers needed documents;
- continue attending the school of origin<sup>1</sup>, or enroll in the local attendance area school if attending the school of origin is not in the best interest of the student or is contrary to the request of the parent, guardian, or unaccompanied youth<sup>2</sup>;
- receive transportation to and from the school of origin, if requested by the parent or guardian, or by

<sup>1</sup> The term *school of origin* means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. [42 U.S.C. § 11432(g)(3)(i)(i)].

<sup>2</sup> If the school district believes the school selected is not in the student's best interest, the district must provide a written explanation of its position and information on appeal rights to the parent, guardian, or unaccompanied youth. For more information, download NCHE's *Dispute Resolution* brief at <http://center.serve.org/nche/briefs.php>.

the local liaison on behalf of an unaccompanied youth; and

- receive educational services comparable to those provided to other students, according to each student’s need.

In addition, the McKinney-Vento Act includes the following provisions specific to unaccompanied youth:

- The right to immediate enrollment without proof of guardianship
- Assistance from the local homeless education liaison (hereafter *local liaison*) to
  - Select a school of attendance, whether the local attendance area school or the school of origin
  - Receive transportation to and from the school of origin, if requested
  - Ensure the prompt and fair resolution of any disputes in accordance with the Act (see the *Disputes under the McKinney-Vento Act* sidebar for more information)

### IDENTIFYING UNACCOMPANIED YOUTH

Identifying unaccompanied youth is a crucial first step in ensuring that they receive the educational supports they need. The identification of unaccompanied youth, however, can be challenging, as they often avoid disclosing their circumstances for a variety of reasons, including

- a lack of understanding of the McKinney-Vento definition of *homeless*, which is broader than some common conceptions of homelessness;
- a desire to avoid the stigma often associated with homelessness;
- discomfort discussing the circumstances, which often are very personal and sensitive, that led to their being homeless and on their own;
- fear of being treated differently by school personnel or other students if they are “found out”; and
- fear of being reported to child welfare and/or law enforcement agencies.

Given these challenges, schools may need to conduct targeted outreach efforts to ensure the identification of unaccompanied youth. Consider the following outreach

### DISPUTES UNDER THE MCKINNEY-VENTO ACT

In most cases, the school district and unaccompanied youth will be in agreement about a student’s educational best interest, including which school is in his or her best interest to attend. In some cases, however, the position of the school district may differ from that of the youth. In these instances, the unaccompanied youth has the right to appeal the school district’s decision, if desired, through the McKinney-Vento dispute resolution process. Local liaisons must ensure that unaccompanied youth have access to the dispute resolution process, and that any disputes are resolved promptly and in accordance with the law. This includes ensuring that the youth receives written notice of the school district’s position and information about how to appeal the decision, if desired, and ensuring immediate enrollment in the selected school (whether the local school or the school of origin) pending final resolution of the dispute. For more information, see NCHE’s *Dispute Resolution* brief at <https://nche.ed.gov/pr/briefs.php>.

and engagement strategies:

- Post outreach materials where youth congregate, including laundromats, parks, campgrounds, skate parks, youth clubs/ organizations, libraries, and 24-hour stores.
- Develop outreach materials targeted specifically to youth; visit <https://nche.ed.gov/products.php> to order NCHE’s youth educational rights posters or youth booklets entitled *Surviving on Your Own: Information for Youth on How School Can Help*.
- Include the contact information for the local liaison in all outreach materials so that youth needing assistance will know whom to contact.
- Use youth-friendly means of communication, such as websites, email, texting, and social media.
- Enlist other students to help spread the word about services offered to students in homeless situations.
- Make the school a welcoming and supportive place.
- Build trusting relationships with unaccompanied youth by

- conducting conversations with youth in a sensitive manner and in an office or other area that allows for confidentiality, and
- informing youth up-front about the circumstances under which they may be required to report concerns to child welfare and/or law enforcement.
- Keep in mind the challenges that youth experiencing homelessness on their own are facing when working with these students.
- Inform eligible youth of their rights under the McKinney-Vento Act.
- Listen to the youth’s concerns and wishes in a nonjudgmental way.
- Provide support as you are able. Items that may seem trivial, such as a small packet of school supplies or hygiene items, may be very helpful to unaccompanied youth and received as a caring gesture.
- Encourage unaccompanied youth to stay in school, and advocate for supports needed for their educational success.

### ENROLLING UNACCOMPANIED YOUTH

The McKinney-Vento Act defines enrollment as “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)]. As mentioned, McKinney-Vento eligible students, including unaccompanied youth, are entitled to enroll in school immediately, even if lacking documents normally required for enrollment or having missed application or enrollment deadlines during any period of homelessness [42 U.S.C. § 11432(g)(3)(c)(i)].

### ENROLLMENT METHODS

While the McKinney-Vento Act does not specify a particular method that must be used to enroll unaccompanied youth, many school districts have developed self-enrollment forms, caregiver affidavits, or other forms to replace typical proof of guardianship. Such forms should be crafted carefully so as not to create further barriers or delay enrollment.

Three common methods school districts use for enrolling unaccompanied youth include:

- The student enrolls himself/herself using a self-

enrollment form.

- An adult caregiver enrolls the student using a caregiver affidavit.
- The local liaison enrolls the student.

Unaccompanied youth who are on their own completely must be enrolled in school immediately, even if no adult caregiver is available to assist with enrollment. If a caregiver is available, a school district may not require the caregiver to obtain legal guardianship of the youth at any point prior to or following the youth’s school enrollment. Additionally, school districts may not prohibit, delay, or discontinue the school enrollment of an unaccompanied youth due to an inability to identify a caregiver, guardian, or parent, or produce proof of guardianship. Download NCHE’s *Homeless Education Liaison Toolkit* at [https://nche.ed.gov/pr/liaison\\_toolkit.php](https://nche.ed.gov/pr/liaison_toolkit.php) for sample enrollment forms that may be useful when enrolling students experiencing homelessness, including unaccompanied youth.

### SUPREMACY OF FEDERAL LAW

According to the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2), Federal law supersedes State law should a conflict arise between the two. As such, any State or local law or policy that conflicts with the Federal McKinney-Vento Act, including any State or local provisions that would infringe upon the right of an unaccompanied youth to enroll immediately and participate fully in school, would be superseded by the provisions of the Act. In addition, the McKinney-Vento Act requires that States and school districts develop, review, and revise policies to remove barriers to the identification, school enrollment, and school retention of children and youth experiencing homelessness, including barriers due to outstanding fees or fines, or absences [42 U.S.C. § 11432(g)(1)(I)].

### SIGNATURE ISSUES BEYOND INITIAL ENROLLMENT

Because the McKinney-Vento Act defines enrollment as “attending classes and participating fully in school activities,” school districts must develop policies not only related to enrolling unaccompanied youth, but also related to determining who can sign for issues and activities as part of a student’s ongoing school participation. These issues may include

- who may sign for school absences;
- who may sign for participation in extracurricular activities, school field trips, and other school programming; and
- who may consent to medical services for unaccompanied youth who have not reached age of majority in their State.

As with school enrollment, Federal law does not require a specific approach to the above issues. As such, school districts have discretion to decide the approach that makes the most sense based on the individual circumstances of each youth, so long as the student is enrolled immediately and participating fully in school.

### ACCESS TO SCHOOL RECORDS UNDER FERPA

Under the Family Educational Rights and Privacy Act (FERPA), schools must obtain the prior written consent of a parent, guardian, or eligible student—a student who is at least 18 years of age or attends a postsecondary institution—to release personally identifiable information from a student’s education records, unless an exception to the requirement of consent applies [20 U.S.C. § 1232g(b)]. One of FERPA’s exceptions to consent permits the disclosure of personally identifiable information from a student’s education records, subject to the requirements in 34 C.F.R. § 99.34, to officials of another school where a student seeks or intends to enroll, or where the student already is enrolled, so long as the disclosure is for purposes related to the student’s enrollment or transfer [34 C.F.R. § 99.31(a)(2)]. As such, despite the absence of a parent or guardian, schools in which unaccompanied youth enroll may be granted, without prior written consent, access to their education records for enrollment purposes.

Sometimes, the transfer of school records may be delayed or the information that is received is insufficient to gain a complete understanding of a student’s academic standing. For more information about making school placement decisions under these circumstances, download NCHE’s *Prompt and Proper Placement: Enrolling Students without Records* brief at <https://nche.ed.gov/downloads/briefs/assessment.pdf>.

### SCHOOL ENGAGEMENT STRATEGIES

Once unaccompanied youth are enrolled, school districts should consider the following practices to improve their

school engagement:

- Provide access to school shower and laundry facilities.
- Provide students with a secure place to store personal belongings.
- Provide flexibility with school assignments, including deadlines and needed supplies. Unaccompanied youth may not have access to needed materials or a quiet place in which to complete assignments.
- Implement policies to assist with accumulating credits toward graduation, such as chunking credits and implementing mastery-based learning. McKinney-Vento students must receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school [42 U.S.C. § 11432(g)(1)(F)(ii)].
- Become familiar with State laws related to the reporting of suspected abuse or neglect, or a suspected runaway. Understand under which circumstances schools are required to report and under which circumstances schools have flexibility about whether or to whom to report based on an understanding of each student’s unique situation.
- Become familiar with State laws about minor medical consent. These laws establish the circumstances under which a minor may consent to his or her own medical or mental health care.
- Become familiar with eligibility criteria for local social service and housing programs. Provide referrals to eligible unaccompanied youth when services are needed.
- Consider alternative education programs that allow flexible school hours, such as computer-based learning or online education, or have paid work components for unaccompanied youth who need to work to support themselves.
- Notify school nutrition services when an unaccompanied youth enrolls. McKinney-Vento students are automatically eligible for free school meals through a streamlined process called “direct certification”. For more information, download NCHE’s *Access to Food for Homeless and Highly Mobile Students* brief at <https://nche.ed.gov/downloads/briefs/nutrition.pdf>.

## ACCESS TO HIGHER EDUCATION

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Many unaccompanied youth want to pursue higher education after high school, but lack the information needed to help them see this as a realistic option. Local liaisons and other school and district personnel play a key role in ensuring that unaccompanied youth are aware of postsecondary education opportunities, and have the information and support they need to apply to and enroll in higher education. Local liaisons should work with school counselors and other specialized instructional support personnel to ensure that students experiencing homelessness are aware of the following supports:

- Help to prepare for college and improve their college readiness [42 U.S.C. § 11432(g)(1)(K)]
- Fee waivers for Advanced Placement (AP) exams, college entrance exams (ACT and/or SAT), and college applications
- Verification of independent student status for unaccompanied youth on the Free Application for Federal Student Aid (FAFSA)<sup>3</sup>
- Various need- and merit-based scholarship opportunities

For more information about higher education supports for students experiencing homelessness, visit NCHE's Higher Education Access webpage at [https://nche.ed.gov/ibt/higher\\_ed.php](https://nche.ed.gov/ibt/higher_ed.php).

## SCHOOL-COMMUNITY COLLABORATION TO SUPPORT UNACCOMPANIED YOUTH

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The needs of unaccompanied youth cut across many school programs and community organizations. Collaboration among programs and organizations helps to spread awareness of issues related to the education and well-being of youth experiencing homelessness, and to build broad-based school and community commitment to serving these vulnerable students. More concretely, school and community collaboration ensures better identification of unaccompanied youth and a coordinated approach to addressing their needs.

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<sup>3</sup> Independent students, including unaccompanied youth experiencing homelessness, may apply for financial aid without a parent signature and without consideration of parental income and assets when their aid package is calculated. Visit <https://studentaid.ed.gov/sa/fafsa/filling-out/dependency> for more information.

Following are strategies to build strong networks among schools programs and with community organizations:

- Provide awareness activities for school staff (registrars, secretaries, counselors, social workers, nurses, teachers, specialized instructional support personnel, bus drivers, administrators, truancy and attendance officers, school resource officers, etc.) about the specific needs of unaccompanied youth.
- Develop relationships with staff from dropout prevention programs, housing programs, youth shelters, law enforcement, and community agencies. Ask them to be your “eyes and ears” in the community to support school efforts to reach and engage unaccompanied youth.
- Connect with Runaway and Homeless Youth Act (RHYA) sites in your area. NCHE recommends that State Coordinators and local liaisons provide training on the educational rights of students experiencing homelessness to RHYA staff members at least once a year. See the *Additional Resources* section below for more information about RHYA Programs, including contact information for RHYA programs in your area.
- Initiate a community youth task force to address the needs of unaccompanied youth, including housing, food, health, and safety. For more information, visit <http://www.naehcy.org/legislation-and-policy/youth-task-forces>.
- Involve youth in awareness trainings and task forces so that they can articulate their needs and share their experiences. For more information on authentic youth engagement, access The Children's Bureau's Youth Engagement Blueprint (YEB) Series at <https://capacity.childwelfare.gov/states/focus-areas/youth-development/blueprint-series/>.

## ADDITIONAL RESOURCES

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### National Runaway Safeline (NRS)

<https://www.1800runaway.org/>

NRS serves as the federally designated national communication system for runaway and homeless youth. NRS provides education and solution-focused interventions, offers non-sectarian and non-judgmental support, respects confidentiality, collaborates with volunteers, and responds to at-risk youth and their families through their 24-hour hotline at 1-800-RUNAWAY.

## National Safe Place

<http://nationalsafeplace.org/>

Safe Place is a national youth outreach and prevention program for young people in need of immediate help and safety. As a community-based program, Safe Place designates businesses and organizations as Safe Place locations, making help readily available to youth in communities across the country. Locations include libraries, YMCAs, fire stations, public buses, various businesses, and social service facilities.

## Runaway and Homeless Youth Act (RHYA) Programs

<https://www.acf.hhs.gov/fysb/grants/fysb-grantees>

RHYA Programs support street outreach, emergency shelter, transitional living, and maternity group home programs to serve and protect runaway and homeless youth.

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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals oversee the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at [http://ncche.ed.gov/states/state\\_resources.php](http://ncche.ed.gov/states/state_resources.php).

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 (toll-free) or [homeless@serve.org](mailto:homeless@serve.org).

**Local Contact Information:**

A large, empty, rounded rectangular box with a light beige background and a thin orange border, intended for local contact information.