

Chapter Nine: Unaccompanied Homeless Youth



Section 9.1 Overview

Homelessness is a devastating circumstance for any child or youth, but being both homeless and separated from a parent or guardian often puts youth in inadequate and unsafe living situations and makes them at risk for school failure or dropping out. Schools and local educational agencies (LEAs) face many challenges in meeting the needs of these youth.

Many barriers affect the ability of unaccompanied homeless youth to enroll, attend, and succeed in school. These barriers often include

- a lack of stable housing;
- an inability to take care of basic needs resulting in fatigue, poor health, poor hygiene, and hunger;
- a lack of school supplies and clothing;
- emotional crises or mental health problems;
- a lack of support from a caring adult;
- concerns about being reported to child welfare and law enforcement agencies;
- employment that interferes with attendance and school work;
- missing school records and other paperwork;
- a lack of transportation;
- difficulty accumulating credits due to school mobility; and
- irregular school attendance.

The local homeless liaison must ensure that these youth are provided services under the McKinney-Vento Act and linked to services within the LEA and the community to meet their needs.

Section 9.2 Definitions: Unaccompanied Youth and Homeless

An *unaccompanied youth* is defined in the McKinney-Vento Act as a “youth not in the physical custody of a parent or guardian” [42 U.S.C. § 11434(a)(6)].

This definition can be used to describe youth who are residing with a caregiver who is not a parent or guardian as well as youth who are living without the care of an adult.

An unaccompanied homeless youth must fit the definitions of both homeless and unaccompanied in the McKinney-Vento Act to receive assistance under the provisions in the law. That is, an unaccompanied homeless youth is a youth who is not in the physical custody of a parent or guardian *and* lacks a fixed, regular, and adequate nighttime residence.

While many unaccompanied youth are homeless, not all are. The flowchart in Appendix 9.A illustrates when an unaccompanied youth may be considered homeless (and eligible for McKinney-Vento services) and when the youth may not be considered homeless.

Only those youth who are both unaccompanied and homeless qualify for assistance under the McKinney-Vento Act.

There is no lower age limit for unaccompanied homeless youth. Children as young as kindergarten age or even preschool age may be considered unaccompanied. The upper age limit, as with all McKinney-Vento eligible students, is the upper age limit for public education. The upper limit varies from state to state, according to the state’s age limits for public education, but is often 21 to incorporate mandates for public education under the Individuals with Disabilities Education Act (IDEA).

McKinney-Vento eligibility determinations are based on the youth’s current living situation, not the circumstances that caused the student to leave home. An unaccompanied homeless youth is eligible for services regardless of whether the student was asked to leave the home or chose to leave due to conditions in the home. While it can be easy to consider the reason a youth left home frivolous—that the youth has a perfectly good home or that the youth simply needs to abide by the rules set by the student’s parents – there may be other circumstances that warrant the youth being out of the home at this time. Sometimes the “rest of the story” is never known by school staff as the youth may not be willing to disclose uncomfortable or embarrassing details. Ultimately, regardless of your understanding of the full details that

led to a student being unaccompanied and homeless, your responsibility under the McKinney-Vento Act is to ensure the student has an equal opportunity to attend and succeed in school.

It is important for the local liaison to reinforce in trainings with school staff that the school's primary responsibility is to enroll and educate homeless children and youth in accordance with the McKinney-Vento Act. Judgments regarding why a youth left home fall outside the purview of the public education system. Schools are required to enroll any unaccompanied youth who fits the definition of homeless.

Section 9.3 McKinney-Vento Act Provisions for Unaccompanied Homeless Youth

Unaccompanied homeless youth are ensured the same educational rights that the McKinney-Vento Act provides for other homeless students, which include the right to:

- enroll immediately, even if they do not currently have paperwork normally required for enrollment [42 U.S.C. § 11432 (g)(3)(C)];
- attend either the local attendance area school or the school of origin, with the placement decision based on the student's best interest [42 U.S.C. § 11432 (g)(3)(A)];
- remain in the school of origin for the duration of the homelessness or until the end of the school year in which the student becomes permanently housed [42 U.S.C. § 11432 (g)(3)(A)];
- receive transportation to and from the school of origin [42 U.S.C. § 11432 (g)(1)(J)(iii)];
- receive educational services, such as free school meals, Title I services; and participate in gifted and talented programs, vocational education, alternative education, and any other services comparable to what housed students receive [42 U.S.C. § 11432 (g)(4)(B)]; and
- not be stigmatized or segregated on the basis of their status as homeless [42 U.S.C. § 11432 (g)(1)(J)(i)].

In addition to the provisions that apply to all homeless students, the McKinney-Vento Act includes the following provisions specifically for unaccompanied homeless youth:

- Unaccompanied homeless youth shall be immediately enrolled without proof of guardianship [42 U.S.C. § 11432 (g)(1)(H)(iii)];

- During a dispute over school selection or enrollment, unaccompanied homeless youth shall receive a written statement explaining the school’s decision, the youth’s right to appeal the decision, and a referral to the local liaison [42 U.S.C. 11432(g)(3)(E)].
- Local liaisons shall assist unaccompanied homeless youth in
 - selecting a school of attendance and enrolling in school [42 U.S.C. § 11432 (g)(3)(B)(iii)],
 - requesting transportation to and from the school of origin [42 U.S.C. § 11432 (g)(1)(J)(iii)]; and
 - enrolling in school immediately while disputes are resolved [42 U.S.C. § 11432 (g)(J)(3)(E)(iv)].

Section 9.4 Identifying Unaccompanied Homeless Youth

Identification of unaccompanied homeless youth can be challenging because they often do not readily identify themselves to school personnel. Many youth feel there is stigma related to their situation and avoid telling others about it. Youth are often afraid they will be treated differently by school personnel or by other students if “found out” or that they will be reported to child welfare or law enforcement.

Some helpful strategies to identify unaccompanied homeless youth include:

- Posting outreach materials where youth congregate, including laundromats, parks, campgrounds, skate parks, youth clubs or organizations, and 24-hour stores.
- Developing outreach materials specifically targeted to homeless youth. (See Section 9.12 Useful Links for youth specific materials that can be obtained through the NCHE website.)
- Using means of communication that are comfortable for youth, such as websites, email, the school district Facebook page, or Twitter.
- Enlisting other students to help spread the word about services offered to homeless youth.
- Making the school a welcoming and supportive place for youth.
- Building trusting relationships with unaccompanied homeless youth.
 - Informing youth of their rights under the McKinney-Vento Act.
 - Conducting conversations with youth in an office or other area that allows for confidentiality.
 - Listening to their concerns and wishes; withholding judgment.

- Keeping in mind the challenges that unaccompanied homeless students are facing as you work with them, offer support as you are able; sometimes, youth perceive providing a small packet of school supplies or hygiene items as a caring gesture.
- Encouraging unaccompanied homeless youth to stay in school and advocating for their educational success.
- Informing youth in advance about the circumstances under which you may be required to alert child welfare or law enforcement and helping youth understand how this process may affect them.

Section 9.5 Enrolling Without Parents or Guardians

The McKinney-Vento Act requires that schools enroll unaccompanied homeless youth immediately, even without a parent or guardian, and remove any barriers to enrollment. Because the McKinney-Vento Act is a federal law, the immediate enrollment provision overrides any local policies that may be a barrier to enrolling unaccompanied homeless youth. The U.S. Department of Education (ED) recommends three common methods for enrolling unaccompanied homeless students:

- the student enrolls him or herself,
- a caregiver enrolls the student, or
- the local liaison enrolls the student.

To meet the requirement of removing barriers for enrollment and attendance, schools should develop policies related to enrolling a youth without a parent or guardian. The Non-Regulatory Guidance (ED, 2004) suggests developing caregiver affidavits and enrollment forms for unaccompanied homeless youth, along with other forms to replace the typical proof of guardianship required at enrollment (G-8). A sample caregiver form can be found in Appendix 5.B.

Despite the absence of parents or guardians for unaccompanied youth, schools will still be able to acquire student records, as parent or guardian consent is not required in order to transfer student records to an enrolling school, according to the Family Education Rights and Privacy Act (FERPA). (See 9.12 Useful Links for more information on FERPA.)

A school district cannot require a caregiver to obtain legal guardianship at any point prior to or following an unaccompanied homeless student's

enrollment. A school district also cannot discontinue a student's enrollment due to an inability to identify a caregiver, guardian, or parent following enrollment or an inability to produce guardianship or other paperwork. Section 9.12 Useful Links contains a link to the NCHE brief, *When Legal Guardians Are Not Present: Enrolling Youth on Their Own*, which may be helpful to liaisons enrolling unaccompanied homeless youth.

The following strategies may assist liaisons helping unaccompanied homeless youth obtain missing medical and related records:

- Birth certificates can be ordered online through state departments of health. Requests for birth records should be submitted to the state in which the student was born. For information on where to obtain vital records in a particular state, visit www.cdc.gov/nchs/w2w.htm.
- An application for original or replacement social security cards can be obtained by visiting www.ssa.gov/ssnumber/. The website also provides information about documents that must be provided with the application as proof of identity.
- Many states now have an online immunization registry that can be accessed by doctors' offices and other approved medical providers. This can make it easier to obtain immunization records for highly mobile students who may have limited ability to obtain medical records from another county or state. The following link provides helpful information about where to find missing immunization records: www.cdc.gov/vaccines/recs/immuniz-records.htm#where.
- Unaccompanied homeless youth who need to request a copy of their birth certificate, social security card, or other government-issued record may not have a stable address to which the records can be sent. Allowing the student to use the school address can expedite the process of obtaining original or certified copies for the student.

In addition to policies and procedures regarding unaccompanied homeless youth at the time of enrollment, LEAs should address other potential barriers to full participation in school, including determining who can sign for excused absences and field trip participation and how to consent for medical services. Liaisons should be familiar with state and local laws and policies related to minor medical consent. Your State Coordinator should be able to provide you with sources for this critical information.

Section 9.6 Understanding State and Local Laws and Policies for Reporting Unaccompanied Homeless Youth

States and localities across the nation have a variety of laws and policies related to youth on their own. These laws and policies specify under what circumstances youth must be reported to child welfare or law enforcement. While all states require school staff and social workers to report abuse, most do not require that runaway youth be reported.

Contact your State Coordinator about your state's requirements, and also discuss recommendations for how to implement these laws and policies in ways that will be least likely to cause the youth to avoid self-disclosure when they are on their own or to drop out of school. The ultimate goal is to keep youth in school where adults can be available to guide them and link them with services. Unaccompanied homeless youth often do not have anywhere to go when not at school, which leaves them on the street and at risk for life threatening situations such as human trafficking.

In states where reporting runaway youth is mandatory, some LEAs work with local law enforcement or child welfare agencies to agree upon a window of time before the LEA must report runaway youth. This allows more information to be gathered about a youth's circumstances and determine what may be in the student's best interest.

Section 9.7 In-school Support for Unaccompanied Homeless Youth

Unaccompanied homeless youth often have unique barriers to their education that derive from not having stable housing, basic needs, or adult guidance. Consider the following strategies to stabilize them and help them succeed in school:

- Identify the basic needs that are not met for food, clothing, and housing and provide referrals for assistance.
- Provide access to the school athletic department for shower and laundry facilities, and storage space for belongings.
- Allow flexible assignment deadlines when necessary to prevent unaccompanied homeless youth from being penalized for their inability to meet deadlines due to unstable living circumstances.

- Implement policies to assist with accumulating credits toward graduation, such as chunking credits, implementing mastery-based learning, and providing partial credits for completed coursework.
- Consider alternative education programs that allow flexible school hours or have paid work components for youth who need to work for subsistence.
- Link them with an adult who cares about their well-being and will check in with the youth on a regular basis. These adults can serve many roles in the school, from administrators to custodians. They must be someone who can relate to the youth and whom the youth trusts.

Section 9.8 Handling Disciplinary Situations for Unaccompanied Homeless Youth

The McKinney-Vento Act does not provide immunity from normal school disciplinary guidelines. Homeless students are subject to the same rules as their housed peers. However, when behaviors are directly related to a student's homelessness (such as, in some instances, being tardy or absent), the youth should not be penalized, as the law states that homeless students cannot be stigmatized on the basis of their homelessness.

Local liaisons should be familiar with the educational challenges that unaccompanied homeless youth face and assist them to overcome their challenges. Sometimes, basic assistance is all that is needed, such as providing an alarm clock to prevent tardiness or resources and supplies to complete assignments; other times, the youth should be connected with community resources for services such as counseling for behaviors that impact the classroom.

Liaisons should become aware of how trauma can impact the behavior of unaccompanied homeless youth and provide trauma-informed interventions. Section 9.12 Useful Links provides a link to a resource from the National Center on Family Homelessness called the *Trauma Informed Organizational Toolkit for Homeless Services*, which may be valuable to liaisons.

Section 9.9 Extra-curricular Activities

For many unaccompanied homeless youth, participation in extra-curricular activities is a critical way to engage in school and connect with other students. Extra-curricular activities help build self-esteem and give students a sense of purpose and accomplishment.

The McKinney-Vento Act defines enrollment as “attending classes and participating fully in school activities” [42 U.S.C. § 11432(1)]; this includes extra-curricular activities offered through the school. The Act charges state educational agencies (SEAs) and LEAs to develop, review, and revise policies to remove barriers to the enrollment and retention of homeless children and youth in schools. As a part of this requirement, schools should waive activity fees and deadlines for participation. Local business sponsors and school alumni may help with defraying activity costs. School-based organizations, such as parent organizations and booster clubs, also often assist with athletic, band, and other expenses.

For more information, review the NCHE brief, *Ensuring Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness*. (See Section 9.12 Useful Links.)

Section 9.10 Linking with Community Resources

Liaisons should become familiar with community resources for unaccompanied homeless youth, including runaway and homeless youth shelters, and more general resources for housing and shelter, food assistance, transportation, and physical and mental health services. Developing partnerships and coordinating with agencies serving youth to determine eligibility for services and referral processes will streamline the youth’s access to services. Chapter 11 Collaborations has more information about forging partnerships to benefit homeless students.

Section 9.11 Helping Unaccompanied Homeless Youth Prepare for College

Local liaisons play a key role in ensuring that unaccompanied homeless youth are aware of opportunities beyond public school and that they are prepared to take the next steps to apply and enroll in post-secondary

education. Liaisons can work with school guidance counselors to make certain that students are aware of their options after high school and have the opportunity to participate in college visit days with their peers. Liaisons should make sure that homeless students have the help they need to complete the Free Application for Federal Student Aid (FAFSA).

The College Cost Reduction and Access Act (CCRAA) stipulates that unaccompanied youth determined to be homeless by a local liaison, Runaway and Homeless Youth Act funded shelter, Housing and Urban Development program, or college financial aid administrator may apply for federal financial aid as independent students. Unaccompanied homeless youth can complete the FAFSA without a parent or guardian's signature, and the parent or guardian's income is not considered when determining an independent student's need for financial aid. See Section 9.12 Useful Links for an NCHE brief related to this topic. More resources to assist with higher education access and financial aid for unaccompanied homeless youth are also available through the National Association for the Education of Homeless Children and Youth.

Section 9.12 Useful Links

Issue Brief: *Ensuring Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness*

http://center.serve.org/nche/downloads/briefs/extra_curr.pdf

Issue Brief: *Increasing Access to Higher Education for Unaccompanied Homeless Youth: Information for Colleges and Universities*

http://center.serve.org/nche/downloads/briefs/higher_ed.pdf

Issue Brief: *Maximizing Credit Accrual and Recovery for Homeless Students*

<http://center.serve.org/nche/downloads/briefs/credit.pdf>

Issue Brief: *Unaccompanied Homeless Youths*

<http://center.serve.org/nche/downloads/briefs/youth.pdf>

Issue Brief: *When Legal Guardians Are Not Present: Enrolling Youth on Their Own*

<http://center.serve.org/nche/downloads/briefs/guardianship.pdf>

Higher Education Initiative
National Association for the Education of Homeless Children and Youth
<http://www.naehcy.org/educational-resources/helpline>
or (855) 446-2673

Family Education Rights and Privacy Act
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Trauma Informed Organizational Toolkit for Homeless Services
National Center on Family Homelessness
<http://www.familyhomelessness.org/media/90.pdf>

Youth Rights Poster: http://center.serve.org/nche/pr/he_poster.php

Informational Booklet: *Surviving on Your Own: Information for Youth on How Schools Can Help*
http://center.serve.org/nche/pr/youth_booklet.php

Section 9.13 Resources and Tools for Chapter Nine

Appendix 9.A Unaccompanied Youth Eligibility Flow Chart