
Serving Unaccompanied Homeless Youth: Understanding Their Needs, Implementing the Law

**Homeless Education Preconference
Florida's Homeless Education Programs
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Who Are Homeless Unaccompanied Children and Youth?

- Must meet the McKinney-Vento definition of homeless: **Children and youth who lack a fixed, regular, and adequate nighttime residence:**
 - Sharing the housing of others due to loss of housing, economic hardship, or similar reason
 - Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations
 - Living in emergency or transitional shelters
 - Abandoned in hospitals
 - Awaiting foster care placement
 - Living in a public or private place not designed for humans to live
 - Living in cars, parks, abandoned buildings, bus or train stations, etc.
 - Migratory children living in above circumstances

Who Are Homeless Unaccompanied Children and Youth? (Cont'd)

- **Must Meet McKinney Definition of Unaccompanied Youth: Youth in homeless situations not in the physical custody of a parent or guardian**
- *Is there an age range?*
The McKinney-Vento Act does not provide an age range
- *Is there an age limit on serving secondary students?*
MV applies to all school-aged children and youth (as defined by state law); typically states allow youth to attend school up to the age of 21

Why are Children and Youth Homeless on Their Own?

- **Over half of callers to Runaway Hotline report being physically abused at home, and over one-third report sexual abuse**
- **Over two-thirds of callers to Runaway Hotline report that at least one of their parents abuses drugs or alcohol**
- **Other youth are thrown out of their homes because they are pregnant, gay or lesbian, or because their parents believe they are old enough to take care of themselves**
- **Some children and youth are abandoned by their parents, or are on their own due to death of parents**
- **Some children and youth are in unstable living situations due to parental incarceration, illness, or hospitalization**
- **Over half of youth living in shelters report that their parents either told them to leave, or knew they were leaving and did not care**
- **Some youth become homeless with their families, but, due to lack of space in doubled-up or motel situations, end up homeless on their own**
- **Natural disasters cause youth to be separated from family during their homelessness**

Impact of Homelessness on Unaccompanied Children and Youth

- **Once out of the home, unaccompanied youth are frequently victimized. As many as half have been assaulted or robbed; one in ten runaways reports being raped**
- **According to the federally-funded National Runaway Switchboard, 5,000 unaccompanied youth die each year from assault, illness, or suicide**

Barriers to Education

- **Lack of a parent or guardian**
- **Lack of school records and other paperwork**
- **Lack of stable housing**
- **Emotional crisis / mental health issues**
- **Employment - need to balance school and work**
- **Lack of transportation**
- **Lack of school supplies, clothing**
- **Fatigue, poor health, hunger**
- **Credit accrual policies, attendance policies**
- **Concerns about being captured by authorities**

Local homeless education liaison duties

- **Helping unaccompanied youth select and enroll in school**
- **Identify youth through school and community**
- **Informing them of rights to transportation to the school of origin and assisting with arranging**
- **Informing them of right to appeal school selection decisions counter to their wishes**
- **Informing school personnel of requirements of the law and needs of youth**

Must schools enroll children and youth in school if there is no proof of guardianship?

Yes.

- **Lack of guardianship papers cannot delay or prevent enrollment. School districts may establish their own policies to meet this mandate.**

Can a school require a caregiver to get legal guardianship to enroll a student in school?

No.

- **School districts must enroll youth in school even if they do not have guardianship documents.**

What if an unaccompanied youth has been suspended for misbehavior from his/her former school? Must the school enroll this child?

- **The McKinney-Vento Act does not overrule state or local discipline policies. If a youth is suspended for behavior unrelated to his or her homelessness, regular enrollment procedures apply**
- **If discipline action was taken against a youth for reasons related to homelessness (for example, excessive absences caused by homelessness), the youth must not be penalized or denied enrollment and the policy should be revised**

What obligation does a school have to help unaccompanied youth make up lost credits?

- **Many youth lose credits due to mobility and absences—consequences of homelessness**
- **McKinney-Vento requires that schools and districts remove barriers to enrollment and retention and provide academic support—LEA policies should be revised**
- **Youth should be provided academic support through tutoring, programs with cooperating universities, or online courses, for example; appropriate use of Title I set aside funds**

Who can make decisions for an unaccompanied youth regarding participation in extra curricular activities, field trips, etc.?

- **States and school districts have implemented a variety of policies and procedures**

Youth make decisions on their own

Local liaison makes decisions

Caregiver forms allow other adults to make decisions

Who can make decisions related to special education for an unaccompanied youth?

- **IDEA requires LEAs to appoint surrogate parents for unaccompanied homeless youth within 30 days**
- **IDEA regulations permit staff members of emergency shelters, transitional shelters, independent living programs and outreach programs to serve as temporary surrogate parents for unaccompanied homeless youth**

What about school liability or parental disapproval?

Liability is based on the concept of negligence, or a failure to exercise reasonable care — following federal law and providing appropriate services are evidence of reasonable care

Do schools have to contact the police when enrolling unaccompanied youth?

- **State law determines the obligation of a school liaison or service provider to alert other agencies about unaccompanied youth**
- **Most state laws that address this issue permit, but do not require, schools to report unaccompanied youth; many laws also give schools the option to contact social services instead of the police**
- **The school district should work with police and social services regarding mandatory reporting to ensure that care is exercised to keep a youth in school and serve his/her best interest**

Can an unaccompanied youth apply for federal financial aid (through FAFSA) without providing information about their parents' income and their parents signature?

- **Under the Higher Education Act, youth who meet the definition of “independent student” can apply for federal aid without parental information or signature**
- **A financial aid administrator at a college can designate a student as independent due to “other circumstances;” may consider homelessness, with advocacy**
- **Recent changes to the Higher Education Act enable unaccompanied homeless youth to be considered independent students upon verification by a liaison, shelter director, or financial aid administrator**

Tips for finding legal services providers for children and youth

- www.abanet.org/litigation/committee/childrens_l/directory.pdf
- www.lsc.gov/about/grantee_links.php
- www.ptla.org/links.htm#services
- www.jlc.org
- www.youthlaw.org

Tips for a coordinated approach to addressing the needs of unaccompanied youth

- **Review your state and local policies regarding unaccompanied youth**
- **Create a task force that includes representatives from the LEA, social services, child welfare, juvenile justice, law enforcement, youth shelters, etc. to review and revise policies and to establish agreed upon procedures**
- **Provide information to staff at all schools to ensure all are aware of McKinney-Vento rights and procedures and policies that facilitate enrollment and academic success**
- **Keep the needs of the youth central to the decision making process**

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