

Unaccompanied Youth

Who is homeless? (Sec. 725)

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 accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(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).

This document was collaboratively developed by:

National Association for the Education of Homeless Children and Youth (NAEH CY)—512-475-8765—www.naehcy.org

National Center for Homeless Education (NCHE)—800-308-2145—www.serve.org/nche

National Coalition for the Homeless (NCH)—202-737-6444 ext. 18—www.nationalhomeless.org

National Law Center for Homelessness and Poverty (NLCHP)—202-638-2535—www.nlchp.org

National Network for Youth (NN4Y)—202-783-7949—www.NN4Youth.org

The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

Key Provisions

- The term “unaccompanied youth” includes youth in homeless situations who are not in the physical custody of a parent or guardian.
- Unaccompanied youth have the same rights as other students experiencing homelessness to enroll in, attend, and succeed in public school, including the rights to:
 - Remain in their school of origin (to the extent feasible) or attend any public school that students living in the same attendance area are eligible to attend
 - Attend classes and participate fully in school activities immediately, even if they do not have a parent or guardian to enroll them or have required documents, such as school records, medical records, proof of residency, or other documents
 - Be free from segregation, isolation, and stigmatization
 - Have comparable access to school meals, English language services, vocational and technical education, gifted and talented services, special education, and Title I services
 - Have disputes resolved promptly and attend the school they choose while disputes are pending
- Local Educational Agencies (LEAs), otherwise known as school districts, homeless liaisons must help unaccompanied youth choose and enroll in a school, after considering the youth’s wishes, and provide youth with notice of their right to appeal decisions counter to their wishes.
- School districts must provide transportation to and from the school of origin for unaccompanied youth at the liaison’s request. Liaisons must inform youth of their rights to transportation and assist youth in accessing transportation.
- Liaisons must ensure youth are immediately enrolled in school pending resolution of disputes.
- School personnel must be made aware of the specific needs of runaway and homeless youth.
- The McKinney-Vento state plan must address problems caused by enrollment delays due to guardianship issues.

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- The state plan must describe how homeless youth and youth separated from the public schools are identified and accorded equal access to appropriate secondary education and support services.
- McKinney-Vento subgrants can be used for services and assistance to attract, engage, and retain unaccompanied youth in public school programs and services.
- See other issue briefs for more information on school selection, enrollment, transportation, disputes, and subgrants.

(See Endnotes for the text of the law.)

Unaccompanied youth often face unique barriers to enrolling and succeeding in school. Without a parent or guardian to advocate for them and exercise parental rights, they are sometimes denied enrollment and remain out of school for extended periods of time. Unaccompanied youth also may not understand their educational rights or know how to acquire this information. New provisions in the McKinney-Vento Act require liaisons, now designated in every LEA, to assist unaccompanied youth, so they have the opportunity to enroll in, attend, and succeed in school. Serving youth appropriately is an integral part of the Act's legal mandate.

Strategies for Implementation

- Inform youth of their rights, including rights to attend either their school of origin or local school, rights to transportation, and rights to appeal school enrollment decisions.
- Train LEA homeless liaisons and all school enrollment staff, secretaries, school counselors, principals, and teachers on the definition, rights, and needs of unaccompanied youth.
- Develop collaborative relationships with local shelters, transitional living programs, street outreach teams, and other service providers for unaccompanied youth.
- Develop affidavits of residence or other forms to replace typical proof of residency, which unaccompanied youth will often be unable to produce. Such forms should be carefully crafted so they do not create further barriers or delay enrollment.
- Develop caretaker affidavits, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so they do not create further barriers or delay enrollment.

Endnotes

"The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian." McKinney-Vento Act Sec. 725(6).

"[T]he State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin...." McKinney-Vento Act Sec. 722(g)(1)(J)(iii)

"Each local educational agency liaison... shall ensure that

...(vii)...any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin as described in (1)(J)(ii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A)." McKinney-Vento Act Sec. 722(g)(6)(A).

"In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

...(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E)." McKinney-Vento Act Sec. 722(g)(3)(B)

"If a dispute arises over school selection or enrollment in a school—

...(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute." McKinney-Vento Act Sec. 722(g)(3)(E)

"Such plan shall include the following: (D)A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths..."

(Endnotes continued next page)

Unaccompanied Youth (continued)

- Use creative techniques to identify youth in homeless situations, including youth living doubled-up with friends or relatives, while respecting their privacy and dignity. Such techniques may include involving social workers, surveying peers, and using enrollment questionnaires.
- Provide unaccompanied youth the opportunity to enroll in diversified learning opportunities, such as vocational education, credit-for-work programs, and flexible school hours.
- Provide a “safe place” and trained mentor at school for unaccompanied youth to access as needed.
- Revise LEA policies immediately to accommodate unaccompanied youth and comply with the McKinney-Vento Act.
- Permit flexible exceptions to school policies on class schedules, tardiness, absences, and credits to accommodate the needs of unaccompanied youth.
- Develop strategies to continue educating students who have been suspended or expelled from school.

(Endnotes, continued from previous page)

(F) A description of procedures that ensure that—

...(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services....

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by...

*(iv) guardianship issues....”
McKinney-Vento Act Sec.
722(g)(1)*

“In determining the quality of applications under paragraph (1), the State educational agency shall consider the following: (G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.” McKinney-Vento Act Sec. 723(c)(3)(G)

“A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following: (7) The provision of services and assistance to attract, engage and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.” McKinney-Vento Act Sec. 723(d)(7)

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for



homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at www.serve.org/nche.

For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail homeless@serve.org.

Local contact information: