

The Ins and Outs of Working with Unaccompanied Youth

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Outline

- Who are unaccompanied homeless children and youth?
- What rights do unaccompanied students have under McKinney-Vento?
- Are there special considerations for unaccompanied students with special needs?
- “The sticky stuff”: liability and reporting
- Resources for more information

What is the McKinney-Vento Act?

- Reauthorized in 2001 by Title X, Part C of NCLB
- Main themes:
 - School access
 - School stability
 - Support for academic success
 - Child-centered, best interest decision making

How is the McKinney-Vento Act Implemented?

- State Coordinator for Homeless Education in every state
- Local homeless education liaison in every school district
- Title I serves at-risk students; has specific provisions for homeless students
- IDEA (Individuals with Disabilities Education Act) has specific provisions for homeless students with special needs
- Collaboration among community agencies and resources
- Visit http://www.serve.org/nche/states/state_resources.php to find out who is the local liaison in your area

McKinney-Vento Definitions: Homeless Child or Youth

- A homeless child or youth **lacks a fixed, regular, and adequate nighttime residence:**
 - Sharing the housing of others due to loss of housing, economic hardship, or similar reason (doubled-up)
 - Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations
 - Living in emergency or transitional shelters
 - Awaiting foster care placement
 - Living in a public or private place not designed for humans to live
 - Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
 - Migratory children living in above circumstances

Who are Unaccompanied Youth?

- An unaccompanied youth who is eligible for services under the McKinney-Vento Act:
 - 1) is living in a situation that meets the McKinney-Vento definition of “homeless” (*true for all eligible children and youth*)
 - 2) is not in the physical custody of a parent or guardian (*makes the child or youth an “unaccompanied youth”*)

Who are Unaccompanied Youth?

- There is no age limit
- There is no citizenship requirement (*Plyler v. Doe*)
- The cause of the child's or youth's leaving home does not affect his/her eligibility; the school's legal responsibility and priority is to enroll the student immediately and educate the student

Who are Unaccompanied Youth?

- **Demographics** (the information on the next three slides was taken from *Homeless Youth in the United States: Recent Research Findings and Intervention Approaches*, available at <http://aspe.hhs.gov/hsp/homelessness/symposium07/toro/index.htm>)
 - Multiple studies estimate that 1+ million youth ages 12-17 will become homeless unaccompanied youth each year
 - Show a disproportionate representation of minority ethnic groups, GLBT youth, and pregnant/parenting teens
 - Generally aged 13 or older, but can be younger

Paths to Being “On Your Own”

- Longstanding patterns of family conflict: blended family issues, sexual activity, pregnancy, sexual orientation, school problems, alcohol/drug use
- Abuse and/or neglect within the home
- Parental incarceration or substance abuse
- Foster care issues: running away from a foster care placement, aging out of the foster care system

McKinney-Vento and Unaccompanied Youth

- Unaccompanied youth have the same rights under the McKinney-Vento Act as other eligible children and youth
 - Immediate enrollment, even when lacking records
 - Attend either the school of origin, if feasible, or the local school
 - Receive transportation to the school of origin
 - Comparable services
 - Access to the dispute resolution process

McKinney-Vento and Unaccompanied Youth

- Special provisions for unaccompanied youth:
 - Don't need a parent/guardian to enroll or have access to services
 - Local liaison must support the student in making decisions and understanding his/her rights
 - Same right to appeal as parents/guardians

Local Liaison Duties

- Inform school personnel about the requirements of the law and the needs of u.y.
- Identify unaccompanied youth
- Help u.y. select and enroll in school
- Inform u.y. of their rights to transportation to the school of origin and assist with arranging this transportation
- Inform u.y. of their right to appeal school selection decisions counter to their wishes; ensure the youth's immediate enrollment pending resolution of the dispute

Identification Strategies

- Community agencies and schools can work together in identifying eligible students; make sure you know who the local liaison is in your area and refer potentially eligible students to him/her; use your “eyes and ears” in the community to support school efforts to reach unaccompanied children and youth

Identification Strategies

- Be sensitive, honest, and trustworthy
 - Inform u.y. up-front about the circumstances under which you may be required to report them to child welfare or law enforcement
 - Keep in mind the challenges that u.y. are facing as you work with them and provide support as you are able
 - Encourage unaccompanied children and youth to stay in school; support them and advocate for them in getting their education

Enrollment Strategies

- Three common methods for enrolling unaccompanied youth
 - The u.y. enrolls himself/herself
 - A caregiver enrolls the u.y. (see www.serve.org/nche/downloads/toolkit/app_e.pdf for sample enrollment forms)
 - The local liaison enrolls the u.y.

Enrollment Reminders

- A school district can not require a caregiver to obtain legal guardianship at any point prior to or following an u.y.'s enrollment
- A school district can not discontinue an u.y.'s enrollment due to an inability to identify a caregiver, guardian, or parent following enrollment or to produce guardianship or other paperwork

Placement Strategies

- Request record's from the student's previous school immediately
 - FERPA allows for records transfer between a previous school and an enrolling school without written consent
- Speak with previous school personnel and the student himself/herself to gather information about the student's academic placement and any special needs

Unaccompanied Youth with Special Needs

- Unaccompanied youth with special needs have the same rights under IDEA as other students
- Special IDEA provisions pertaining to unaccompanied youth
 - The appointment of a surrogate parent and/or a temporary surrogate parent

Unaccompanied Youth with Special Needs

- A surrogate must be appointed when a parent can not be located or refuses to participate in the special education process
- IDEA definition of “parent”:
 - Tier 1: Biological parent or adoptive parent
 - Tier 2 (if Tier 1 can not be located): Foster parent, guardian, adult acting in the place of a parent (if the student is living with them), adult legally responsible for the student
 - Tier 3: Surrogate parent (appointed if a “parent” from Tier 1 or 2 can not be located)

Unaccompanied Youth with Special Needs

- The school district must appoint a surrogate parent within 30 days of determining one is needed
- A surrogate parent can not be involved in the care or education of the student due to a potential conflict of interest
- If needed, a temporary surrogate must be appointed; temporary surrogate parents can make immediate special education decisions while the school district goes through the regular surrogate parent appointment process
- A temporary surrogate can be involved in the care or education of the student

Participation in Extra-curricular Activities

- McKinney-Vento defines enrollment as “attending classes *and participating fully in school activities*”; this would include extra-curricular activities offered through the school
- McKinney-Vento charges SEAs and LEAs to develop, review, and revise policies to remove barriers to the enrollment and retention of homeless children and youths in schools; to accomplish this, program fees and deadlines can be waived (sample policy from Delaware can be found at www.serve.org/nche/forum/extra_curr.php)

Participation in Extra-curricular Activities

- McKinney-Vento subgrant and/or Title I, Part A set-aside funds can be used to assist with program fees, if needed
- States have implemented a variety of policies regarding signing/decision-making for u.y. to participate in school activities
 - Youth sign for themselves
 - Local liaison signs for the youth
 - Caregiver signs for the youth

Questions re: Disciplinary Issues

- In order to remove barriers to the enrollment and retention of homeless students, disciplinary action should not be taken against a student for issues related to his/her homelessness
- For disciplinary issues not related to homelessness, standard SEA or LEA disciplinary policies would apply

“The Sticky Stuff”: Liability/Negligence

- If a person does not act in accordance with his/her legal responsibility, he may become liable for any resulting damages
- If you have a duty to someone under the law, you do not fulfill that duty, and the person is harmed as a result, you may be viewed as negligent
- The lawful, safest thing to do is support unaccompanied youth in enrolling and succeeding in school

“The Sticky Stuff”: Reporting

- In Florida, any person who knows about or has reasonable cause to suspect abuse must report this to the Department of Children and Family Services

Support Outside of School

- Support for higher education:
www.serve.org/nche/ibt/higher_ed.php
- Job Corps: <http://jobcorps.dol.gov/>
- TANF (Temporary Aid for Needy Families):
www.acf.hhs.gov/programs/ofa/tanf/index.html
- SSI (Supplemental Security Income):
www.ssa.gov/pubs/11000.html

Support Outside of School

- RHYA (Runaway and Homeless Youth Act) can assist with housing
- Food stamps: no age minimum, no parental signature required

Additional Information

- Lorraine Allen, Director
State Homeless Education Program
Florida Department of Education
Phone: (850) 245-0668
Lorraine.Allen@fldoe.org
- NCHE's unaccompanied youth webpage:
www.serve.org/nche/ibt/sc_youth.php
- NCHE helpline: call 800-308-2145 or e-mail
homeless@serve.org