Unaccompanied Youth

March 21, 2018

Presented by the New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS)
About Us

NYS-TEACHS

- Funded by the State Education Department; housed at Advocates for Children
- Provides technical assistance on homeless education issues
- Hotline: (800) 388-2014
- Website: www.nysteachs.org
- Webinars, Annual Workshops, and on-site trainings
A student cannot be identified as homeless under McKinney-Vento if they are staying at a private residence.

What do we already know?

True or False?

A. True
B. False

NYS-TEACHS - (800) 388-2014
What do we already know?

Any youth living apart from his/her parents is considered to be homeless under the McKinney-Vento Act.

True or False?

A. True
B. False
What do we already know?

Which of the following is FALSE regarding college readiness and financial aid under MV as reauthorized by ESSA?

A. Youth experiencing homelessness must be provided with assistance and advice from counselors to improve their college readiness.

B. STH School-Based Liaisons must ensure that homeless unaccompanied youth are informed of their independent status for the FAFSA and that they receive verification of this from the liaison.

C. Students who are homeless and not on track to graduate in time forfeit their right to financial aid.
1. McKinney-Vento Background and Definitions
2. Definition of Homeless Unaccompanied Youth & Determining Eligibility
3. Strategies for Removing Barriers to Services
4. Resources and Q&A
The McKinney-Vento Act

- Federal law
- Enacted in 1987
- Reauthorized in 2015 as part of ESSA

McKinney-Vento Act
NY State Education Law 3209
Commissioner’s Regulation 100.2(x)
McKinney-Vento Services

Transport to School of Origin

Immediate Enrollment

Free Meals

Title I Services
Did You Know?

In 2015-16, 11,506 students were identified as homeless unaccompanied youth at schools in New York State.

Source: Ed Data Express, 2015-16
Who is covered by the McKinney-Vento Act?

Children and youth who lack a **fixed, regular, and adequate** nighttime residence, including those:

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason
- Living in emergency or transitional shelters
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living a in public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory living in circumstances described above

*Awaiting foster care removed from definition as of 12/10/16.*
Who is covered?

Fixed
(attached to the ground)

Regular
(Can go there every night? Keys? Come and go as they please? etc.)

Adequate
(heat, lights, kids not sleeping on couch/floor, etc.)

Permanent Housing

NYS-TEACHS - (800) 388-2014
What is the definition of a Unaccompanied Homeless Youth?

Two criteria – **BOTH must be true:**

- **Student is homeless according to McKinney-Vento definition:** Student who lacks a fixed, regular, and adequate nighttime residence.
- **Student is not in the physical custody of a parent or guardian**
10. Unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, including identifying and removing barriers to receiving credit for full or partial coursework completed; are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1087vv), and their right to receive verification of this status from the local liaison.

All Liaison Responsibilities listed here: [http://www.nysteaches.org/liaisons/responsibilities.html](http://www.nysteaches.org/liaisons/responsibilities.html)
James cannot be considered a homeless unaccompanied youth if his mother says that he can return home.

True or False?
A. True
B. False
Who are Homeless Unaccompanied Youth?

- Infographic from recent report from Chapin Hall and Voices of Youth Count, *Missed Opportunities: Youth Homelessness in America*
- 1 in 10 young adults, 18-25, experience homelessness in a given year.
- 73% experienced an episode lasting longer than one month, 42% experienced more than one episode, and 52% felt unsafe.
- Rates were statistically identical between rural and urban communities, at 9.2% and 9.6% respectively.

### Figure 5. Youth at Greater Risk of Experiencing Homelessness

Statistics describe the relative risk of certain groups of young adults, 18-25, having reported “explicit homelessness” in the last 12 months.

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>346%</td>
<td>Youth with less than a high school diploma or GED had a 346% higher risk than their peers who completed high school.</td>
</tr>
<tr>
<td>162%</td>
<td>Youth reporting annual household income of less than $24,000 had a 162% higher risk of reporting homelessness.</td>
</tr>
<tr>
<td>33%</td>
<td>Hispanic, non-White youth had a 33% higher risk of reporting homelessness.</td>
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<tr>
<td>120%</td>
<td>LGBT youth had a 120% higher risk of reporting homelessness.</td>
</tr>
<tr>
<td>83%</td>
<td>Black or African American youth had an 83% higher risk of reporting homelessness.</td>
</tr>
<tr>
<td>200%</td>
<td>Unmarried parenting youth had a 200% higher risk of reporting homelessness.</td>
</tr>
</tbody>
</table>
Immigrant youth may be considered “homeless” youth, depending on their housing circumstances.

Unaccompanied immigrant youth may be protected by the McKinney-Vento Act, if their housing is not fixed, regular and adequate.

Many unaccompanied immigrant youth are placed with a sponsor. Sponsors can be a parent, relative, family friend or acquaintance.

- 27% of unaccompanied immigrant children placed with family friend/acquaintance.

Sponsor agrees to care for child, but there is NO monitoring of compliance with the sponsorship agreement.

Sponsor agreements do not grant any kind of legal guardianship or protection to youth.

Many immigrant children placed with sponsors are in highly unstable living arrangements.
Case Study: James

- James is a junior in high school and has a rocky relationship with his mother.
- James’ mother often makes him take care of his younger siblings, which causes James to miss school occasionally. James thinks this is unfair and has had many fights with his mother about his caretaking responsibilities.
- After a particularly bad fight, James goes to stay with his aunt.
  
  1. Should James be considered eligible under McKinney-Vento?
  2. How does the length of time James plans to stay with his aunt impact your MV eligibility determination?
  3. If James went to stay with his girlfriend instead of a relative would that impact your MV eligibility determination?
Rights & Responsibilities

School Districts
- McKinney-Vento
- Removing barriers & making referrals
- Mandated reporting

Unaccompanied Homeless Youth
- School selection and immediate enrollment (with help from liaison)

Parents/Guardians
- Special education
- Access to education records
- Medical care

NYS-TEACHS - (800) 388-2014
Removing Barriers for Unaccompanied Youth

- Welcoming clubs and school tours, Safe Spaces
- Access to a consistent adult mentor
- Full access to school and educational records
- Access to in-school after-school activities
- Higher Ed & FAFSA

NYS-TEACHS - (800) 388-2014
School/District Selection: Up to three options

Immediate enrollment at...

School attended when last permanently housed ("School of Origin")

School most recently attended (Also a "School of Origin")

School serving area where student is temporarily living (New Local School)
School selection and Best Interest Decision-Making

- **School selection:** A parent, guardian, or youth (in the case of unaccompanied youth) must designate a school and school district where they would like their child to attend.

- **Best interest decision-making:** After the parent/guardian/unaccompanied youth makes their designation, the school district must decide whether the designation is in the best interests of the student and must presume that keeping the student in the same school is in the student’s best interests unless the parent/guardian/youth disagrees. Districts are required to train the liaison or his/her designee on making such best interest determinations.
Immediate Enrollment
Can a school require a caregiver to get legal guardianship to enroll a homeless student in school?

a. Yes
b. Yes, if the student is in elementary school
c. Yes, if the student is trying to enroll in a new district
d. No. School districts must enroll youth in school even if they do not have guardianship documents.
Optional Forms for UY

- Designation of Person in Parental Relation
- Caregiver’s Authorization Form

**Designation of Person in Parental Relation by Parent for Purposes of Educational Decisions**

Child’s Name: ___________________________ Child’s DOB: __/__/___

I, ________________________________, am the parent of the above-named child.

I understand that I may voluntarily designate another person to act for me as a person in parental relation in order to make decisions regarding my child’s education. I understand that I may revoke this designation at any time by notifying, either orally or in writing, the designee or an educational provider at my child’s school, or by executing a subsequent designation. To my knowledge, there is no prior order of any court in any jurisdiction currently in effect that would prohibit me from making this designation.

In accordance with Section 5.1551 of the General Obligations Law, I am designating _______________________________ as a person in parental relation to my minor child.

Designee’s Full Name: _______________________________

Designee’s Address: __________________________________ Apt. No.: ________

___________________________________________ Zip Code: ________________

City or Town: ____________________ State: __________________________

Designee’s Telephone Number: Home (____) _______________________

Work (____) _______________________

Cell (____) _______________________

Parent’s Address: __________________________________ Apt. No.: ________

___________________________________________ Zip Code: ________________

City or Town: ____________________ State: __________________________

Parent’s Telephone Number: Home (____) _______________________

NYS-TEACHS - (800) 388-2014
What are the rights of parents/guardians?

- Parents do not lose parental rights unless explicitly revoked.
- Examples of parental rights:
  - Special education consent
  - Access to education records
  - Medical decision-making
What strategies can parents use if they want their child to return home?

- PINS Diversion Programs
- Counseling/Family Mediation
- Local Youth Bureau
- Other community resources
Children and youth who are homeless must be enrolled in school immediately, even if they have missed application or enrollment deadlines during any period of homelessness.\(^1\)

LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.\(^2\)

States must have procedures to ensure that children and youth who are homeless meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels.\(^3\)

Credit must be provided for full or partially completed coursework completed while attending a prior school.\(^4\)

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\(^1\) 42 U.S.C. § 11432[g][3][C][i]; U.S. Department of Education’s Education for Homeless Children and Youths Program Non-Regulatory Guidance, Question I-5.

\(^2\) 42 U.S.C. § 11432[g][1][i], Non-Regulatory Guidance, Questions A-4, I-5, I-6

\(^3\) 42 U.S.C. § 11432[g][1][F][iii], Non-Regulatory Guidance, Question I-6

\(^4\) 42 U.S.C. § 11432[g][1][F][ii], Non-Regulatory Guidance, Section o
Transportation for Students in Temporary Housing

- Students experiencing homelessness, including preschoolers, are entitled to transportation to school of origin.

- Students who move into permanent housing are entitled to transportation through the remainder of the school year and an additional year if it is the child’s terminal grade in the school.

- Students who enroll locally are entitled to comparable transportation as their permanently housed peers receive, and elimination of barriers to enroll in and attend school.
Transportation from Runaway and Homeless Youth Facilities is 100% Reimbursable

- RHY facility or District may transport
- Submit RHYA Transportation Reimbursement form to NYSED
- For students in temporary housing not staying at an accredited RHY facility:
  - State Aid for transportation
  - Title I, Part A for excess costs
Definition of Parent in Special Education

Context

- a birth or adoptive parent
- a legally appointed guardian authorized to act as the child’s parent or authorized to make educational decisions for the child (but not the State if the student is a ward of the State)
- a person in parental relation under NY Educ. Law § 3212
- an individual designated as a person in parental relation under Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides)
- a surrogate parent who has been appointed in accordance with 8 NYCRR 200.5(n)
- a foster parent
- specific person(s) identified in a judicial decree or order to act as the parent or make educational decisions on behalf of the student (except that an agency providing education or care for the student shall not act as parent).

8 NYCRR 200.1(ii)
Appointing a Surrogate Parent

- Committee on Special Education must appoint a surrogate parent when:
  - No “parent” can be identified, or
  - After reasonable efforts, the District cannot discover the whereabouts of the parents (in NYC, two attempts at contact suffice) or the student is an unaccompanied homeless youth, or
  - The student is a ward of the state and does not have a “parent” or the judge has “subrogated” the rights of the parent to make educational decisions on behalf of the student (that is, the rights have been assigned to someone else)

- District must appoint a surrogate parent within 10 business days.

8 NYCRR 200.1(ccc)

8 NYCRR 200.5(n)(3)(iii)
Qualifications to Serve as a Surrogate Parent

- Surrogate parents:
  - Cannot be employees of the LEA/school district or any agency responsible for the care of the student (e.g. department of social service caseworkers);
  - Cannot have a conflict of interest with the student,
  - Must have the knowledge and skills to adequately represent the student.

- LEAs are required to keep a list of available surrogate parents in the school district.

34 CFR 500.519(d); 8 NYCRR 200.5(n)(2))
Competition for energy and attention
Less available to learn and potentially more behavior challenges

Trauma, Homelessness, and School Success

UNSTABLE HOUSING

STRESS & TRAUMA
“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 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.”

From Supporting the Education of Unaccompanied Students Experiencing Homelessness National Center for Homeless Education (NCHE), August 2017
Consent and Info Sharing

Educational Records
- Parent has right to inspect unless student is 18 or older

Medical Care
- Parent usually has to consent for elective medical care. No parental consent required for emergency care.

Absences and Field Trips
- Law does not require parental consent.

School Selection
- Unaccompanied Youth with liaison
Strategies

**School Staff**
- Explain MV and school access
- Identify procedures for removing barriers
- Clarify policies re: sharing of info/consent

**Parents**
- Explain MV and school access
- Parental rights not minimized
- School access cannot be used as stick to compel student to return home

**Youth**
- Explain MV and MV Liaison
- Provide a consistent adult mentor (liaison, guidance counselor, coach, etc.)
College Readiness in the McKinney-Vento Act

- Districts must assist with **credit accrual and recovery** by ensuring that students get credit for full or partial coursework satisfactorily completed while attending a prior school. U.S.C. § 11432(g)(1)(F)(ii); U.S. Department of Education McKinney-Vento Non-Regulatory Guidance (“McKinney-Vento Guidance”), O-2

- Districts must provide youth who are homeless with **assistance from counselors to advise youth and improve their readiness for college**. 42 U.S.C. § 11432(g)(1)(K); McKinney-Vento Guidance, Section Q

- All high school students experiencing homelessness should receive information and individualized **counseling regarding college selection, the application process, financial aid, and on-campus supports**. McKinney-Vento Guidance, Question Q-1

- College and Career Counseling for Students Experiencing Homelessness – Research Summary from the National Center for Homeless Education (NCHE)

College Access Checklist

- Includes information about:
  - Identification and college prep
  - College applications
  - Financial aid
  - Supporting students in college

McKinney-Vento Liaison Checklist: Supporting College Access

The following checklist is designed to help school districts and liaisons meet their obligations under the federal McKinney-Vento Act, which requires that:

- Liaisons ensure that school personnel working with students who are homeless receive professional development;
- School districts ensure that youth who are homeless don’t lose benefits to accessing academic and extracurricular activities and are provided with transportation if needed;
- School districts award full or partial credit for coursework satisfactorily completed at a prior school;
- School districts ensure that youth who are homeless receive college counseling;
- Liaisons ensure that unaccompanied youth who are homeless are told that they can apply for federal financial aid as independent students and are given verification of their independent student status for purposes of the FAFSA, and
- Liaisons ensure that youth are referred to housing services.

<table>
<thead>
<tr>
<th>ACTION</th>
<th>THIS HAPPENS IN MY DISTRICT</th>
<th>DO OR DELEGATE</th>
<th>TIMELINE</th>
<th>NEXT STEPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 1: Identification and College Prep</td>
<td></td>
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<tr>
<td>(1) Provide training to high school guidance counselors and college counselors about their role in identifying students experiencing homelessness and supporting them access college.</td>
<td>Yes _______</td>
<td>Do _______</td>
<td>Ongoing</td>
<td></td>
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<tr>
<td></td>
<td>No _______</td>
<td>Delegate _______</td>
<td></td>
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<td></td>
<td>Unsure _______</td>
<td></td>
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<td></td>
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<tr>
<td>(2) Ensure that students who are MV eligible:</td>
<td>Yes _______</td>
<td>Do _______</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td>have course schedules that put them on track to graduate,</td>
<td>No _______</td>
<td>Delegate _______</td>
<td></td>
<td></td>
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<tr>
<td>have access to summer school if needed,</td>
<td>Unsure _______</td>
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<tr>
<td>are provided with partial credit for</td>
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</table>
Unaccompanied Youth are students who meet criteria for homelessness under McKinney-Vento and are not in the physical custody of a parent or guardian.

Newly arriving immigrant youth may also be considered “homeless” youth, depending on their housing circumstances.

Districts must help students in temporary housing prepare and apply for college.

Use a trauma-sensitive approach to working with unaccompanied youth, and be sure to provide a consistent adult mentor.
Resources – Briefs & Toolkits

- National Center for Homeless Education (NCHE): Unaccompanied Youth Resources
  https://nche.ed.gov/ibt/sc_youth.php
  - When Legal Guardians Are Not Present: Enrolling Youth on Their Own

- Coalition for Homeless Youth: http://www.nychy.org/
  - Youth Legal Issues: http://www.nychy.org/legal-issues
Resources for Families Experiencing Homelessness

- Runaway Youth Shelters (DYCD) – New York City
  - 800-246-4646
- Runaway and Homeless Youth Service Coordinators (by NYS county):
- Food Pantries and Soup Kitchens
  - [http://informationforfamilies.org/Theres_No_Place_Like_Home/Home.html](http://informationforfamilies.org/Theres_No_Place_Like_Home/Home.html)
  - Hunger Hotline (toll-free): 866-888-8777
  - Call 311
Resources for Immigrant Students

- Resources for undocumented students:
  - New York Immigration Coalition Q&A - http://www.thenyic.org/node/3491
  - Mexican American Legal Defense and Education Fund (MALDEF) - includes Scholarship Resources - http://www.maldef.org/
  - New York State Youth Leadership Council – Road to College clinics and Scholarship - https://www.nysylc.org/college-info/
NYS-TEACHS

800-388-2014
General Email: info@nysteachs.org
Website: www.nysteachs.org