

**Identifying, Engaging, and Serving
Unaccompanied Children and Youth
Part I: In School**

22nd Annual NAEHCY
Conference
November 2010



Agenda

The McKinney-Vento Act and
unaccompanied children and youth:

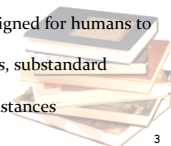
- ✓ **Identifying**
- ✓ **Enrolling**
- ✓ **Engaging**



**Who Are Unaccompanied
Children and Youth under the Law?**

STEP 1: Experiencing homelessness: 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
- ✓ 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 Children and Youth under the Law? (cont.)

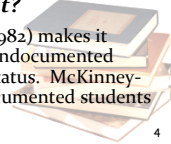
STEP 2: Unaccompanied: children and youth who are not in the physical custody of a parent or guardian

Is there an age range?

No. McKinney-Vento applies to all school-aged children and youth as defined by state law

Is there a citizenship requirement?

No. Supreme Court case *Plyler v. Doe* (1982) makes it unlawful for schools to deny access to undocumented immigrants or ask about immigration status. McKinney-Vento must be equally applied to undocumented students



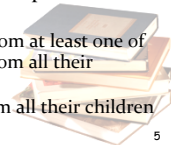
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Who Are Unaccompanied Children and Youth in Your Community?

Some children and youth are in unstable living situations due to parental incarceration, illness, hospitalization or death

Some youth become homeless with their families, but end up on their own due to lack of space in temporary accommodations or shelter policies that prohibit adolescent boys

- ✓ 60% of homeless mothers live apart from at least one of their minor children; 35% live apart from all their children
- ✓ 93% of homeless fathers live apart from all their children



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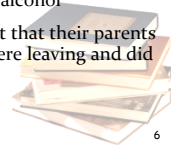
Who Are Unaccompanied Children and Youth in Your Community?

Many unaccompanied children and youth have fled abuse in the home

✓ Studies have found that 20-40% of unaccompanied youth were sexually abused in their homes, while 40-60% were physically abused

Over two-thirds of callers to Runaway Hotline report that at least one of their parents abuses drugs or alcohol

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



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Who Are Unaccompanied Children and Youth in Your Community? (cont.)

21 - 53% of homeless youth have a history of out-of-home care through the child welfare system

Many youth have been thrown out of their homes due to pregnancy

- ✓ 48% of street youth have been pregnant or impregnated someone
- ✓ 10% of currently homeless female teens are pregnant

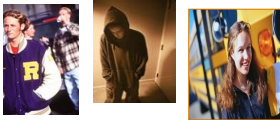


Who Are Unaccompanied Children and Youth in Your Community? (cont.)

2 million youth experience a runaway or throwaway episode each year

- ✓ Approximately 20 - 40% identify as GLBTQ (600,000)
- ✓ Compared to 2-3% of general youth population

Who are unaccompanied youth in your community?



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
- ✓ 1 in 10 runaway youth reports being raped

1 in 100 unaccompanied youth die each year, the vast majority from 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 apprehended by authorities



Local Homeless Education Liaison Duties

Identify unaccompanied children and youth (including those not attending school) through school and community. Help them select and **enroll** in school

Help them **attend** school

- ✓ Inform them of rights to transportation to the school of origin and assist with arranging transportation
- ✓ Work with school counselors and administrators to modify class schedules to meet student needs (late arrival, early departure, online classes, etc.)



Liaison Duties (cont.)

- ✓ Inform youth of right to appeal school selection decisions counter to their wishes
- ✓ Inform school personnel of requirements of the law and needs of unaccompanied children and youth
- ✓ Ensure youth have a full opportunity to **succeed** in school



How do Liaisons IDENTIFY Unaccompanied Children and Youth?

Provide awareness activities for school staff (registrars, secretaries, **counselors**, social workers, **nurses**, teachers, bus drivers, administrators, **security officers**...)

Coordinate with community service agencies, such as shelters, soup kitchens, drop-in centers, street outreach, child welfare, juvenile courts, law enforcement, legal aid, teen parent programs, public assistance, GLBTQ youth organizations, mental health agencies...

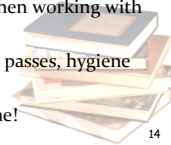
Develop relationships with dropout prevention and recovery programs, truancy officials and other attendance officers



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How do Liaisons IDENTIFY Unaccompanied Youth? (cont.)

- ✓ Provide outreach materials and posters where unaccompanied youth “hang out”
 - ✓ Laundromats, parks, campgrounds, skate parks, clubs/ organizations
- ✓ Enlist youth to help spread the word!
- ✓ Avoid using the word “homeless”
- ✓ Ensure discretion and confidentiality when working with youth
- ✓ Provide a tangible benefit to youth (bus passes, hygiene supplies, food, Etc.)
- ✓ Build trust! If you build it, they will come!



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Must schools ENROLL unaccompanied children and youth in school ...

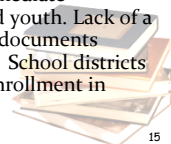
Without a parent or guardian?

✓ **Yes!**

Without other enrollment documents, such as school records, immunizations, proof of residency, etc.?

✓ **Yes!**

The McKinney-Vento Act requires immediate enrollment of homeless children and youth. Lack of a parent/guardian and/or enrollment documents cannot delay or prevent enrollment. School districts must eliminate barriers to youth’s enrollment in school



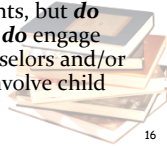
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What about Parental Disapproval / School Liability?

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
- ✓ Violating federal law and denying services are evidence of negligence

Don't hide children from their parents, but **do** enroll youth in school immediately, **do** engage parents and youth with school counselors and/or family mediation services, and **do** involve child welfare **when necessary**



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How can Schools Enroll Children and Youth Without Proof of Guardianship?

Caregiver enrollment forms

(sample at http://www.serve.org/nche/downloads/toolkit/app_e.pdf)

Youth self-enrollment

Liaison enrollment

How are unaccompanied youth enrolled in your school district?



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How can Schools Enroll Children and Youth Without Enrollment Documents?

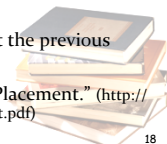
Request all records from the previous school immediately, including immunization records

- ✓ Parental signature is not required for transfer students (FERPA)
- ✓ The vast majority of students have been enrolled in school before and have received immunizations

Speak with the youth about the classes he/she was taking, previous coursework, and special needs

Call the counselor, teachers or principal at the previous school for information

Use the NCHE brief "Prompt and Proper Placement." (<http://www.serve.org/nche/downloads/briefs/assessment.pdf>)



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Can a School Require a Caregiver to get Legal Guardianship to Enroll a Student?

No!

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

Schools/districts cannot require caregivers to obtain guardianship of youth after enrollment, or within a specified number of days, in order for youth to remain enrolled and attending

Legal guardianship can be a complex, lengthy process with many consequences outside school



Do Schools have to Contact the Police when Enrolling Unaccompanied Youth?

NO!

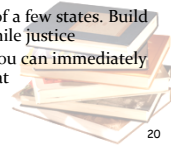
✓ This would create a barrier to enrollment and retention in school!

✓ Schools must enroll youth immediately. School is the safest and best place for youth

✓ Educators are only mandated to report suspected abuse and/or neglect (homelessness alone generally is not abuse/neglect), to child welfare

✓ Running away from home violates the law of a few states. Build relationships with law enforcement and juvenile justice

✓ If you have reason to suspect kidnapping, you can immediately see if the student has been reported missing at www.missingkids.com or 1-800-THE-LOST



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



***How can Schools ENGAGE
Unaccompanied Children and Youth?***

By making sure the student feels

- ✓Welcome
- ✓Cared For
- ✓Productive and Valued



Welcoming Unaccompanied Children and Youth

Listen to youth. Work to build trust with them and understand that their life experiences with adults thus far likely give them no reason to trust you

Talk to youth about their goals, interests and strengths, and welcome them into classes and extracurricular activities based on what you hear from them

Work with local child welfare and law enforcement agencies to ensure that any requirements to report suspected abuse or neglect do not prevent youth from enrolling in school due to fears that they will be taken into custody

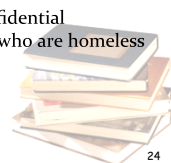


Welcoming Unaccompanied Children and Youth (cont.)

Make sure youth understand school rules and procedures, realizing that they might be quite different from his/her previous school

Revise LEA policies to accommodate unaccompanied youth and comply with the McKinney-Vento Act

Educate school staff on sensitive and confidential communication with children and youth who are homeless



Caring for Unaccompanied Children and Youth

Offer a peer mentor to help the youth get used to the school rules and culture

Provide a consistent adult mentor: could be the liaison or any adult in the school building

Provide a "safe place" at school for unaccompanied youth to access as needed

Stick with the youth, realizing that their life experience may lead them to test you

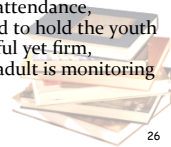


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Caring for Unaccompanied Children and Youth (cont.)

Create clubs or programs to support groups of young people who tend to be over-represented among unaccompanied youth, including those who are lesbian, gay, bisexual and/or transgender, pregnant or parenting, older than traditional high school age, recovering from trauma, or recently returned to school after an extended period of nonattendance

Implement a system to check on youth's attendance, behavior and grades on a regular basis and to hold the youth accountable. The system must be respectful yet firm, recognizing that it is likely that no other adult is monitoring the student



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Outreach Consultants: California's Pupil Motivation & Maintenance Program

Dedicated dropout prevention specialists

Create "success plans" for students, which set individual student goals and courses of instruction based on educational strengths and interests

Schools with M&M programs reported reduced dropout rates and increased test scores

✓ 65% of M&M schools met or exceeded state standards compared to 52% of CA schools

www.cde.ca.gov/ls/ai/dp/sb65progsumm.asp



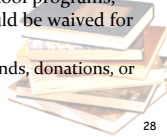
**Helping Youth Feel Productive and Valued:
Full Participation**

Help youth become involved in school sports, clubs, extra-curricular activities, and special classes, based on their interests and abilities

- ✓ The McKinney-Vento Act requires that homeless students be immediately enrolled in school, including full participation in all classes and school activities

Deadlines and fees for participating in school programs, classes and extra-curricular activities should be waived for homeless children and youth

- ✓ Some school districts use Title I, Part A funds, donations, or other funding to pay fees



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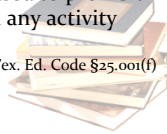
Policies to Increase Participation

Virginia, Delaware, other HS athletic associations revised their participation policies

- ✓ www.vhsl.org
- ✓ www.doe.k12.de.us/infosuites/students_family/diaa/hand_man.shtml

Texas law (for youth in foster care): “a durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by the school district.”

Tex. Ed. Code §25.001(f)



Full Participation (cont.)

Who can make decisions for an unaccompanied youth regarding participation in classes, 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

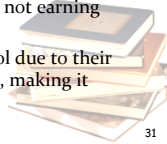


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***Helping Youth Feel Productive and Valued:
Credit Accrual***

The school/district must help unaccompanied youth make up lost credits and accrue credits

- ✓ McKinney-Vento requires that schools and districts remove barriers to enrollment and retention-- barriers to accruing credits fall under this requirement
- ✓ Many unaccompanied youth are absent or tardy due to homelessness, often resulting in youth not earning credits due to credit accrual policies
- ✓ Some youth miss long periods of school due to their struggle to meet their own basic needs, making it difficult to earn credits



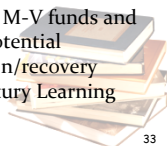
How can Schools Help Unaccompanied Youth Make Up Lost Credits?

- ✓ Revise credit accrual policies to excuse absences and tardiness caused by homelessness
- ✓ Award partial credit for work completed
- ✓ Offer flexible school hours, particularly evening hours
- ✓ “Chunk” credits into smaller time frames, so youth can earn some credits every 3 or 4 weeks
- ✓ Award credit for employment



How can Schools Help Unaccompanied Youth Make Up Lost Credits (cont.)?

- ✓ Provide independent study opportunities
- ✓ Provide self-paced computerized learning opportunities, attached to regular HS programs
- ✓ Partner with local community colleges and universities (“middle college high schools”)
- ✓ These initiatives can be funded with M-V funds and Title IA set-aside funds, as well as potential partnerships with dropout prevention/recovery programs, adult education, 21st Century Learning Centers, and other programs



The FAFSA

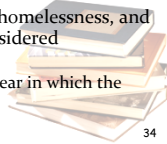
Youth who meet the definition of “independent student” can complete the FAFSA without parental income information or signature

Unaccompanied youth are automatically considered independent students

✓ Must be verified as unaccompanied and homeless during the school year in which the application is submitted

Youth who are unaccompanied, at risk of homelessness, and self-supporting are also automatically considered independent students

✓ Must be verified as such during the school year in which the application is submitted.



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The FAFSA (cont.)

Verification must be made by:

- ✓ a McKinney-Vento Act school district liaison,
- ✓ a HUD homeless assistance program director or their designee,
- ✓ a Runaway and Homeless Youth Act program director or their designee, or
- ✓ a financial aid administrator.
- ✓ www.naehcy.org/higher_ed.html

Youth who have been in foster care at any time after age 13 are also automatically independent



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Access to Special Education Services

Who can make decisions for an unaccompanied youth for special education evaluations or services?

Anyone who meets IDEA’s definition of “parent”:

- ✓ Biological or adoptive parent
- ✓ Foster parent
- ✓ Guardian
- ✓ A Person who is acting in the place of a parent and with whom the child is living; can be a non-relative
- ✓ A person legally responsible for the child

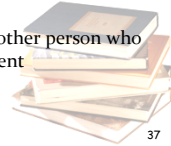


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What if more than one person meets the definition of Parent?

When the biological or adoptive parent is “attempting to act” as the parent, and another person(s) meets the definition of parent, the birth or adoptive parent will be presumed to be the parent, UNLESS

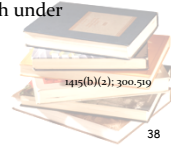
- ✓ They don't have legal authority to make education decision for the child; or
- ✓ A judicial decree or order specifies another person who fits the parent definition to be the parent



What if no one meets the definition of Parent?

The LEA must assign a “surrogate parent” within 30 days, if:

- ✓ No “parent” can be identified,
- ✓ No “parent” can be located,
- ✓ The student is a ward of the State (or the juvenile court can appoint the surrogate), or
- ✓ The student is an unaccompanied youth under McKinney-Vento

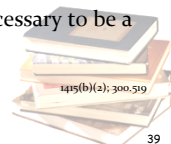


Who can be a Surrogate Parent?

Can't be employees of state department of education, LEAs, or other agencies involved in the education and care of the child (i.e., can't be the child welfare caseworker)

Can't have any conflicting interests

Must have knowledge and skills necessary to be a good surrogate



BUT, for Unaccompanied Youth, the Following People Can be Temporary Surrogates:

Staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs; State, LEA, or agency staff involved in the education or care of the child.

- ✓ Should be appointed immediately upon determination of need
- ✓ “Temporary” is not defined: but since regular surrogates must be appointed within 30 days, temporary probably means less than 30 days
- ✓ Some LEAs have adopted a procedure where the liaison is immediately appointed temporary surrogate, to consent for evaluations or updates to IEPs; regular surrogate is appointed within 3-4 weeks



Why It Matters...

“Through our conversations, I discovered her to be a mature young woman with much responsibility on her shoulders. Through the outstanding work she completed in my class, I also discovered her capability to rise above the difficulties she faced in her personal life and excel at school.”

Recommendation letter for 2006 LeTendre Scholar Michelle, from her Economics teacher



Additional Resources

- National Association for the Education of Homeless Children and Youth
www.naehcy.org
- National Center for Homeless Education
www.serve.org/nche; 1-800-308-2145
- National Law Center on Homelessness & Poverty
www.nlchp.org
- National Network for Youth
www.nn4youth.org
- National Runaway Switchboard
www.nrsccrisisline.org; 1-800-621-4000
- Runaway and Homeless Youth Act Program, U.S. Department of Health and Human Services
www.acf.dhhs.gov/programs/fysb/content/youthdivision/index.htm



Contacts

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Chris

Chris, 16, recently showed up at Vento High School, where you are the Principal. Chris explained that he was staying with a friend who attends your school and wanted to go to your school, instead of the school he used to attend (which is in a different district). Chris explained that he wasn't living with his mom anymore. He said she knew where he was and "didn't care."



Chris - Q's

What are the first 3 specific things you would do to start to build trust with Chris and get more information about his situation?

1. How does the McKinney-Vento Act pertain to this situation?
2. Do you have any responsibility to report Chris's whereabouts to anyone? Does it make a difference if he tells you his mother's boyfriend hits him?
3. What would be your responsibility if Chris's mother contacted you and told you that he had run away without permission? What if he was staying with his friend with his mom's permission, but she told you she wanted him to keep going to his old high school?
4. What would you do to engage and support Chris in school? What if he'd missed a month of school this semester due to his homelessness?
5. How would you work with your district to create the changes that are needed so situations like this can be responded to appropriately for all students who experience them?
6. How would you work with your district and community to identify other youth like Chris who are not connected to any school?

