Who is homeless?

(McKinney-Vento Homeless Assistance Act – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth”—

A. means individuals who lack a fixed, regular, and adequate nighttime residence…; and

B. includes —

1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or 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;

2. 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…

3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4. 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).
or guardian” (42 USC §11434a(6), 2001). This means that the youth is not living with a parent or guardian, and includes youth who are residing with a caregiver who does not have legal guardianship and youth who are living on their own.

The McKinney-Vento Act defines homeless children or youth as, “individuals who lack a fixed, regular, and adequate nighttime residence” and provides a list of examples of living arrangements that meet this definition (42 USC §11434a(2), 2001) (see sidebar on page 1 for the full definition of homeless).

To be eligible for services under the McKinney-Vento Act as an unaccompanied homeless youth, the student must lack a fixed, regular, and adequate nighttime residence, and not be in the physical custody of a parent or guardian.

Age Restrictions

The McKinney-Vento Act includes no program-specific age requirements to qualify as an unaccompanied homeless youth. Thus, if a youth is eligible for K-12 public education in the state, he or she may be enrolled and served as an unaccompanied homeless youth. In many states, the upper age limit for eligibility for public education is 21; however, this limit may be lower in some states and/or may be extended in some states for students receiving special education services. A handful of states have no upper age limit for K-12 public education. Contact your State Coordinator for Homeless Education with questions about public education age restrictions in your state. State Coordinator contact information is available at http://center.serve.org/nche/states/state_resources.php.

The Numbers

Estimates of youth homelessness vary widely, depending on the definitions of homeless and youth that are used. Disparate sampling and estimation methods also can yield different results. With this in mind, experts estimate that as many as 1.7 million youth experience homelessness on their own in any given year.

Path to Being On Their Own

Unaccompanied homeless youth consistently report family dysfunction as a primary reason they no longer live at home. Family problems may include issues related to blended families, substance abuse, pregnancy, and sexual activity or orientation. In addition, parental neglect and abuse (emotional, physical, sexual, or substance), incarceration, illness, deportation, or death can lead to youth being on their own. Many youth experience homelessness after running away from a foster care placement or aging out of foster care. Also, some youth are forced to leave their families when the family becomes homeless and cannot secure shelter that can accommodate all family members.

According to Appendix A of the U.S. Department of Education’s (US ED) Non-Regulatory Guidance, an unaccompanied homeless youth is eligible for services under the McKinney-Vento Act regardless of the circumstances that led to the separation from family; this includes students who ran away from home and those who are being denied housing by their families (2004, p. 31). It is important to remember that the dynamics of family conflict or dysfunction often are considered very personal and may not be shared readily with school staff. As such, what students or parents disclose may

( Hammer, Finkelhor, & Sedlak, 2002).
be an inaccurate or incomplete picture of what has occurred within the family.

The primary responsibility of schools is to enroll and educate homeless children and youth 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 program eligibility are to be based solely on the definitions of unaccompanied and homeless included in the law. 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.

**Educational Barriers**

Unaccompanied homeless youth face many barriers to enrolling, attending, and succeeding in school, including:

- Lack of safe, stable housing
- Lack of support from a caring adult
- Lack of basic needs, including food and healthcare, resulting in hunger, fatigue, and poor health
- Lack of consistent access to bathing and laundry facilities
- Emotional crises/mental health problems
- Lack of access to school records and other paperwork
- Lack of school supplies and clothing
- Employment that interferes with school attendance and homework
- Irregular school attendance
- Difficulty accumulating credits due to school mobility
- Lack of transportation
- Concerns about being reported to child welfare and/or law enforcement agencies

**Local Homeless Education Liaisons**

Under the McKinney-Vento Act, every school district must appoint a local homeless education liaison to serve as the key homeless education contact in the district. The local liaison leads and oversees the implementation of the McKinney-Vento Act within the district, ensuring that eligible children are identified and provided with the rights and services to which they are entitled. The McKinney-Vento Act includes specific local liaison responsibilities regarding unaccompanied homeless youth. Because many of these youth have little or no support from a responsible, caring adult, the local liaison's interest and involvement in the education of unaccompanied homeless youth can be very valuable and, in fact, life-changing for these students. For more information about the responsibilities of the local liaison, download NCHE's *Local Homeless Education Liaisons* brief at [http://center.serve.org/nche/briefs.php](http://center.serve.org/nche/briefs.php).

**Educational Rights Under the McKinney-Vento Act**

The purpose of the McKinney-Vento Act is to address the problems that homeless children and youth face in enrolling, attending, and succeeding in school. This is accomplished by ensuring that eligible students have equal access to the same free, appropriate public education as other children and youth, experience school stability despite residential mobility, and receive the educational and other services they need to enable them to meet the same challenging academic achievement standards to which all students are held. To this end, McKinney-Vento eligible students, including unaccompanied homeless youth, have the right to:

- Enroll in school immediately, even if lacking documents normally required for enrollment
- Enroll in school and attend classes while the
school gathers needed documents

- Enroll in the local attendance area school or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is the parent’s, guardian’s, or unaccompanied youth’s preference and is feasible; if the school district believes the school selected is not in the student’s best interest, then the district must provide the parent, guardian, or unaccompanied youth with a written explanation of its position and inform him/her of the right to appeal its decision (see sidebar)

- Receive transportation to and from the school of origin, if requested by the parent, guardian, or unaccompanied youth

- Receive educational services comparable to those provided to other students, according to the student’s need

- Not be stigmatized or segregated on the basis of homeless status

In addition, the McKinney-Vento Act includes the following provisions specific to unaccompanied homeless youth:

- The right to immediate enrollment without proof of guardianship

- Assistance from the local homeless education liaison (hereafter referred to as local liaison, see sidebar on page 3 for more information about the role of the local liaison) to:
  - Select a school of attendance, whether the local attendance area or the school of origin, and enroll immediately
  - Receive transportation to and from the school of origin, if requested
  - In the case of a dispute between the school district and the youth:
    - Ensure that the youth receives written notice of the school district’s position and information about how to appeal the decision, if desired

**Disputes Under the McKinney-Vento Act**

In most cases, the school district and unaccompanied homeless youth will be in agreement about what is in the student’s educational best interest, including which school is in his or her best interest to attend. In some cases, however, the position of the school district may differ from that of the unaccompanied youth. In these instances, the unaccompanied homeless youth may use the McKinney-Vento dispute resolution process to dispute the school district’s decision, if desired. Local liaisons must ensure that unaccompanied homeless youth have access to the dispute resolution process and that the dispute is resolved promptly and in accordance with the law. For more information on dispute resolution under the McKinney-Vento Act, download NCHE’s Dispute Resolution brief at [http://center.serve.org/nche/briefs.php](http://center.serve.org/nche/briefs.php).

- Ensure that the dispute is resolved promptly and in accordance with the law
- Enroll in the selected school immediately, pending resolution of the dispute

**Identifying Unaccompanied Homeless Youth**

Identifying unaccompanied homeless youth is a crucial first step in ensuring that these youth receive the educational supports they need. The identification of these youth, however, can be challenging, as they often avoid identifying themselves for a variety of reasons, including:

- Lack of understanding of the McKinney-Vento definition of homelessness, which extends beyond some of the more common conceptions of homelessness
- Desire to avoid the stigma often associated
with homelessness

- Discomfort with discussing the circumstances, which are often very personal and sensitive, that led to the student being homeless and on his/her own
- Fear of being treated differently by school personnel or other students if they are “found out”
- Fear of being reported to child welfare and/or law enforcement agencies

Some effective strategies for identifying unaccompanied homeless youth include:

- Post outreach materials where youth congregate, including laundromats, parks, campgrounds, skate parks, youth clubs/organizations, libraries, and 24-hour stores
- Develop outreach materials targeted specifically to homeless youth; visit http://center.serve.org/nche/products.php to order NCHE’s youth educational rights posters or youth booklets entitled Surviving on Your Own: Information for Youth on How School Can Help
- Include the contact information for the local liaison in all outreach materials so that youth needing assistance will know whom to contact
- Use means of communication that are comfortable for youth, such as websites, email, texting, and social media
- Enlist other students to help spread the word about services offered to homeless students
- Make the school a welcoming and supportive place
- Build trusting relationships with unaccompanied homeless youth; to this end, local liaisons or staff should:
  » Conduct sensitive conversations with youth in an office or other area that allows for confidentiality
  » Inform a youth up-front about the circumstances under which they may be required to report him or her to child welfare and/or law enforcement

  » Keep in mind the challenges that unaccompanied homeless youth are facing when working with these students
  » Inform eligible youth of their rights under the McKinney-Vento Act
  » Listen to the youth’s concerns and wishes in a nonjudgmental way
  » Provide support as you are able; items that may seem trivial to some, such as a small packet of school supplies or hygiene items, may be very helpful to unaccompanied homeless youth and received as a caring gesture
  » Encourage unaccompanied homeless youth to stay in school; advocate for their educational success

Enrolling Unaccompanied Homeless Youth

The McKinney-Vento Act defines enrollment as “attending classes and participating fully in school activities” (42 USC §11434a(1), 2001). As mentioned, McKinney-Vento eligible students, including unaccompanied homeless youth, are entitled to enroll in school immediately, even if lacking documents normally required for enrollment.

Enrollment Methods

While the Act does not specify a particular method that must be used to enroll unaccompanied homeless youth immediately, in question G-8 of its Non-Regulatory Guidance, US ED recommends that school districts develop caregiver affidavits, self-enrollment forms, or other forms to replace typical proof of guardianship for unaccompanied homeless youth (2004). Such forms should be crafted carefully so as not to create further barriers or delay enrollment. The above recommendation
has translated into three common methods school districts use for enrolling unaccompanied homeless youth:

- The student enrolls himself/herself using a self-enrollment form
- An adult caregiver enrolls the student
- The local liaison enrolls the student

A school district cannot require a caregiver to obtain legal guardianship at any point prior to or following an unaccompanied homeless youth’s school enrollment, nor can it discontinue a student’s enrollment due to an inability to identify a caregiver, guardian, or parent, or produce proof of guardianship.

Download Appendix D: Enrollment Tools of NCHE’s Local Homeless Education Liaison Toolkit at http://center.serve.org/nche/downloads/toolkit/app_d.pdf for sample enrollment forms that may be useful when enrolling McKinney-Vento students, including unaccompanied homeless youth.

Supremacy of Federal Law

According to the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2), federal law supersedes state law should a conflict arise between the two. As such, any state laws or local policies that conflict with the federal McKinney-Vento Act would be superseded by the provisions of the Act, including any state or local provisions that would infringe upon an unaccompanied homeless youth’s right to immediate school enrollment. In addition, the McKinney-Vento Act requires that states and school districts develop, review, and revise policies to remove barriers to the school enrollment and retention of homeless children and youth (42 USC §11432(g)(1)(I), 2001).

Signature Issues Beyond Initial Enrollment

Because the McKinney-Vento Act defines enrollment as “attending classes and participating fully in school activities,” school districts must develop policies not only related to enrolling unaccompanied homeless youth without a parent or guardian, but also related to determining who can sign for issues and activities involved in a student’s ongoing school participation. These issues may include:

- Who may sign for school absences
- Who may sign for participation in extracurricular activities, school field trips, and other school programming
- Who may consent to medical services for unaccompanied homeless youth who have not reached age of majority in their state

As with immediate school enrollment, federal law does not require a specific approach to the above issues. As such, school districts have some flexibility to decide the approach that makes the most sense based on the individual circumstances of each youth, so long as the student is enrolled immediately and participating.

NCHE Issue Briefs on Unaccompanied Homeless Youth

The following NCHE issue briefs, available at http://www.serve.org/nche/briefs.php, inform educators and service providers about various issues related to educational access and success for unaccompanied homeless youth:

- Ensuring Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness
- Increasing Access to Higher Education for Unaccompanied Homeless Youth: Information for Colleges and Universities
- Maximizing Credit Accrual and Recovery for Homeless Students
- When Legal Guardians Are Not Present: Enrolling Youth on Their Own
fully in school activities.

Extracurricular Participation

For many unaccompanied homeless youth, participation in extracurricular activities is an important part of school engagement. Participation in extracurricular activities helps build self-esteem, and gives students a sense of purpose, accomplishment, and connection to school and other students. Yet, participation in extracurricular activities often requires that the student pay activity fees and/or meet deadlines or residential requirements.

Schools may consider a number of strategies to cover activity fees for unaccompanied homeless youth who are unable to pay them, including:

- Waive activity fees
- Invite school organizations such as the PTA or booster club to contribute funds to cover these fees
- Invite local business partners or school alumni to donate funds to be used for this purpose
- Use McKinney-Vento subgrant funds to cover these fees\(^1\); because student needs often exceed the availability of McKinney-Vento funds, NCHE only recommends this as a last option when these fees can not be covered from another source

School districts also should remove any barriers to extracurricular participation related to residential requirements and/or deadlines. Some states, such as Delaware and Virginia, include specific provisions in their Athletic Association Handbooks that establish a homeless student’s right to participate in school sports, despite school transfers or living outside the school’s residential zone.

For more information, download NCHE’s

\(^{1}\) One of the authorized activities for McKinney-Vento subgrant funds included in the McKinney-Vento Homeless Assistance Act is 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.” [§11433(d)(7)]
• **Social Security cards**
  Information about obtaining an original or replacement Social Security card can be obtained at [http://www.ssa.gov/ssnumber/](http://www.ssa.gov/ssnumber/).

• **Immunization records**
  Many states have an online immunization registry that can be accessed by doctors’ offices and other approved medical providers. These registries can facilitate access to immunization records for highly mobile students who may have limited ability to obtain medical records from another county or state. Visit [http://www.cdc.gov/vaccines/recs/immuniz-records.htm#where](http://www.cdc.gov/vaccines/recs/immuniz-records.htm#where) to learn more about obtaining past immunizations.

Unaccompanied homeless youth who need to request a copy of their birth certificate, social security card, or other government-issued record may not have a stable address to which the records may be sent. Allowing the student to use the school address can expedite the process of obtaining original or certified copies of records.

**School Discipline Issues**

The McKinney-Vento Act does not provide immunity from normal school disciplinary guidelines; homeless students are subject to the same guidelines as their housed peers. However, due to the McKinney-Vento mandate that school districts develop, review, and revise policies to remove barriers to the enrollment and retention of homeless children and youth in schools, there may be instances when flexibility and leniency should be shown. For instance, a student should not be penalized for issues related directly to his or her homelessness, such as, in some cases, frequent tardiness or absences. Instead, local liaisons should work with youth to understand homelessness-related barriers and assist with overcoming them. Sometimes, basic assistance, such as providing an alarm clock, is all that is needed.

2 According to Plyler v. Doe, a 1982 Supreme Court case, schools are prohibited from denying enrollment to immigrant students based on immigration status. Information about obtaining a Social Security card is provided to assist in cases when a student may need the card for purposes other than school enrollment.

Further, local liaisons should become aware of how the trauma that is often experienced as a result of homelessness can impact the behavior of unaccompanied homeless youth and provide trauma-informed interventions. For more information about trauma-informed care, download the National Center on Family Homelessness’ *Trauma-Informed Organizational Toolkit for Homeless Services* at [http://www.familyhomelessness.org/media/90.pdf](http://www.familyhomelessness.org/media/90.pdf).

### SCHOOL ENGAGEMENT STRATEGIES

Once unaccompanied homeless youth are enrolled, school districts should consider the following practices to improve school engagement among unaccompanied homeless youth:

- Provide access to school shower and laundry facilities
- Provide students with a secure place to store personal belongings
- Provide flexibility with school assignments, including deadlines and needed supplies; unaccompanied homeless youth often may not have access to needed materials or a quiet, stable place in which to complete assignments
- Implement policies to assist with accumulating credits toward graduation, such as chunking credits, implementing mastery-based learning, and providing partial credits for completed coursework
- Become familiar with state laws related to the reporting of suspected abuse or neglect or a suspected runaway; understand under which circumstances you are required to report and under which circumstances you have flexibility about whether or to whom to report based on your understanding of each student’s unique situation
- Become familiar with state laws about minor medical consent; these laws establish the circumstances under which a minor may
consent to his or her own medical or mental health care

- Become familiar with eligibility criteria for local social service and housing programs; be ready to refer eligible unaccompanied homeless youth when services are needed

- Consider alternative education programs that allow flexible school hours, such as computer-based learning or online education, or have paid work components for youth who need to work to support themselves

- Notify school nutrition services when an unaccompanied homeless youth enrolls; homeless students are automatically eligible for free school meals and do not need to follow the normal program enrollment process; for more information, download NCHE’s Access to Food for Homeless and Highly Mobile Students brief at http://center.serve.org/nche/briefs.php.

ACCESS TO HIGHER EDUCATION

Many unaccompanied homeless youth want to continue on to higher education after high school graduation, but lack important information to help them accomplish this. Local liaisons play a key role in ensuring that unaccompanied homeless youth are aware of postsecondary education opportunities and have the information and support they need to enroll and succeed in higher education. Local liaisons should work with school counselors to ensure that homeless students are aware of the following supports:

- Fee waivers for Advanced Placement (AP) exams, college entrance exams (ACT and/or SAT), and college applications

- Independent student status for unaccompanied homeless youth on the Free Application for Federal Student Aid (FAFSA); independent students can apply for financial aid without a parent signature and without consideration of parental income and assets when their aid package is calculated

- Various need- and merit-based scholarship opportunities

For more information about higher education supports for homeless students, visit NCHE’s Higher Education Access webpage at http://center.serve.org/nche/ibt/higher_ed.php or download NAEHCY’s College Access and Success for Students Experiencing Homelessness: A Toolkit for Educators and Service Providers at http://www.naehcy.org/educational-resources/he-toolkit.

SCHOOL-COMMUNITY COLLABORATION TO SUPPORT UNACCOMPANIED HOMELESS YOUTH

The needs of unaccompanied homeless youth cut across many school programs and community organizations. Collaboration among programs and organizations ensures better identification of these youth and a coordinated approach to addressing their needs. In addition, collaboration creates more awareness of homeless education issues and community commitment to serving these vulnerable youth.

Following are strategies to build strong networks among schools programs and with community organizations:

- Provide awareness activities for school

NAEHCY HIGHER EDUCATION HELPLINE

The National Association for the Education of Homeless Children and Youth (NAEHCY) operates a higher education helpline to provide assistance with issues related to students experiencing homelessness accessing higher education. For more information, visit http://www.naehcy.org/educational-resources/helpline, or contact the helpline at (855) 446-2673 (toll-free) or highered@naehcy.org.
staff (registrars, secretaries, counselors, social workers, nurses, teachers, bus drivers, administrators, truancy and attendance officers, security officers, etc.) about the specific needs of homeless youth

- Develop relationships with staff from dropout prevention programs, housing programs, youth shelters, law enforcement, and community agencies; ask them to be your “eyes and ears” in the community to support school efforts to reach unaccompanied homeless youth

- Connect with Runaway and Homeless Youth Act (RHYA) sites in your area. NCHE recommends that State Coordinators and local liaisons provide training on the educational rights of students experiencing homelessness to RHYA staff members at least once a year. See the Additional Resources section of this brief for more information about RHYA Programs, including a webpage for accessing the contact information of grantees in your area.

- Initiate a community task force to address the needs of unaccompanied homeless youth, including housing, food, health, and safety; for more information about youth task forces, visit http://www.naehcy.org/legislation-and-policy/youth-task-forces

- Involve youth in awareness trainings and task forces so that they can articulate their needs and share their experiences

**ADDITIONAL RESOURCES**

The following national resources can help with services related to housing, mental health, or family conflict.

- **The National Runaway Safeline (NRS)** http://www.1800runaway.org/
  NRS serves as the federally designated national communication system for runaway and homeless youth. NRS provides education and solution-focused interventions, offers non-sectarian and non-judgmental support, respects confidentiality, collaborates with volunteers, and responds to at-risk youth and their families through their 24-hour hotline at 1-800-RUNAWAY.

- **National Safe Place (Safe Place)** http://www.nationalsafeplace.org/ Safe Place is a national youth outreach program that educates young people about the dangers of running away or trying to resolve difficult and/or threatening situations on their own. Safe Place brings communities together to provide safe havens and resources for youth in crisis by creating a network of Safe Place locations - schools, fire stations, libraries, grocery and convenience stores, public transit, YMCAs, and other appropriate public buildings - that display the yellow and black diamond-shaped Safe Place sign.


- **United States Interagency Council on Homelessness (USICH) Framework to End Youth Homelessness** http://www.usich.gov/population/youth/a_framework_for_ending_youth_homelessness_2012/ Learn more about this framework, which includes strategies to be implemented to improve education for homeless children and youth, and steps to take to advance the goal of ending youth homelessness by 2020.


This brief was developed by:

National Center for Homeless Education
800-308-2145 (Toll-free Helpline)
http://www.serve.org/nche

Updated Spring 2013

NCHE is supported by the U.S. Department of Education Student Achievement and School Accountability Programs. The contents of this brief were developed under a grant from the U.S. Department of Education. However, these contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. 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 http://www.serve.org/nche/states/state_resources.php.

For more 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: