

Unaccompanied Youth: Legal Rights and Strategies



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About SchoolHouse Connection

SchoolHouse Connection works to overcome homelessness through education. We provide strategic advocacy and practical assistance in partnership with schools, early childhood programs, institutions of higher education, service providers, families, and youth.



Website

Federal and state policy advocacy

Q&A from our inbox

Webinars and implementation tools

Youth leadership and scholarship

Coming Soon: Online Modules for School Staff!

- Short modules with videos, quizzes, and certificates of completion
- <https://schoolhouseconnection.org/shc-training-modules>



- Teachers
- School health staff
- School counselors
- Enrollment staff
- Administrators
- Transportation staff
- School resource officers
- School nutrition staff
- Early childhood programs

Today's Webinar



- Scenarios
- Tools
- Q&A

Scenario 1 [Part 1]

A 17-year old senior has moved in with her boyfriend's family. She shares her boyfriend's room and is trying to enroll in her boyfriend's high school. Her parents say they want her to come home and do not want her to enroll in her boyfriend's school. The student says she can't return to that home.

The principal of her boyfriend's school says she cannot enroll there and needs to go home.

Can she enroll in her boyfriend's school?

What's in your toolbox?



- Consult the definition of homeless and unaccompanied in the McKinney-Vento Act. 42 U.S.C. §11434a.
- The McKinney-Vento Act requires immediate enrollment of homeless children and youth. 42 U.S.C. §11432(g)(3)(C).
- McKinney-Vento liaisons have the legal authority and responsibility to determine eligibility. 42 U.S.C. §11432(g)(6)(A)(i).
- “Enrollment” is specifically defined to include participating fully in school activities. 42 U.S.C. §11434a. The McKinney-Vento Act requires schools to give priority to the wishes of unaccompanied youth in regard to school selection and enrollment. 42 U.S.C. §11432(g)(3)(iv).
- The McKinney-Vento dispute resolution process requires local educational agencies to provide parents or unaccompanied youth with information about a decision regarding eligibility, enrollment, or school selection and instructions to appeal. 42 U.S.C. §11432(g)(3)(E).

Scenario 2 [Part 2]

After further conversations with the student, you find out that her parents are struggling with addiction and mental illnesses. She ran away because she does not want to raise her child in that environment.

With all the family drama and constant moving, she's missed 15 days of school already this semester and is at risk of not earning credits.

What's in your toolbox?

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- The McKinney-Vento Act requires states to have procedures to identify and remove barriers that prevent McKinney-Vento students from receiving appropriate credit for full or partial coursework satisfactorily completed. 42 U.S.C. §11432(g)(1)(F)(ii).
- [Partial Credit Checklist](#)
- [Webinars](#): Calculating, Awarding, and Accepting Partial Credits for Students Experiencing Homelessness

Scenario 2 [Part 3]

The student's living situation with the boyfriend falls apart. She starts bouncing among friends' homes, but desperately needs a stable place to live, especially after her child is born.

The student's parents have her ID and birth certificate but will not give them to her. She wants the documents to apply for a maternity housing program.

What's in your toolbox?

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- [Consult your state law](#) on unaccompanied youth's rights to access their vital documents. Some states allow youth to access documents without a parent, and many also waive fees.
- The American Bar Association has started a national Homeless Youth Legal Network. Find legal services near you at www.ambar.org/HYLN.

Scenario 2 [Part 4]

The student is completing the paperwork to get herself and her child enrolled in Early Head Start. But she doesn't have her ID or birth certificate yet.

The Early Head Start program told her to come back when she has her documents.

Can she enroll in Early Head Start without those documents?

What's in your toolbox?



- To support the attendance of homeless children, Head Start programs must allow homeless children to attend for up to 90 days or as long as allowed under state licensing requirements, without immunization and other records, to give the family reasonable time to present these documents. [45 CFR §1302.16(c)(1)]
- A Head Start program cannot require families to provide documents confirming age, if doing so creates a barrier to enrollment. [45 CFR §1302.12(h)]
- SchoolHouse Connection has complete information about the homelessness provisions in the Head Start Program and other early childhood education programs, and contact information, in [“Access to Early Learning for Young Children Experiencing Homelessness, Birth to Five.”](#)
- SchoolHouse Connection offers a summary of [State Provisions to Help Children Experiencing Homelessness Access Child Care and Preschool.](#)

Scenario 2 [Part 5]

She's also doing the paperwork for subsidized child care. Her local CCR&R (child care resource and referral organization) told her that families and children experiencing homelessness get priority enrollment, without having to be put on the waiting list. They just need a letter from the school district homeless liaison verifying the student's McKinney-Vento status.

The student asks you to provide this letter to the CCR&R, but you're not sure if FERPA allows that.

Can you provide the letter to the CCR&R?

What's in your toolbox?



- The McKinney-Vento Act requires liaisons to ensure families and children experiencing homelessness have access to Head Start programs (including Early Head Start programs), early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the local educational agency. 42 U.S.C. §11432(g)(6)(A)(iii).
- The McKinney-Vento Act requires states and districts to remove barriers to identification, enrollment, and retention in school. 42 U.S.C. §11432(g)(1)(I).
- The US Department of Education has issued [guidance](#) stating that schools can provide FERPA rights to minor students. See questions 5 and 6.

Scenario 2 [Part 6]

The student wants to apply for SNAP benefits. Her parents have been getting SNAP benefits for her, but she would like to get those benefits in her name now.

The student was told she either has to be on her parents' SNAP case, or apply with one of the families she's staying with. She also was told the SNAP worker had to call child protective services if she applied for benefits at all.

Can she receive SNAP benefits on her own?

What's in your toolbox?



- USDA issued a [brief](#) clarifying what constitutes a “household” for unaccompanied youth.
- USDA issued a [brief](#) clarifying what constitutes a “parental control” for unaccompanied youth staying with other people.
- USDA issued a [brief](#) noting that there are no age limits on SNAP.

Scenario 2 [Part 7]

The student completed her FAFSA as an independent student, due to her being an unaccompanied homeless youth. She is looking forward to graduating and continuing into post-secondary education

The college of her choice is demanding “proof” that she is homeless and unaccompanied. The Financial Aid Administrator says a letter from the McKinney-Vento liaison is not enough.

Is the letter from the McKinney-Vento liaison enough?

What's in your toolbox?



- The Higher Education Act gives McKinney-Vento liaisons the authority to verify homelessness for the purpose of financial aid. 20 USC 1087vv(d)(1)(H).
- Financial aid administrators **must** accept as adequate documentation from one of the entities who are authorized to verify a youth's status as an unaccompanied homeless youth, unless there is "documented conflicting information." USED letter, "[FAFSA Simplification Act Changes for Implementation in 2023-24](#)"
- SHC offers many FAFSA resources for different groups on our [website](#).

What's in your toolbox?



- Youth who were determined to be unaccompanied youth experiencing homelessness or foster youth no longer need to reverify their status each year. Renewal applicants with a homeless or foster flag on their 2022-23 FAFSA form will have their answers to these questions carried over and pre-populated into their 2023-24 FAFSA form. USED letter, [“FAFSA Simplification Act Changes for Implementation in 2023-24”](#)
- A wider range of authorities are authorized to make unaccompanied homeless youth determinations, including:
 - School district /charter school homeless liaisons or their designees;
 - Directors/designees of an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other program serving individuals who are experiencing homelessness;
 - Directors/designees of a TRIO or Gaining Early Awareness and Readiness for an Undergraduate program (“GEAR UP”) program; and
 - A financial aid administrator at the current institution or at another institution who previously made a determination.

Scenario 1 [Part 1]

A student's parents kicked him out of the house after he came out to them as gay. He is staying temporarily with a friend's family just outside his school district boundaries. His parents told his school of origin they do not want him participating in any activities. The state activity association also says he can't play if he's living outside the district.

He's starring in the school play and on the baseball team at his school of origin. He desperately wants to continue in his activities.

What's in your toolbox?

What's in your toolbox?



- The McKinney-Vento Act requires schools to give priority to the wishes of unaccompanied youth in regard to school selection and enrollment. 42 U.S.C. §11432(g)(3)(iv).
- The McKinney-Vento Act requires immediate enrollment of homeless children and youth. 42 U.S.C. §11432(g)(3)(C). “Enrollment” is specifically defined to include participating fully in school activities. 42 U.S.C. §11434a.
- The McKinney-Vento Act requires states to have procedures to ensure MV students who meet the relevant eligibility criteria (such as academic standards and skill level) do not face barriers to accessing extracurricular activities 42 U.S.C. §11432(g)(1)(F)(iii).
- The McKinney-Vento Act requires states and districts to remove barriers to identification, enrollment, and retention in school. 42 U.S.C. §11432(g)(1)(I).

What's in your toolbox?



- Attorneys who have represented McKinney-Vento students in hearings before the state athletic association have won their cases. SchoolHouse Connection has an [issue brief](#) on this issue and can share copies of legal briefs and decisions.
- Consult SchoolHouse Connection's "[Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness](#)" brief.
- Legal liability is based on negligence, which means a failure to exercise reasonable care.

Scenario 1 [Part 2]

Everyone is clear now about the rights of unaccompanied homeless youth in school. However, there still is some confusion about how the student can get the physical he needs to play sports.

His parents refuse to sign for medical care for him.

Can he sign for his own physical?

What's in your toolbox?



- [Consult your state law](#) on unaccompanied youth's rights to consent for routine health care on their own. Most states allow this.



Questions?

SCHOOLHOUSE CONNECTION

NATIONAL

Scholarship



HELPING YOUTH GET TO AND THROUGH HIGHER EDUCATION

ABOUT THE SCHOLARSHIP

- ✓ \$2000 Scholarship Award
- ✓ One-on-One Assistance with College and Personal Needs
- ✓ Awards Ceremony Trip to Orlando, FL in Spring 2024
- ✓ Advocacy Trip in Washington DC in Summer 2025
- ✓ Opportunities to Engage in State and Federal Policy Advocacy



ELIGIBILITY

- ✓ You are currently residing in the United States (undocumented applicants are eligible)
- ✓ You were born on or after October 15, 2003
- ✓ You will begin college (four year, community college, or trade school) for the first time in 2023 (not including dual-enrollment courses)
- ✓ You experienced homelessness in the last six years

APPLICATION PROCESS

APPLICATION OPENS: JUNE 12, 2023

APPLICATION CLOSES: NOVEMBER 24TH, 2023

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Thank you!



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- Sign up for our newsletter: <https://schoolhouseconnection.org/sign-up>
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