



FACT SHEET

CHILDREN AND UNACCOMPANIED YOUTH EXPERIENCING HOMELESSNESS AND THE MCKINNEY-VENTO ACT

Terminology: As defined by The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11431, 2001 and COMAR 13A.05.09.02 B (1-9)

“Homeless children and youth” – an individual who lacks a fixed, regular, and adequate nighttime residence. This includes children and youth who are sharing the housing of persons due to loss of housing, economic hardship; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations; and migratory children.

“Unaccompanied homeless youth” means a homeless youth not in the physical custody of a parent or guardian.

Due to the increase in unaccompanied youth entering the U.S. from Central America, federal and state resources and guidance is available to Local Education Agencies (LEAs) to assist their efforts to transition these students in our local schools. The Maryland State Department of Education (MSDE) has made available the following state and federal resources.

- 1) MSDE’s Fact Sheet and Frequently Asked Questions (www.marylandpublicschools.org.)
- 2) The U.S. Department of Education’s Fact Sheet and Frequently Asked Questions (www.ed.gov/unaccompaniedchildren)
- 3) Additional resources are available at the National Center for Homeless Education SERVE Center at www.serve.org/nche and the National Association for the Education of Homeless Children and Youth at www.naehcy.org.

State Education Agency (SEA) and Local Educational Agency (LEA) Requirements

The **SEA** ensures that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth; and homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student academic achievement standards to which **all** students are held.

The **LEA** ensures that the education of each child or youth is continued in the school of origin for the duration of homelessness. The student will enroll in the local attendance area school or continue attending their school of origin if that is the parent's, guardian's, or unaccompanied youth's preference and is feasible. The school selected shall immediately enroll the homeless child or youth and allow him/her to attend classes while school officials gather necessary documents normally required for enrollment. Transportation to and from the school of origin must be provided, if requested, and the student must receive educational services comparable to those provided to other students. If a dispute arises, the LEA's homeless liaison will ensure the student has access to the dispute resolution process and that the dispute is resolved promptly and in accordance with the law under the McKinney-Vento Act.

Unaccompanied youth are served under the McKinney-Vento Act to address barriers they may encounter in enrolling, attending, and succeeding in school. Schools should immediately enroll unaccompanied youth. While the Act does not specify a particular method to enroll unaccompanied homeless youth, school districts are encouraged to develop caregiver affidavits, self-enrollment forms, or other forms to replace typical proof of guardianship and assist the student with obtaining any additional missing documents such as birth certificates, proof of residency, and immunization records normally required for enrollment in school.

MSDE has taken the following action steps to support LEAs as they work to meet the needs of Maryland's homeless children and unaccompanied youth.

- 1) MSDE has provided the following resources to student services and support personnel, homeless liaisons, family involvement coordinators, and Title III/ELL personnel:
 - Announcement from Secretary Arne Duncan and Attorney General Eric Holder providing guidelines to ensure enrollment processes
 - *Dear Colleague* letter dated May 8, 2014 which emphasizes that ALL children must have equal access to public K-12 education.
 - Q&A on the Rights of Children to Enroll in School
 - Fact Sheet: Information on the Rights of All Children to Enroll in School
- 2) MSDE has issued a Request for Proposal to all LEAs for supplemental funds to serve homeless students and youth. Proposals must include a description of policies and practices the LEA will implement in key areas, including:
 - Immediate Enrollment;
 - Transportation;
 - Comparable Services to ensure equal access to education programs and opportunities to meet or exceed the same challenging state student standards to which all children are held; and
 - Interagency and Intragency Collaboration to address health, dental, mental health services, food and housing.
- 3) MSDE will provide ongoing training and technical assistance to LEAs to enhance their capacity to ensure all homeless and unaccompanied youth no longer face barriers to enrollment.

Further information and guidance on various topics related to the needs of homeless students including unaccompanied youth are provided below.

Enrollment Requirements:

- *Dear Colleague* letter dated May 8, 2014 emphasizing that ALL Children must have equal access to public K-12 education:
<http://www.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>
- *Information on the Rights of Children to Enroll in School: Question and Answers for States, School Districts, and Parents*
<http://www.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>

- *Fact Sheet: Information on the Rights of All Children to Enroll in School*
<http://www.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>

Educational Resources:

- Immigrant Children and Youth: Enabling Their Success at School
<http://smhp.psych.ucla.edu/pdfdocs/immigrant.pdf>
- Immigrant Families: Strategies for School Support
http://www.nasponline.org/resources/principals/Immigrant_FamiliesJan10_NASSP.pdf
- Quick Find On-line Clearinghouse for Immigrant Students and Mental Health
<http://smhp.psych.ucla.edu/qf/immigrantkids.htm>
- Unaccompanied Youth Toolkit for High School Counselors and McKinney-Vento Liaisons
<http://www.naehcy.org/toolkit-high-school-counselors>
- Understanding the Plight of Immigrant and Refugee Students
<http://www.nasponline.org/publications/cq/39/5/understandingtheplight.aspx>
- School-based Services for Traumatized Refugee Children
<http://www.nasponline.org/publications/cq/39/5/ServiceRefugeeChildren.aspx>
- The Center for Health and Health Care in Schools: Caring Across Communities
<http://www.healthinschools.org/immigrant-and-refugee-children/caring-across-Communities.aspx>

Child Welfare Resources:

- Migration and Child Welfare National Network
<https://research.jacsw.uic.edu/icwnn/unaccompanied-children/>

Books:

- Nazario, Sonia. 2007. *Enrique's Journey*; Random House Publishers.
- Conde-Frazier, Elizabeth. 2011. *Listen to the Children: Conversations with Immigrant Families* (Bilingual Book)
- Grande, Reyna. 2014. *The Distance Between Us: A Memoir*.

For more information, please contact Valerie Ashton-Thomas at (410) 767-0314 or email Valerie.Ashton-Thomas@maryland.gov.



FREQUENTLY ASKED QUESTIONS

CHILDREN AND UNACCOMPANIED YOUTH EXPERIENCING HOMELESSNESS AND THE MCKINNEY-VENTO ACT

Q-1. Are Maryland's Local Education Agencies (LEAs) required to provide a free and public education to children who arrive to the United States?

A-1. Yes. Under federal law and regardless of immigration status, Maryland must provide all children with equal access to public education at the elementary and secondary level.

Q-2. Where are unaccompanied immigrant children housed while in temporary custody?

A-2. The Department of Health and Human Services (DHHS), through Immigration and Customs Enforcement, takes custody of unaccompanied immigrant children as they cross the border. DHHS, through the Office of Refugee Resettlement (ORR), provides immediate shelter until they are released to sponsors.

Q-3. Do Maryland's LEAs provide education services to children while in the temporary custody of DHHS shelters?

A-3. No. The children housed at the DHHS shelters receive basic education services and do not attend local public schools. Additional services provided for unaccompanied children while housed at the shelters include food, clothing, medical screening and any needed medical care.

Q-4. Are children who are released to an appropriate sponsor (parent, relative, family member, or other adult sponsor) while awaiting immigration proceedings eligible to enroll in Maryland's public schools?

A-4. Yes. Maryland's LEAs must enroll unaccompanied children in the local schools regardless of their or their parents' perceived or actual immigration or citizenship status.

Q-5. What documents are available to LEAs for enrolling unaccompanied children in their schools?

A-5. Unaccompanied children that were housed in the DHHS shelters receive vaccinations. A copy of the child's medical and immunization records are provided to the sponsor and the sponsor can provide this information to the school as part of the enrollment process.

Q-6. Are unaccompanied children placed with a foster family for longer than 90 school days eligible for McKinney-Vento services?

A-6. No. Only children “awaiting foster care placement” who are committed to the care and custody of the Department of Social Services, and who are placed into a temporary, short-term placement are eligible for McKinney-Vento services.

Q-7. Can a homeless child, including an undocumented homeless child, ever be required to show residency in a local school system in order to enroll in a local school?

A-7. No. Under the federal McKinney-Vento Homeless Assistance Act, children and youth who are considered homeless are not required to show proof of residency. Children and youth have a right to enroll in school, even if their families cannot produce the documents that would otherwise be required to prove residency.

Q-8. What is the role of the Maryland State Department of Education (MSDE) in ensuring that students are not improperly excluded from school?

A-8. MSDE will continue to review existing practices and policies and assist LEAs with interpretation of and compliance to all laws pertaining to enrolling and educating students who are homeless or unaccompanied youth.

For questions or additional assistance related to the education of homeless children and youth, please contact:

Valerie Ashton-Thomas, Program Improvement and Family Support Branch at (410) 767- 0314 or email Valerie.Ashton-Thomas@maryland.gov and John McGinnis, Student Services and Comprehensive Planning Branch at (410) 767-0295 or email John.McGinnis@maryland.gov

Information obtained for the preparation of this Fact Sheet and Frequently Asked Questions document was derived from several resources produced by the U.S. Department of Education and National Association for the Education of Homeless Children and Youth.