STUDENTS IMPACTED BY HOMELESSNESS: EDUCATIONAL RIGHTS AND RESPONSIBILITIES

Los Angeles County Office of Education 2018
POSSIBLE CAUSES OF HOMELESSNESS

- Divorce/Family Issues
- PTSD/Depression
- Loss of Job
- Poverty
- Lack of Affordable Housing
- Foreclosure
- Serious Illness/Disability
- Loss of a Loved One
- Domestic Violence
- Natural Disaster
- Addiction
- Eviction
1.3 million youth experiencing homelessness in K-12 system, 2.3% of all school-age children will experience homelessness, Over 100% increase since 2006. 

Over 270,000 children experience homelessness each year, 23% of homeless students in the nation.

71,727 students experiencing homelessness representing about 4% of our county’s enrolled students, 25% of the homeless students in CA.

1 U.S. Census Bureau, 2013 American Community Survey 1-year Estimates.
2 California Department of Education, 2017
3 Los Angeles County Office of Education; September 2017
AGES OF CHILDREN EXPERIENCING HOMELESSNESS

- < 1: 12%
- 1-5: 41%
- 6-12: 31%
- 13-17: 16%

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There are so many homeless students across the county that every classroom of 24 students could include one.

**LOS ANGELES COUNTY**

**HOMELESS STUDENT COUNT 2016-2017**

TOTAL = 71,727

Los Angeles County Office of Education 2018
Children who have experienced homelessness are more likely to face a range of challenges, including:

- School Problems
- Poor Mental Health
- Developmental Delays
- Academic Achievement
- Social Skills
- Poor Health

Homelessness is associated with an 87% increased likelihood of dropping out of school.
Only 88% of homeless children are enrolled in school, and up to 45% do not attend school on a regular basis.

Estimated rates of chronic absence for homeless students were twice the rates for all students.

Approximately 1 in 3 homeless students was truant.

1 in 20 homeless students were chronically truant, or had missed over 18 days due to unexcused absences.

Homeless youth are less likely to graduate high school and more likely to rely on public assistance.
WHAT DOES THE LAW SAY?

- All homeless school-aged children are entitled to the same free and appropriate public education that is provided to non-homeless students.
- Schools are required to remove barriers to the enrollment, attendance, and academic success of homeless students.
- EVERY school district/charter is REQUIRED to designate a homeless liaison to address the educational needs of these students.
Determining “Fixed”
A fixed residence is one that is stationary, permanent and not subject to change

- Does the family have any legal right to be in that home?
- Is the arrangement permanent or temporary?
- Is the family seeking another place to live?
- How soon does the family plan to move?
- What brought the family to the current living situation?
- Where was the family living previously?
- Where would the family go if they couldn't stay in their current location?
- Did the family move in together to save money? Is this a permanent plan?
- Could the family be asked to leave at any time?
- Is the housing shared equally?
- Is the location on wheels? Does it move to various locations?
Determining “Regular”
A regular residence is one that is used on a regular basis [i.e. nightly]

- Does the family move frequently?
- Does the family stay in the same place each night?
- Does the family have a key to the place they are staying?
- How long has the family been there?
- What is their residence plan?
- How long did they live in the last place? Why did the family leave?
- Can the family come and go freely?
Determining “Adequate”

An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

- How large is the residence?
- How many people reside at that location?
- Is the family sharing a room? How many people share one room?
- Where does the family sleep? Is it in a bedroom, or in a public area such as a dining room or living room?
- Does the place have running water, electricity, and heat?
- What is the condition of the place? Is it safe, warm and dry? Is there glass in the window panes? Are there holes in the structure?
- Is the housing sub-standard (e.g. housing that may cause significant injury, illness or death)?
  - health and safety issues
  - number of occupants vs. number of square feet
  - age of occupants
  - local and state building codes
There is a common misconception that children and youth experiencing homelessness live on the streets. The truth is more like this...
The McKinney-Vento Act defines a "homeless" student as one who lacks a **fixed, regular, and adequate** nighttime residence, and may include:

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason ("doubling or tripling up")
- Living in motels, hotels, trailer parks, camping grounds due to the lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- 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, or a similar setting
- Abandoned, runaway or pushed-out youth or migratory children living in any of the above circumstances

**The Act applies to children between 0 to 22 years of age due to early head start and special education service provisions**
UNACCOMPANIED YOUTH:

A youth who is not in the physical custody of a parent, guardian or caregiver and includes youth who have been abandoned, has been pushed out or is a runaway.

- Family had to separate due to lack of space or shelter policies
- Pushed out of the house
- Longstanding patterns of family conflict, blended family issues, abuse and/or neglect within the home
- Parental incarceration, substance abuse, illness, hospitalization, or death
- Pregnancy, sexual activity, sexual orientation, gender identity, school problems, alcohol/drug use
- Foster care issues:
  - running away from a foster care placement
  - aging out of the foster care system;
  - significant correlation between involvement with the child welfare system and experiencing homelessness as an adult
UNACCOMPANIED YOUTH: RIGHTS

- Enrollment without proof of guardianship
- Assistance from the local liaison in:
  - Selecting a school of attendance and enrolling
  - Receive transportation to the school of origin
  - Resolving any disputes that arise
- Can initiate the dispute resolution process for himself/herself
  - Student receives written notice in disputes
- **Unaccompanied youth age 14 and over** have the right to access and consent to disclose their school records **and extends these rights to all caregivers**
Unaccompanied Youth Eligibility Flowchart

**HOMELESS:**
SHOULD be enrolled as UHY under MV

- Family was evicted; cannot find housing all together; parent placed child temporarily with a friend or relative
- Student left home due to danger or extreme conflict; student was put out of home by parent for similar reasons
- Was the family homeless prior to the parent's incarceration? Is the caregiver arrangement not FRA?
- The family lost housing; the parent placed the child temporarily with a friend or relative

**NOT HOMELESS:**
SHOULD NOT be enrolled as UHY under MV

- Parent transferred for work; student wants to stay and finish school
- Student moved in with a friend, relative, or coach to play sports, be in the band, attend a magnet school, etc.
- Student did not change residences, caregiver moved in; parent made FRA arrangements for the student prior to incarceration
- Parent’s work schedule was problematic, so the child stays with relatives for school

Why is the student with this person?

- Parent is incarcerated and a relative or friend agreed to care for the child; in state or out of state
- Parent enrolled the student and then left the area

NEED MORE INFORMATION

Adapted from a flowchart provided by Gay Thomas, Local Liaison, Virginia Beach Public Schools

Los Angeles County Office of Education 2018
HOMELESS LIAISON RESPONSIBILITIES

Enrollment
- Equal Access
- Professional Development
- Dispute Resolution
- Referrals
- Preschool

Identification
- Transportation
- Educational Rights
- Parent Involvement
- Technical Assistance
- Training
- Resources

Public Notice
Community Outreach

Los Angeles County Office of Education 2018
HOW DO WE IDENTIFY HOMELESS YOUTH

- Upon enrollment and annually-housing questions on form
- Multiple school changes? Ask questions.
- School Information System:
  - who enters students?
  - Who has access to see students identified?
EQUAL ACCESS

- Free and Reduced Breakfast and Lunch
  - Automatically qualify for a free breakfast and lunch
  - Do not have to complete the federal lunch application
- Gifted and Talented Programs
- Special Education Services
- Before and After School Programs
- Extracurricular Activities
- Anything provided to their housed peers...

Equality is not always Equity
SCHOOL SELECTION

Students have a right to remain in their “school of origin” if it is in their best interest.

Under the law, a student is eligible to:

- Continue at their School of Origin (the school attended when permanently housed or the school in which they were last enrolled) for the duration of homelessness; and NOW includes any schools the student attended in the previous fifteen months OR

- Enroll in any public school that students living in the same attendance area are eligible to attend (School of Residence)
BEST INTEREST

Determination is made by the parent/guardian, education rights holder, child/youth, in consultation with Liaison. Consideration may include:

- Student safety concerns;
- Expected length of stay at the temporary location;
- Length of time remaining in the school year;
- Sibling’s school placement;
- Impact of mobility on student achievement and education overall;
- Student health;
- Distance of the commute;
- Continuity of academic program;
- Need for specialized instruction or support services to provide the student with a free appropriate public education (FAPE), including but not limited to services identified in an Individual Education Plan (IEP) or Section 504 Accommodation Plan; and
- Anticipated area of the family’s or student’s future housing.
Homeless students must be immediately enrolled in school, even if they have missed application or enrollment deadlines during any period of homelessness, includes access to summer school, magnet schools and charters.

Schools **must** immediately enroll students, *regardless of the lack of...*

- Academic records
- Outstanding fees or fines
- Lost textbooks or charges
- Clothing
- Proof of residency
- Medical or other required health records
- Immunization records, TB testing, Tdap, etc.

*And...the new school must enroll the youth in the same or similar classes as those the youth was taking at the previous school.*
WHY IS IDENTIFICATION DIFFICULT?

- If your family life was problematic, would you disclose this information in detail to a person you are just meeting?
- Unaccompanied homeless students and/or families may or may not wish to discuss or feel comfortable sharing issues occurring in their home life.
- Some families or youth do not think of themselves as homeless.
- Unaccompanied homeless students and/or families may not share information due to fear of:
  - Being reported to DCFS
  - Forced to change schools
  - Unknown consequences
ENROLLMENT PAPERWORK

- Student Residency Questionnaire (SRQ) - identification
- Caregiver’s Authorization Affidavit
- Affidavit of Temporary Residence
- Affidavit of Proof of Age of Minor
- Dispute Resolution Form (if applicable)
- Written Notification of Enrollment Decision (if applicable)
A caregiver is a relative or a non-relative who has taken a minor into his/her home when the parent is unable or unwilling to care for the minor.

Caregiver Affidavits were established to allow enrollment of the minor in school.

The caregiver’s residence, where the minor lives, determines the district and the school of residence.

A caregiver is not a legal guardian. (If they have legal guardianship, temp or permanent, they do not qualify as MV)

The minor’s parent/guardian maintains the educational and legal rights of the child and can revoke the caregiver’s authorization at any time.
MATRICULATION RIGHTS

- The homeless student may remain in the LEA of origin, in the same attendance area, for the duration of homelessness.

- If the homeless student is matriculating to the next school level (e.g. elementary to middle school or middle school to high school), the student may move with his or her peers, even if the next school level is in another LEA.

- Once permanently housed:
  - K-8th grade: May remain in the school until the end of the school year.
  - 9th – 12th grade: May remain in the school of origin through graduation.
LEAs will have to review and revise policies to remove barriers to identification, enrollment and retention of students. (ESSA)

- Enrollment requirements
- High mobility
- Lack of transportation
- Lack of school supplies, clothing, etc.
- Poor health, fatigue, hunger, anxiety/trauma
- Lack of awareness
- Prejudice and misunderstanding
- For unaccompanied youth
  - Lack of parent/guardian
  - Need for employment
  - Credit/partial credit accrual policies
  - Authority Involvement
TRANSPORTATION

- If it is a barrier for homeless student, it must be addressed.
- Student goes to school in one LEA but lives in another; LEA’s must divide the responsibility or share the responsibility and cost equally.
- Under ESSA LEA’s are required to continue to provide transportation for a recently housed homeless youth until the end of the current school year.
- Type of transportation assistance may vary per LEA – some examples:
  - Public transit
  - Taxi
  - Hop, Skip, Drive
  - Gas card
  - Mileage reimbursement
Addresses issues with eligibility, school selection or enrollment to the school of origin or the school of residence.

LEA must immediately enroll the student pending the resolution of the dispute.

The LEA must provide the parent with a written explanation of the enrollment decision as well as information regarding the LEA’s appeal process per policy.

The policy must include information to appeal to the county and to the state.

Any other issue for homeless enrollment may go through the LEAs Uniform Complaint Procedure.
Students and their families may be hesitant to share their homeless status due to reasons that may include:

- Domestic violence
- Fear children will be removed
- Forced to transfer schools
- Deportation
- Embarrassment/ fear of being bullied

Information should only shared with staff that needs to know. **Schools must treat information about students living situation as a student’s educational record- it is confidential. (per ESSA)**

Families and youth experiencing homelessness are at a high risk of being victimized. Schools can play a pivotal role in protecting the confidentiality of the family’s situation, providing resources and stability.

**Homelessness, in and of itself, is not reportable to DCFS.**
Reminder: no student fees allowed for ANY student as a condition of participation in a class or extracurricular activity.

Homeless liaison may verify the homeless status of a student so he/she is not charged for birth certificate, ID or exam fees.
- County certified birth certificate
- DMV identification card
- Homeless youth under 25 years of age who can verify his/her status cannot be charged fees for the high school proficiency exam or other equivalency tests, includes contractor or testing site fees.
SIMILARITIES OF RIGHTS:
FOSTER AND HOMELESS YOUTH

- Identified Liaison
- Immunizations
- Equal Access
- Partial Credits
- Immune and Reduced Lunch
- Special Education
- Grade and Credit Protection
- School of Origin vs School of Residence
- Immediate Enrollment
- State Graduation Requirements
- School of Origin vs School of Residence
DIFFERENCES OF RIGHTS:
FOSTER AND HOMELESS YOUTH

School
Transfer of
Records

External
Support
Services

Transportation

Expulsion

Dispute
Resolution
CONTACT INFORMATION

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