

# Navigating Access to Education for Students not Living With Their Parents:

## Unaccompanied Homeless Youth, Foster Care, and Guardianship

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PROJECT HOPE-VIRGINIA

WILLIAM & MARY SCHOOL OF EDUCATION





*Project*  
**HOPE**  
**VIRGINIA**

EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS  
Virginia Department of Education  
Coordinated by the William & Mary School of Education

# Pertinent Legislation

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- McKinney-Vento, Title IX, Part A of the Every Student Succeeds Act (2015)
- Fostering Connections to Success and Increasing Adoptions Act of 2008
  - Every Student Succeeds Act, Title I, Part A
- Families First Act
- Code of Virginia § 22.1-3(A)(4)(iii)

# Educational Rights for Students Experiencing Homelessness and Students in Foster Care

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- Immediate Enrollment
- School Stability
  - Right to stay in the school of origin when in the student's best interest
  - Transportation to maintain school of origin

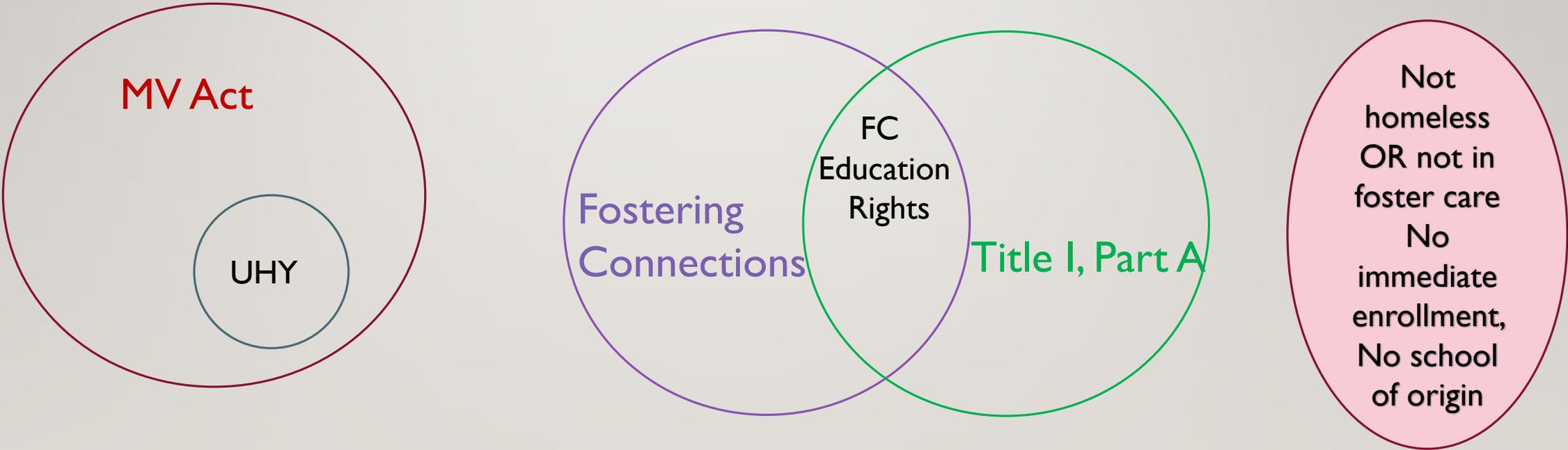
# Children and youth not in the physical custody of a parent

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- Unaccompanied homeless youth (UHY)
- Children and youth in foster care
- Other children and youth not with their parents/guardians

# Post ESSA: 2015 -

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# Code Of Virginia § 22.1-3(a)(4)(iii)

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- (iii) an adult relative providing temporary kinship care as that term is defined in § [63.2-100](#). Local school divisions **may require** one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division **may also require the parent or adult relative to obtain written verification from the local department of social services** where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division **may** obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ [22.1-287](#) et seq.) of Chapter 14 of this title and Chapter 1 (§ [63.2-100](#) et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division **may** require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division **may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services**

# Word from the National Center on Homeless Education (NCHE)

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- **Planned** or **unplanned/emergency**
  - Medical need
  - Immigration
  - Incarceration
  - Safety plans/diversion

## December 2019/January 2020 Survey: School Division MV Liaisons

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- 71/132 - 54% response rate
- Students identified as homeless: 11,320  
(total approx. 20,000)

About how many unaccompanied students did your LEA consider for MV eligibility last year as a result of (subgroup) that would not be eligible based on the information in this memo?

Subgroup/Responses	Estimated # Students who would <b>NOT</b> be MV eligible based on planned/unplanned	Reported slight or significant increase in subgroup: % of LEAs responding / Estimated # Students
<b>Safety Plans</b>	211	37% / 158
<b>Immigration</b>	98	49% / 79
<b>Medical Need</b>	29	4% / 1
<b>Incarceration</b>	122	29% / 82

LEA COUNT	QUESTION/RESPONSE	NUMBER OF STUDENTS IN THOSE LEAS
<b>Unaccompanied youth who are not found eligible for McKinney-Vento protections and attempt to enroll may (check all that apply):</b>		
<b>41 LEAs</b>	Be enrolled through established administrative processes/waivers	392 students
<b>53</b>	Be required to obtain additional documentation	420
<b>26</b>	Face long enrollment delays	345
<b>20</b>	Not be enrolled at all, or may be disenrolled	146

LEA count	Question/Response	Number of students in those LEAs
<b>When there are enrollment delays for unaccompanied students that are not McKinney-Vento eligible, how long do delays typically last?</b>		
<b>17 LEAs</b>	N/A - unaccompanied students are enrolled without delay	82
<b>33</b>	One week or less	256
<b>13</b>	Up to 1 month	148
<b>1</b>	Up to 3 months	0
<b>0</b>	6 months or more	0
<b>4</b>	These students are not allowed to enroll at all, or are disenrolled	47

LEA COUNT	QUESTION/RESPONSE	NUMBER OF STUDENTS IN THOSE LEAS
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**In regards to maintaining school of origin, unaccompanied students in the above situations who are not McKinney-Vento eligible (check all that apply):**

<b>28 LEAs</b>	Would likely be able to maintain school of origin through other established means	135 students 30 safety plan
<b>15</b>	Would likely be able to access transportation services to maintain school of origin through existing policies	22 6 safety plan
<b>34</b>	Would have no options outside of McKinney-Vento to maintain school of origin; students would likely transfer to another school if placed with family/friend outside of the school of origin's zone	353 159 safety plan

# Main “take aways” regarding enrollment of students without parents who are not homeless or in foster care

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- Liaisons would like more direction
- Code of Virginia does not mandate enrollment
- There are school divisions where students cannot enroll
- Even with enrollment options, maintaining school of origin is unlikely

# Consideration for Guardianship

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- Include these students in the Code of Virginia under:
  - § 22.1-3. Persons to whom public schools shall be free.
- Recognize that immediate enrollment and school stability mandates rights will not apply
  - Possibilities for school stability will vary by locality
  - Funding would be needed to address transportation needed for school stability

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