



Meeting the Needs of Philadelphia’s Unaccompanied Youth:
Improving Educational Outcomes Through Cross-Systems Collaboration

Testimony of Alex M. Dutton, Esq.
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Thank you for the opportunity to address this critical topic. My name is Alex Dutton and I am an Independence Foundation Public Interest Law Fellow at the Education Law Center (“ELC”). ELC is a statewide non-profit legal advocacy organization dedicated to ensuring that all of Pennsylvania’s students have access to a quality public education. ELC advocates on behalf of educationally at-risk students, including children living in poverty, children of color, children with disabilities, English Language Learners, children in the child welfare and juvenile justice systems, and students experiencing homelessness.

We believe that the solution to many of the issues raised here today lies with implementing a cross-systems approach to addressing the fundamental needs of youth experiencing homelessness, including improving educational opportunities and outcomes. To that end, the Education Law Center urges City Council Members to consider our recommendations today as part of a city-wide plan to address and end youth homelessness in our City.

Who We Are

ELC has a long history of educational advocacy on behalf of children and youth experiencing homelessness. Over our 40-year history, we have handled hundreds of individual matters and impact cases and also worked for reform at the state and local level. ELC is an

active participant in Pennsylvania’s Joint Legislative Committee on Homelessness and has served as a member of Philadelphia’s Children’s Workgroup, including its Education and Early Intervention subcommittees since 2007. We currently participate in a project that provides legal clinics to parents and youth in shelters as well as trainings for parents, youth, and shelter providers.

Addressing the Needs of Youth Experiencing Homelessness

Children and youth experiencing homelessness are among the most educationally at-risk of all student populations. Nationally, 23 percent of students experiencing homelessness do not attend school regularly, 43 percent repeat a grade, 50 percent fail academically, and only one-third read at grade level in middle school. Tragically, these students are *nine times more likely to repeat a grade* and *four times more likely to drop out*.¹ In turn, youth who drop out of high school are fifty percent more likely to be unemployed and homeless as an adult and eight times more likely to be incarcerated than youth who complete high school. Youth find their worlds upended by the stress and chaos of homelessness. They desperately need the stability, structure, and hope of school – which is often their only source of security. Youth who experience homelessness are often victims of significant trauma and experience higher levels of anxiety than their peers. In particular, older youth living on the street are often so overwhelmed by anxiety that 76 percent of street youth report having attempted suicide.²

Unaccompanied youth are at great risk of giving up and leaving school. The number of unaccompanied youth who are not enrolled in school is unknown.³ They “commonly” have experienced physical or sexual abuse by a guardian, parental substance abuse, and extreme family conflict.⁴ As we have heard, the majority of youth have been thrown out or run away from parents or have aged out of the foster care system. These students often struggle in school.

¹ National data was collected from the following source: NATIONAL CENTER FOR HOMELESS EDUCATION, EDUCATION FOR HOMELESS CHILDREN AND YOUTHS PROGRAM: DATA COLLECTION SUMMARY (Mar. 2014), available at <http://center.serve.org/nche/downloads/data-comp-0910-1112.pdf>.

² Molnar, et. al., Suicidal behavior and sexual/physical abuse among street youth, 22(3) *Child Abuse & Neglect* (1998), available at <http://www.ncbi.nlm.nih.gov/pubmed/9589175>.

³ AMERICAN BAR ASSOCIATION, EDUCATING CHILDREN WITHOUT HOUSING: A PRIMER ON LEGAL REQUIREMENTS AND IMPLEMENTATION STRATEGIES FOR EDUCATORS, ADVOCATES AND POLICYMAKERS, at 4 (2009).

⁴ *Id.* at 3.

They need assistance enrolling in school, access to remedial supports and services to help them catch up and stay on track despite school instability, and help navigating scheduling and coursework towards graduation.

Congress enacted the McKinney-Vento Homeless Assistance Act (“the Act”), 42 U.S.C. § 11431 *et seq.*, to provide these needed supports to homeless youth and to ensure that homeless youth are afforded school stability. One of the primary benefits afforded homeless youth by the Act, as explained by the U.S. Department of Education in Guidance issued in 2004, is the right of homeless students to remain in their school of origin—that is, either the school the student last attended or the school the child attended prior to the loss of housing. Additionally, the Act affords homeless students the right to immediate enrollment in a new school when the student leaves a school of origin. The Act establishes a presumption in favor of “school stability” because maintaining continuity is so critical to academic progress for homeless students. The Act also provides students who are homeless with access to services to support school success and equal access to comparable services provided to resident children, with additional support for unaccompanied youth during the school enrollment process. The Act was significantly strengthened through the Every Student Succeeds Act (“ESSA”), which Congress recently passed to reauthorize the Elementary and Secondary Education Act (“ESEA”). This new law provides additional protections to ensure school stability, equal access to educational opportunities, and college readiness for unaccompanied youth.

We believe that the trajectory and duration of homelessness for unaccompanied youth can be significantly improved by the following actions:

1. We ***must “proactively” identify unaccompanied homeless youth*** through interagency collaborations which ensure that the School District provides needed supports to these students;
2. We must improve academic achievement by offering these students ***additional targeted supplemental remedial services and other supports***, as well as ***expand learning and re-engagement opportunities*** for students by offering them expanded course options rather than cyber programs, which are not equal in nature;

3. We must adopt School District policies to provide *graduation planning and credit waivers* to enable highly mobile unaccompanied youth to graduate when they meet state rather than School District graduation requirements.

Under-Identification of Unaccompanied Homeless Youth & Reforms

The “unaccompanied homeless youth” population has dramatically increased in recent years. The Federal government identified 22,600 unaccompanied youth enrolled in school during 2005-2006 school year; in just two years, that number doubled to 43,172.⁵ By the 2012-2013 school year, that number had jumped to almost 76,000.⁶ During the 2013-14 school year, when nearly 23,000 Pennsylvania students were identified as experiencing homelessness and the School District of Philadelphia reported 4,314 students as homelessness, *only 45 of these students were identified as “unaccompanied homeless youth.”*⁷ This number clearly reflects an under-reporting of eligible students. According to a Youth Risk Behavior Survey (“YRBS”) completed by youth in the School District of Philadelphia in the Spring of 2013, 8 percent of all Philadelphia public high school students reported experiencing homelessness as a youth and 11 percent reported being kicked out of home, running away from home, or being abandoned. The percentage of youth reporting that they typically slept away from home without any parent more than tripled from 2009 to 2011.

Older youth experiencing homelessness are likely to be undercounted and under-identified, in part, because they avoid shelters and other services due to stigma and are unlikely to self-identify as homeless to their schools. As a result, these students *often face barriers to enrollment*. Many will be asked to produce documentation of guardianship, proof of residence, and immunization records, as required under Pennsylvania law. 22 Pa. Code § 11.11(b).

⁵ NATIONAL CENTER FOR HOMELESS EDUCATION, EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM ANALYSIS OF 2007-08 FEDERAL DATA COLLECTION AND THREE-YEAR COMPARISON, at 14, *available at* <https://www2.ed.gov/programs/homeless/data-comp-04-07.pdf>.

⁶ NATIONAL ASSOCIATION FOR EDUCATION OF HOMELESS CHILDREN AND YOUTH, UNACCOMPANIED YOUTH AND HIGHER EDUCATION ACCESS (Nov. 2014), *available at* <http://www.dedcmdasfaa.org/docs/conferences/2014/presentations/UnaccompaniedHomelessTouthAndHigherEducationAccess.pdf>.

⁷ The McKinney-Vento Act defines “unaccompanied youth” as “include[ing] a youth not in the physical custody of a parent or guardian.” 42 U.S.C. § 11434a(6). By comparison, the Act defines “homeless children and youth” more broadly as “individuals who lack a fixed, regular, and nighttime residence” 42 U.S.C. § 11434a(2)(A). The Act includes specific examples of individuals who meet the definition of “homeless children and youth.” 42 U.S.C. § 11434a(2)(B)(i)-(iv).

Having lost touch with their families and their source of stable housing, it is often impossible for youth to recover the requested documentation. Even absent policies that directly hinder a student's enrollment, schools may phrase their policies in ways that can intimidate or discourage their homeless youth from attempting to enroll—for example, by promulgating information that lists documentation as “required” without providing for qualifications for certain populations of students, like homeless youth. Instead, schools should seek to speak directly to the youth who is attempting to enroll himself or herself in order to determine eligibility for immediate enrollment pursuant to McKinney-Vento.

It is critical to **proactively identify** our unaccompanied homeless youth in order to ensure their successful enrollment in school. Schools need to ask the right questions and utilize non-stigmatizing forms. All educators and staff must be trained to understand the signs of homelessness to identify student needs that might be hidden by the student herself. Teachers and administrators need to be trained to understand the definition of “unaccompanied homeless youth” under the McKinney-Vento Act and to articulate the benefits of identifying this status to the youth and confidentiality protections that protect the student. For instance, some districts have established a confidential phone number to permit students to self-identify.

In addition, we must build a communication system whereby the School District will be notified by other agencies, including the City's Department of Human Services (“DHS”) and other public and private service providers that a student in school or seeking to enroll in school is experiencing homelessness and to ensure direct referrals of students to the School District's McKinney-Vento Liaison.⁸ This will ensure that youth are aware of their rights under the Act and that youth have access to the protections afforded them by the Act including the rights to: 1) school stability in the school of origin; 2) immediate enrollment in a new school; 3) access needed supports and services in school, including uniforms, SAT testing fee waivers, etc.; 4) financial aid to support post-secondary opportunities.

⁸ Every Local Educational Agency receiving Federal funding must appoint a McKinney-Vento Liaison to coordinate efforts to identify homeless youth, provide services to homeless youth, ensure school stability for homeless youth, and more. UNITED STATES DEPARTMENT OF EDUCATION, EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM, NON-REGULATORY GUIDANCE, at 9-10 (July 2004), *available at* <http://www2.ed.gov/programs/homeless/guidance.pdf>.

Improving Academic Achievement

The factors that contribute to the academic struggles of homeless youth begin with the fundamental fact that students lack a stable home and face an insecure and stressful life outside of school. In addition, youth experiencing homelessness often experience multiple school transfers, many of which occur mid-year—a process that can have a devastating impact on academic achievement. A high rate of mobility is one of the central impediments to academic progress and achievement.

The negative impact of school mobility has been well documented. Studies indicate that each time a student changes schools, he or she loses four to six months of academic progress.⁹ In a 2015 Washington University study, social scientists found that adolescent students who experienced one or more residential moves over a 12-month period had a 50 percent decrease in the likelihood that they graduated high school by age 25.¹⁰

Youth who are homeless need additional supports and expanded options to learn or they find themselves spiraling downward towards school failure and on track for unemployment, incarceration, and adult homelessness. ESSA provides specific additional protections to support school success and equal access to educational opportunities for unaccompanied homeless youth. The new protections for older youth include ensuring that unaccompanied youth have opportunities to meet the same state academic achievement standards and ensuring that homeless youth receive assistance from school counselors to advise, prepare, and improve their readiness for college. Under ESSA, states must also adopt procedures to ensure that youth have access to magnet schools, summer school, career and technical education, advance placement opportunities, online learning, and charter school programs. Finally, school districts are required to inform students of their status as “independent” and support them with the verification process for obtaining financial aid to support their access to and success in higher education.

⁹ Dr. Joy Rogers of the Loyola University Department of Education, Education Report of Rule 706 Expert Panel presented in *B.H. v. Johnson*, 715 F. Supp.1387 (N.D. Ill. 1989), 1991.

¹⁰ Molly W. Metzger, et. al., *Residential mobility during adolescence: Do even ‘upward’ moves predict dropout risk?*, 53 Social Science Research (Sep. 2015), 218-30, available at <http://www.sciencedirect.com/science/article/pii/S0049089X15000940>.

Currently, in the School District of Philadelphia, many unaccompanied homeless youth find themselves on waiting lists for accelerated programs or referred to an on-line credit recovery program. We must improve efforts to ensure that our unaccompanied homeless youth have access to the full range of educational opportunities and receive the supports and services they need to re-engage in school and be successful. This includes ensuring that students receive the same educational opportunities and challenging academic curriculum as students who are not homeless, as well as access to career and technical training opportunities, extra-curricular activities, and job programs supported by local companies. In addition, in accordance with federal law and guidance, ESSA Title I funds should be used for a range of supplemental services, including remedial and supplemental instruction, school supplies, after-school programs, health and counseling services, SAT test prep, and more. These students also need access to school nurses and guidance counselors to advise, prepare, and improve their readiness for college. The School District's shortage of nurses and counselors has been well documented.

Credit Recovery & Graduation Planning

ESSA also adds new protections for older youth requiring states and local educational agencies to adopt procedures for ensuring youth receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state, local, and school policies. In its 2004 non-regulatory guidance about implementation of the McKinney-Vento Act, the U.S. Department of Education cited *credit accrual as one of the primary barriers facing students experiencing homelessness as they attempt to resume their education*.¹¹

Unaccompanied homeless youth should have access to credit recovery programs that provide the flexibility needed for students to meaningfully participate in school.¹² When students enter school mid-year, they need support to access needed coursework to enable a student to stay on track to graduate. Unaccompanied homeless youth need school staff and administrators to work with them to develop a graduation plan. Finally, if a youth meets state

¹¹ UNITED STATES DEPARTMENT OF EDUCATION, EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM, NON-REGULATORY GUIDANCE, at 23 (July 2004).

¹² See JOSEPH MURRAY & KERRY TOBIN, HOMELESSNESS COMES TO SCHOOL, at 243 (Thousand Oaks, CA: Corwin Press, 2011).

graduation requirements but has not taken a particular course required for graduation in his or her school or school district, the student's records should be reviewed to determine if she is eligible to receive a high school diploma on a case-by-case basis. Today in Pennsylvania, a youth who is incarcerated can receive a state issued high school diploma on this basis, but if a youth is homeless and highly mobile and failed to take a particular course required for graduation in their school, she is out of luck and becomes another dropout statistic. We cannot allow this to continue. Instead, we need to work with unaccompanied homeless youth to ensure that they have a plan to graduate and support them in that process.

Conclusion

As a city, we must take proactive steps towards ensuring that unaccompanied homeless youth are identified by schools and receive the supports and services to which they are legally entitled. Through greater and renewed commitment to unaccompanied homeless youth, cross-systems collaboration, and strong City and School District leadership, we can dramatically improve the educational and life outcomes of these exceptionally vulnerable students.

Thank you for this opportunity to submit this testimony today and we look forward to working with City Council Members on this important issue.

Through it all, school was the only thing that has kept me going and gave me hope. I needed to know that I would not always be homeless. School was my safe haven and my dream for a future. Without the support of my school, I would not be where I am today.

*Malofu, Former Unaccompanied Homeless Youth
Current College Student*