



*U.S. Department of Education and  
U.S. Department of Health and Human Services*  
Webinar on Services to Unaccompanied Children and Youth

Division of Unaccompanied Children's Services  
Office of Refugee Resettlement



# Participating Offices & Agenda



U.S. Department of Health and Human Services –  
*Administration for Children and Families, Office of Refugee Resettlement*

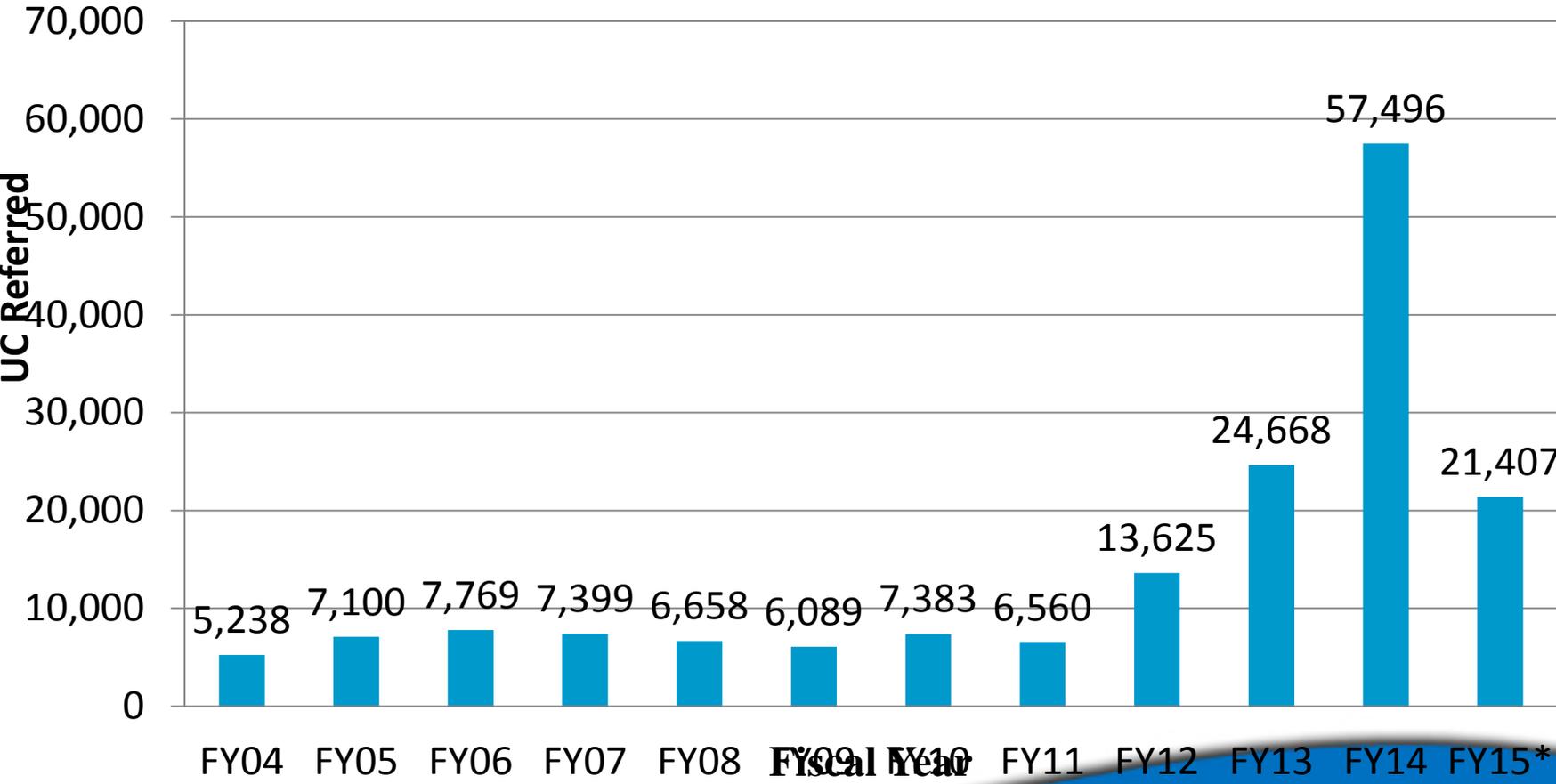
U.S. Department of Education -  
*Office for Civil Rights*  
*Office of English Language Acquisition*  
*Office of Elementary and Secondary Education -*  
*Office of Safe and Healthy Students*  
*Office of State Support*

# UC Definition



- Under the age of 18
- Has no lawful immigration status in the U.S.
- (At apprehension) no parent or legal guardian in the U.S. OR, with no parent or legal guardian in the U.S. available to provide care or legal custody

# Number of UC Referred by Fiscal Year



# UC Demographics – Country of Birth

	Demographics of Referred UC	
	Percentage	
<u>Country of Birth</u>	<b>FY14</b>	<b>FY15 -YTD*</b>
El Salvador	29%	27%
Guatemala	32%	48%
Honduras	34%	16%
Mexico	2%	6%
All Other	3%	3%
<b>Total</b>	<b>100%</b>	<b>100%</b>

\*FY15 YTD as of June 30, 2015

# UC Demographics – Age and Gender

	Demographics of Referred UC	
	Percentage	
<u>Age Range (years)</u>	<b>FY14</b>	<b>FY15 -YTD*</b>
0 -5	3%	3%
6 -12	18%	13%
13-14	16%	13%
15-16	36%	39%
17	27%	31%
18+	<1%	1%
<b>Total</b>	<b>100%</b>	<b>100%</b>
<u>Gender</u>		
Female	34%	31%
Male	66%	69%
<b>Total</b>	<b>100%</b>	<b>100%</b>

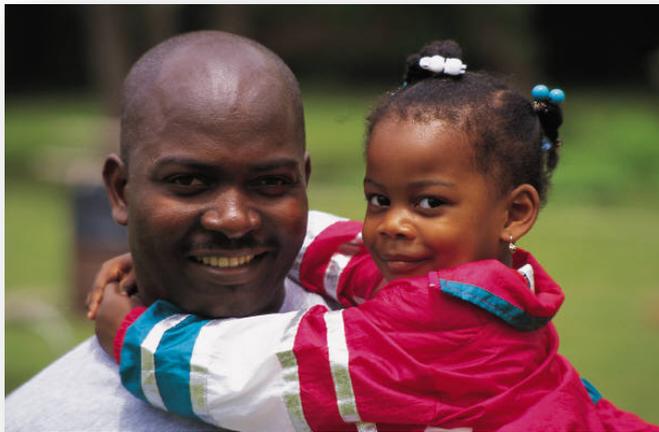
\*FY15 YTD as of June 30, 2015

# UC Program's Main Responsibilities

- Care and custody of UC (provide shelter, food, clothing, and services)
- Make and implement placement and transfer decisions
- Release UC to an appropriate sponsor



# Release from ORR Custody for FY14



Type of Sponsor	% UC
Parents	59%
Uncles/Aunts	13%
Adult Siblings	12%
Grand Parents	1%
Cousins	3%
Unrelated Adult	9%

# Verification of Release



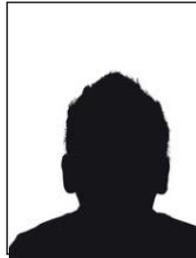
U.S. Department of Health and Human Services

Office of Refugee Resettlement  
Verification of Release, Rev. 08/18/2015

## OFFICE OF REFUGEE RESETTLEMENT Division of Children's Services VERIFICATION OF RELEASE

Name of Minor: \_\_\_\_\_ Aliases (if any): \_\_\_\_\_

Minor Date of Birth: \_\_\_\_\_ Minor A #: \_\_\_\_\_



The Office of Refugee Resettlement (ORR) has released the above named minor from Federal custody pursuant to section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to the care of:

Name of Sponsor: \_\_\_\_\_

Aliases (if any): \_\_\_\_\_

Address: \_\_\_\_\_ Tel #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Relationship to Minor: \_\_\_\_\_

### Acknowledgement of the Sponsor Care Agreement

The above named sponsor has agreed to the provisions set forth in the *Sponsor Care Agreement*, pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and the Department of Justice/Executive Office for Immigration Review (EOIR).

### For Internal Use Only

Name of ORR Care Provider Facility: \_\_\_\_\_ Date: \_\_\_\_\_

This official U.S. Department Health and Human Services (HHS) Verification of Release form, issued by HHS's Office of Refugee Resettlement (ORR), should be considered as evidence that the above named sponsor was given physical custody of the above named minor on the date indicated on this form, and that the above named sponsor agreed to conditions outlined in a sponsor care agreement, including housing the minor at the address reflected on the form. The Verification of Release form also indicates the date of birth of the above named minor, as determined by HHS based on official documents or, in cases involving missing documentation, on other measures to determine probable age.

According to the Department of Education, all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their or their parents' actual or perceived national origin, citizenship, or immigration status. This includes recently arrived unaccompanied children, who are in immigration proceedings while residing in local communities with a parent, family member, or other appropriate adult sponsor. While residing with a sponsor, these children have a right under federal law to enroll in public elementary and secondary schools in their local communities and to benefit from educational services, as do all children in the U.S.

Department of Education Guidance can be found at:

<http://www2.ed.gov/policy/rights/guid/unaccompanied-children-2.pdf>

# School Enrollment After Release

## Common Inquiries from Schools and Nonprofit Organizations

- Guardianship requirements
- Document requirements
- Diversion to adult or night education
- Failing to provide language assistance
- Delay in enrollment/Not enrolling during breaks
- Access to assessments
- Appropriate use of ESL and special education
- Immunization records

# UC Program Information

ORR website:

<http://www.acf.hhs.gov/programs/orr>

UC program website:

<http://www.acf.hhs.gov/programs/orr/programs/ucs>

Data for UC released to sponsors by state:

<http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

# OCR MISSION & ACTIVITIES

- **Mission:** to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
- **Activities:**
  - Complaint investigations
  - Compliance reviews
  - Policy guidance
  - Technical assistance



# LAWS ENFORCED BY OCR

- OCR enforces federal civil rights laws that prohibit discrimination on the basis of:

<b>Race, color, national origin</b>	Title VI of the Civil Rights Act of 1964
<b>Sex</b>	Title IX of the Education Amendments of 1972
<b>Disability</b>	Section 504 of the Rehabilitation Act of 1973 Title II of the Americans with Disabilities Act of 1990
<b>Age</b>	The Age Discrimination Act of 1975
<b>Patriotic youth group status</b>	Boy Scouts of America Equal Access Act

# OVERVIEW

- 
- Recurring enrollment issues for unaccompanied youth

- 
- May 2014 Guidance on Enrollment
  - January 2015 Guidance on English Learners

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- Links to both guidance letters
  - Links to related fact sheets, FAQs, and translations

# ENROLLMENT ISSUES FOR UNACCOMPANIED YOUTH

- Sponsors of unaccompanied youth have reported recurring school enrollment issues to HHS:
  - Rejection of copies of past school records to delay enrollment
  - Applying residency checks more stringently than for others
  - Funneling teens into night school/adult education
  - Denial of enrollment after a certain age (i.e., teenagers)
  - Refusing enrollment during Winter and Summer breaks
  - Failure to provide language assistance (i.e., LEP speakers of Mayan dialects)
  - Inappropriately placing EL students in special education
  - Rejection of power of attorney as form of guardianship
- Differential treatment, practices that have a disparate impact, and segregation of these students into different schools or programs, especially if they then have access to fewer resources such as strong teachers and academic programs, would raise potentially serious civil rights concerns.
- ED and DOJ will accept civil rights complaints concerning the enrollment of unaccompanied youth

# ED/DOJ GUIDANCE ON SCHOOL ENROLLMENT PROCEDURE

- May 2014 Dear Colleague Letter signed by ED OCR, ED OGC, and DOJ Civil Rights:
  - <http://www.ed.gov/ocr/letters/colleague-201405.pdf>
  - <http://www.justice.gov/crt/dear-colleague-letter-rights-all-children-enroll-public-schools>
  - Response to growing concerns about school districts turning away students who are undocumented or whose parents are undocumented
  - Updated and clarified earlier May 2011 guidance
  - Guidance and related documents available in Spanish
- All children have right to enroll in public elementary and secondary schools regardless of the actual or perceived race, color, national origin, immigration, or citizenship status of the child or the child's parent or guardian
  - This includes children such as unaccompanied children who may be involved in immigration proceedings

# KEY POINTS OF ENROLLMENT GUIDANCE

- Asking for information that may be a proxy for immigration status may have a chilling effect on students enrolling in school
- School districts and schools do not need to know immigration status of students, except in unusual circumstances (e.g., international field trip)
  - Title III immigrant definition is not the same as DHS immigration status
  - Title III immigrant: ages 3 to 21, born outside US, enrolled in US schools less than 3 years cumulatively
- ED/DOJ Guidance encourages school districts to consider whether information needs to be collected during enrollment or if it can be collected after student is already enrolled

# IDENTIFYING RECENTLY ARRIVED EL STUDENTS AND IMMIGRANT STUDENTS

- Many school districts seek to identify recently arrived LEP/EL students for Title I purposes and immigrants for Title III purposes during enrollment
  - Recently arrived EL students have been enrolled in US schools for a total of fewer than 12 months
  - Title III immigrant students were born outside US and have been enrolled in US schools for a total of 3 or fewer years
- Seeking information about when students entered the United States, first enrolled in school in the United States, or even most recently enrolled in school in the United States may give the impression that the school is trying to ascertain immigration status

# RECOMMENDATIONS FOR IDENTIFYING RECENTLY ARRIVED EL STUDENTS AND IMMIGRANT STUDENTS

- Consider separating home language surveys and other methods for identifying EL students from the initial paperwork of the enrollment process
  - Identify which EL students are recently arrived after first identifying whether they are proficient in English
- Clearly articulate why the school is seeking the information and how the information will (and will not) be used
- Make sure the information you seek is the actual information needed: how many cumulative months has a student been enrolled in a US school.

# EL GUIDANCE

Jointly Released by ED and DOJ on January 7, 2015 Available @

<http://www.ed.gov/ocr/ellresources.html>

<http://www.justice.gov/crt/about/edu/>



U.S. Department of Justice  
Civil Rights Division

U.S. Department of Education  
Office for Civil Rights



January 7, 2015

Dear Colleague:

Forty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services.<sup>1</sup> That same year, Congress enacted the Equal Educational Opportunities Act (EEOA), which confirmed that public schools and State educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs.<sup>2</sup>

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students, who are now more commonly referred to as English Learner (EL) students or English Language Learner students, is as important today as it was then. EL students are now enrolled in nearly three out of every four public schools in the nation, they constitute nine percent of all public school students, and their numbers are steadily increasing.<sup>3</sup> It is crucial to the future of our nation that these students, and all students, have equal access to a high-quality education and the opportunity to achieve their full academic potential. We applaud those working to ensure equal educational opportunities for EL students, as well as the many schools and communities creating programs that recognize the heritage languages of EL students as valuable assets to preserve.

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the EEOA. (In the enclosed guidance, Title VI and the EEOA will be referred to as “the civil rights laws.”) In addition, ED administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (Title III).<sup>4</sup> Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

<sup>1</sup> *Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d to d-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

<sup>2</sup> Pub. L. No. 93-380, § 204(f), 88 Stat. 484, 515 (1974) (codified at 20 U.S.C. § 1703(f)).

<sup>3</sup> U.S. Department of Education, National Center for Education Statistics, NCES 2013-312, *Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011-12 Schools and Staffing Survey*, at 9 (Table 2) (Aug. 2013); U.S. Department of Education, National Center for Education Statistics, NCES 2014-083, *The Condition of Education 2014*, at 52 (Indicator 12) (May 2014).

<sup>4</sup> 20 U.S.C. §§ 6801-6871.

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA)

**Public schools must ensure that EL students can participate meaningfully and equally in educational programs.**

- Proficiency in Language**
- Parity in Participation**

Guidance is available in multiple languages.



# ENGLISH LEARNER TOOL KIT

- Intended to help state and local education agencies in meeting their obligations to English Learners (ELs).
- Should be read in conjunction with the Dear Colleague Letter
- There will be ten chapters of the EL Toolkit; each chapter aligned to reflect one section of the Dear Colleague Letter
- Each EL Tool Kit chapter contains an overview, sample tools, and resources relevant to the topic of the chapter.
- Chapters 1-4 are currently available.

**YOU CAN ACCESS THE EL TOOL KIT AT:**

**[HTTP://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OELA/ENGLISH-LEARNER-TOOLKIT/INDEX.HTML](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)**

# TEN MAIN CIVIL RIGHTS ISSUES COVERED BY THE EL GUIDANCE

- A. Identification and assessment**
- B. Language assistance program
- C. Staffing and supporting an EL program
- D. Meaningful access to curricular and extra curricular programs**
- E. Unnecessary segregation
- F. Evaluating EL students for special education & providing special education**
- G. Opting out of EL programs
- H. Monitoring and exiting EL students
- I. Evaluating the effectiveness of a program
- J. Meaningful communication with LEP parents/guardians**

# IDENTIFYING AND ASSESSING ALL POTENTIAL EL STUDENTS

- LEAs must have procedures in place to accurately and timely identify potential EL students (e.g., Home Language Survey).
- Once identified, LEAs must determine if potential EL students are in fact EL through a valid and reliable test that assesses English proficiency in speaking, listening, reading, and writing.
- LEAs must notify all parents of EL services available to their EL child within thirty days of the start of the school year.
- When SEAs mandate the manner in which school districts identify and/or assess EL students, the State-imposed mechanism must meet these requirements.

# EL TOOL KIT - CHAPTER 1



## TOOLS AND RESOURCES FOR IDENTIFYING ALL ENGLISH LEARNERS

*This is the first chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice's joint guidance, "English Learner Students and Limited English Proficient Parents," which outlines SEAs' and LEAs' legal obligations to EL students under civil rights laws and other federal requirements.*

## IDENTIFYING POTENTIAL ENGLISH LEARNERS

### KEY POINTS

- LEAs must identify in a timely manner EL students in need of language assistance services.
- The home language survey (HLS) is the most common tool used to identify potential ELs.
- An HLS must be administered effectively to ensure accurate results.



# CHAPTER 1 – TOOLS

## IDENTIFYING ALL ENGLISH LEARNERS

### HOME LANGUAGE SURVEYS

#### Tiếng Việt (VIETNAMESE)

1. Có nói tiếng nào khác tiếng Anh không được nói ở nhà quý vị không?  
 Không  Có \_\_\_\_\_ (hãy cho biết tiếng nào)
2. Con quý vị có nói tiếng nào khác tiếng Anh không?  
 Không  Có \_\_\_\_\_ (hãy cho biết tiếng nào)
3. Con quý vị đã học tiếng nào đầu tiên? \_\_\_\_\_ (hãy cho biết tiếng nào)
4. Quý vị muốn nhận được thông tin từ trường học bằng tiếng nào?  
\_\_\_\_\_ (hãy cho biết tiếng nào)
5. Quý vị có quan hệ như thế nào đối với con?  
 Cha  Mẹ  Người giám hộ  Quan hệ khác (hãy cho biết) \_\_\_\_\_

#### CHINESE

1. 除了英语之外，您家是否还说其他语言？  
o 否 o 是 \_\_\_\_\_ (请说明是哪种语言)
2. 除了英语之外，您的孩子是否还说其他语言？  
o 否 o 是 \_\_\_\_\_ (请说明是哪种语言)
3. 您的孩子最先学习的是哪种语言？ \_\_\_\_\_ (请说明是哪种语言)
4. 您希望学校用哪种语言授课？ \_\_\_\_\_ (请说明是哪种语言)
5. 您与孩子的关系？  
o 父亲 o 母亲 o 绅 o 其他 (请说明) \_\_\_\_\_

#### AMHARIC

# PROVIDING MEANINGFUL ACCESS TO ALL CURRICULAR AND EXTRACURRICULAR PROGRAMS

- EL students must have access to their grade-level curricula and school facilities (e.g. science labs and computer labs) so that they can meet promotion and graduation requirements.
- EL students are entitled to an equal opportunity to participate in all programs including:
  - Pre-kindergarten
  - Magnet programs
  - Charter schools
  - Gifted and talented programs
  - Career and technical education
  - Arts and Athletics
  - Advanced Placement and International Baccalaureate courses
  - Clubs and Honor Societies

# EL TOOL KIT

## CHAPTER 4



### TOOLS AND RESOURCES FOR PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

*This is the fourth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' and the U.S. Department of Justice's Dear Colleague Letter on "English Learner Students and Limited English Proficient Parents," published in January 2015, which outlines SEAs' and LEAs' legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>.*

## PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

### KEY POINTS

- SEAs and LEAs must design and implement services and programs that enable ELs to attain both English proficiency and parity of participation in the standard instructional program, within a reasonable length of time.
- SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities.
- SEAs must ensure that schools and LEAs use appropriate, reliable, and valid evaluations and testing methods to measure ELs' acquisition of English and core-content knowledge.



# CHAPTER 4 – RESOURCES

## PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

### RESOURCES

The U.S. Department of Education does not mandate or prescribe particular standards, curricula, lesson plans, assessments, or other instruments in this tool kit. This tool kit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other interested parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to resources does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links included here were verified on June 10, 2015. The list of resources will be updated and revised in the future.

American Educational Research Association. (2004, Winter). *English language learners: Boosting academic achievement* (Research Points Vol. 2 Issue 1). Washington, DC: Author. Retrieved from <http://www.aera.net/Portals/38/docs/Publications/ENglish%20Language.pdf>

This article provides guidance on how to teach literacy to ELs most effectively. The author identifies four critical components of reading instruction for ELs: (1) phonics, (2) vocabulary, (3) comprehension, and (4) speech. Several recommendations intend to help policy makers provide literacy support to ELs.

August, D., Salend, S., Staehr Fenner, D., & Kozik, P. (2012, July). *The evaluation of educators in effective schools and classrooms for all learners* (Issue Brief). Washington, DC: E3TL Consortium. Retrieved from <http://>

Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C. P., Morris, J., Gersten, R., Haymond, K., Kieffer, M. J., Linan-Thompson, S., & Newman-Gonchar, R. (2014). *Teaching academic content and literacy to English learners in elementary and middle school* (NCEE 2014-4012). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance (NCEE). Retrieved from <http://ies.ed.gov/ncee/wwc/practiceguide.aspx?sid=19>

This practice guide offers “educators specific, evidence-based recommendations that address the challenge of teaching ELs in the elementary and middle grades: building their ELP while simultaneously building literacy, numeracy skills, and content knowledge of social studies and science. The guide provides practical and coherent information on critical



# EVALUATING EL STUDENTS FOR SPECIAL EDUCATION AND PROVIDING DUAL SERVICES

- EL students with disabilities must be provided with both:
  - Language Assistance and
  - Disability-related services to which they are entitled
- EL students who may have a disability must be located, identified and evaluated for special education and disability-related services in a timely manner
- EL students must be evaluated in an appropriate language based on the student's needs and language skills
- The IEP Team must include participants knowledgeable about the EL student's language needs

# PROVIDING DUAL SERVICES

- Districts must inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child's IEP.
- Policies that do not allow dual services or delay disability evaluations of ELs for special education and related services for a specified period of time based on their EL status are impermissible under the IDEA and Federal civil rights laws.
- The Departments expect SEAs to address these policies in monitoring districts' compliance with Federal law.

# ENSURING MEANINGFUL COMMUNICATION WITH LEP PARENTS, GUARDIANS, AND SPONSORS

LEP parents, guardians, and sponsors are entitled:

- To meaningful communication with the school in a language they can understand; and
  - To adequate notice of information about any program, service, or activity that is called to the attention of non-LEP parents.
- School districts must develop and implement a process for:
- Determining whether parents are limited English proficient;
  - Identifying their language needs; and
  - Meeting those needs through qualified interpreters and translators.

# ENSURING MEANINGFUL COMMUNICATION WITH LEP PARENTS

- LEAs and SEAs have a duty to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about a program, service, or activity of an LEA or SEA that is called to the attention of non-LEP parents.
- Schools must provide translation or interpretation from appropriate and competent staff or appropriate and competent outside resources.
- Schools may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents.
- Language assistance must be provided at no cost to parents.

# OCR RESOURCES

- Main website: [www.ed.gov/ocr](http://www.ed.gov/ocr)
- January 2015 EL Guidance:
  - <http://www.ed.gov/ocr/ellresources.html> (letter, facts sheets, translations)
- May 2014 School Enrollment Procedures Guidance:
  - <http://www.ed.gov/ocr/letters/colleague-201405.pdf> (letter)
  - <http://www.ed.gov/ocr/docs/qa-201405.pdf> (Q & A)
  - <http://www.ed.gov/ocr/docs/dcl-factsheet-201405.pdf> (fact sheet)
- Translated documents available here:
  - <http://www.ed.gov/ocr/publications.html>
  - <http://www.ed.gov/ocr/docs/howto-index.html> (complaint forms in twenty languages)
- OCR Regional Enforcement Offices (also available in “Office Contacts” on main website): <https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012  
TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

# The McKinney-Vento Act

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.)
- Reauthorized by Title X, Part C of the No Child Left Behind Act
- Authorizes the federal Education for Homeless Children and Youth (EHCY) program
- Establishes the definition of *homeless* used by U.S. public schools

# The McKinney-Vento Act

- Ensures that children and youth experiencing homelessness have immediate and equal access to public education, despite unique challenges and barriers
- Provides educational support to promote school success

**\*\*Unaccompanied children might meet the McKinney-Vento definition of *unaccompanied homeless youth*, qualifying the student for added supports\*\***

# McKinney-Vento Eligibility

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including
  - Sharing the housing of other persons *due to loss of housing, economic hardship, or a similar reason*
  - Living in motels, hotels, trailer parks, or camping grounds *due to the lack of alternative adequate accommodations*
  - Living in emergency or transitional shelters
  - Awaiting foster care placement



# McKinney-Vento Eligibility

- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances
- Unaccompanied youth living in the above circumstances



# McKinney-Vento Eligibility

- *Unaccompanied* is defined as “not in the physical custody of a parent or guardian”
- For a young person, including an unaccompanied young person, to qualify as eligible for McKinney-Vento services, his or her primary nighttime residence must meet the McKinney-Vento definition of *homeless*; unaccompanied status does not automatically convey homeless status



# Rights of McKinney-Vento Students

- Immediate enrollment, even if lacking paperwork
- School selection
  - School of origin (if feasible)
  - Local school
- Transportation to/from the school of origin, if requested by the parent (or by the local liaison for an unaccompanied homeless youth)

# Rights of McKinney-Vento Students

- Free school meals through direct certification
- Title I, Part A support
- Special education, when necessary (including specific supports for unaccompanied homeless youth)
- Support from other programs for which they meet eligibility criteria
- Comparable services

# Program Structure and Funding

- Every state has a State Coordinator for Homeless Education ([www.center.serve.org/nche/states/state\\_resources.php](http://www.center.serve.org/nche/states/state_resources.php))
- Every school district has a local homeless education liaison
- States receive EHCY funding based on their percentage of the federal Title I, Part A allocation
- States keep a portion of their EHCY allocation for state-level activities and distribute the remainder to school districts in a competitive subgrant process
- Federal statute outlines the acceptable usages of state- and district-level EHCY funding

# Related Resources

- NCHE operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) program
- NCHE resources include:
  - A comprehensive website: [www.serve.org/nche](http://www.serve.org/nche) (including webpages on immigrant and unaccompanied students experiencing homelessness)
  - A toll-free helpline: 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org)
  - Webinars: [www.serve.org/nche/web/group.php](http://www.serve.org/nche/web/group.php)
  - A listserv: [www.serve.org/nche/listserv.php](http://www.serve.org/nche/listserv.php)
  - Publications and products: [www.serve.org/nche/products.php](http://www.serve.org/nche/products.php)

# How must LEAs use Title III Formula Subgrant funds?

## LEA Required Activities:

1. High quality language instruction educational program
2. High quality professional development

(ESEA Section 3115(c-d))





# How may LEAs use Title III Formula Subgrant funds?



## LEA Authorized Activities:

- Upgrading program objectives and effective instruction strategies
- Improving the instruction program for ELs through curriculum, instruction materials, software
- Developing and implementing language instruction educational programs coordinated with other programs and services
- Providing community participation programs, family literacy services and parent outreach and training to ELs and their families

(ESEA Section 3115(d))

# How may LEAs use Title III Immigrant Grant Funds?



Enhanced instructional opportunities for immigrant children and youth, which may include:

- Family literacy, parent outreach, and training to assist parent to become active in their child's education
- Support for personnel
- Tutoring, mentoring, and academic career counseling
- Curricular materials, software, and technologies
- Instruction services – supplemental instructional services designed for immigrant children and youth
- Activities to assist parents of immigrant children and youth by offering comprehensive community services

(ESEA Section 3115(e))



# The White House Task Force on New Americans

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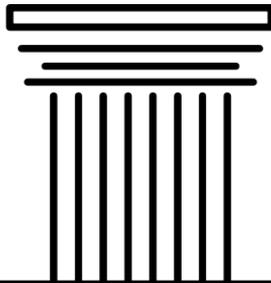
Strengthening Communities by  
Welcoming All Residents

*A Federal Strategic Action Plan on Immigrant &  
Refugee Integration*

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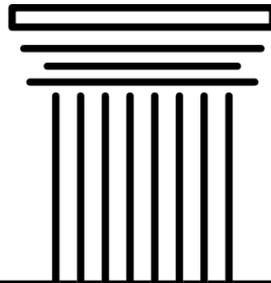
# Three Pillars of Integration

## Civic Integration



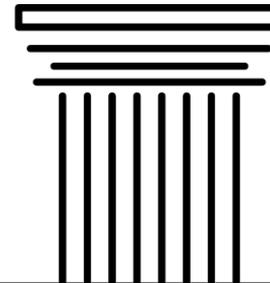
Provides security  
in rights and  
liberties and  
encourages  
shared ownership  
in the nation's  
future

## Economic Integration



Empowers self-  
sufficiency and  
increases  
economic growth

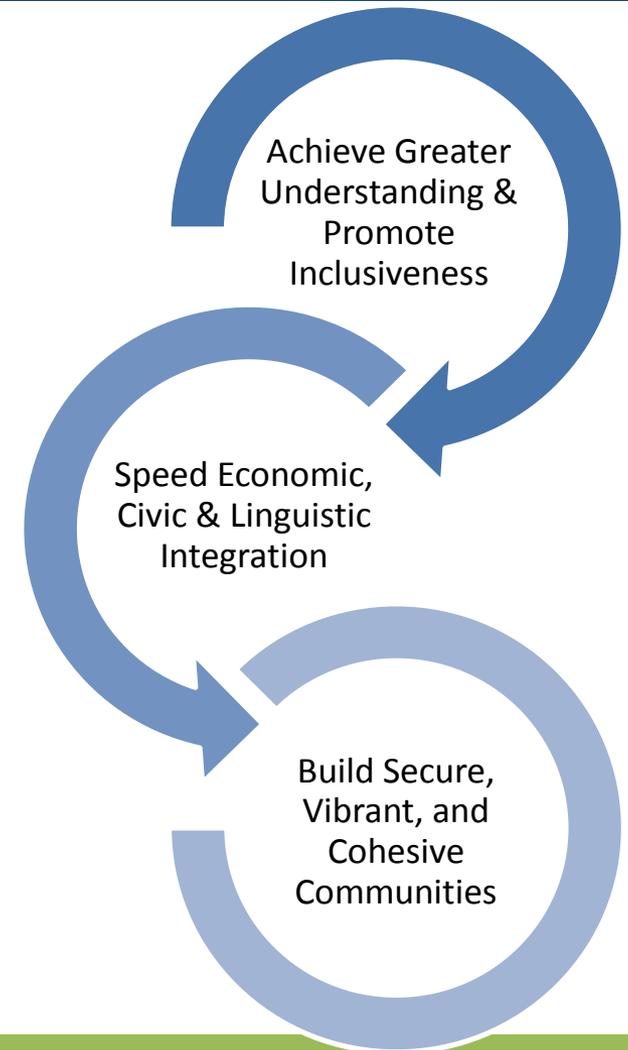
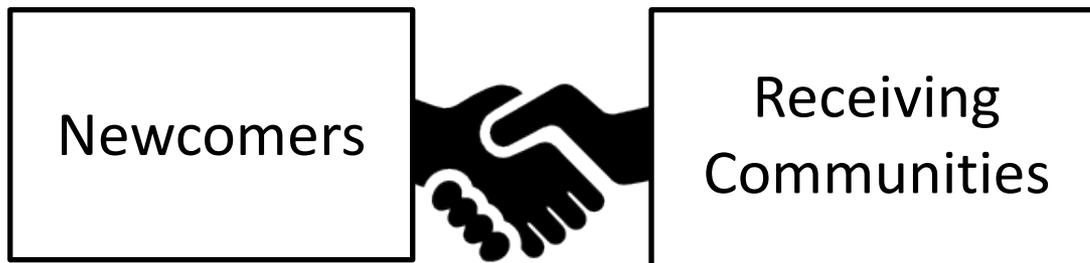
## Linguistic Integration



Facilitates  
educational  
outcomes, career  
advancement,  
and civic  
participation

# Integration as a Two-Way Process

Integration is a dynamic two-way process that brings together newcomers and the long-time residents of communities into which they settle



# To Learn More About the Task Force:



[www.Whitehouse.gov/New-Americans](http://www.Whitehouse.gov/New-Americans)



[www.Serve.gov/New-Americans](http://www.Serve.gov/New-Americans)



[NewAmericans@who.eop.gov](mailto:NewAmericans@who.eop.gov)

[#NewAmericans](#) | [#NuevosCiudadanos](#)



# JOIN US FOR THE ED'S WEBINAR SERIES

## EDUCATIONAL AND LINGUISTIC INTEGRATION

- Engaging Immigrant Parents and Families – August 27<sup>th</sup> @ 2pm
  - Dual-Language Learning – September 24<sup>th</sup> @ 2pm
  - Early Learning Opportunities – October 29<sup>th</sup> @ 2pm
  - Investing in Young Leaders – November 19<sup>th</sup> @ 2pm
  - Pathways to Postsecondary Education and Career Training – December 17<sup>th</sup> @ 2pm
- 
- Some dates and times may be subject to change
  - Webinars will be archived at <http://www2.ed.gov/about/offices/list/oela/webinars/new-americans/index.html>

# Links to Resources

Educational Resources for Immigrants and Refugees (landing page)

<http://www2.ed.gov/about/overview/focus/immigration-resources.html>

English Learner Tool Kit

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents

<http://www2.ed.gov/about/offices/list/ocr/ellresources.html>

ED and DOJ Guidance on English Learners

<http://www.justice.gov/crt/about/edu/documents/elsguide.php>

National Clearinghouse for English Language Acquisition (NCELA)

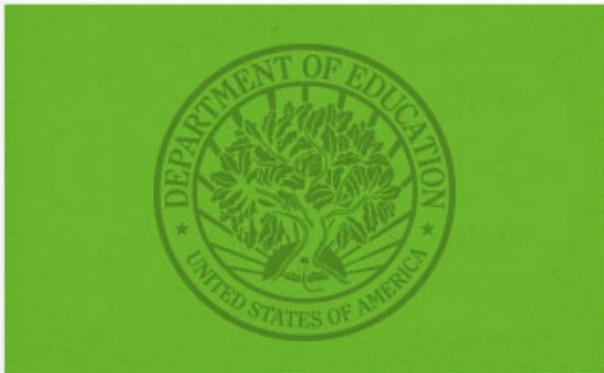
<http://ncela.ed.gov/>



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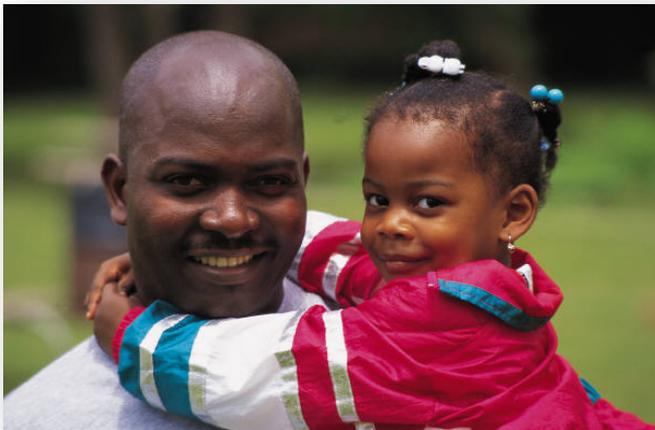


Questions? Suggestions?



U.S. DEPARTMENT  
OF EDUCATION

# Webinar Speakers



- **Tricia Swartz**, U.S. Department of Health and Human Services ([Tricia.Swartz@acf.hhs.gov](mailto:Tricia.Swartz@acf.hhs.gov))
- **Carolyn Seugling** and **Mary Hanna-Weir**, U.S. Department of Education, Office for Civil Rights ([Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov); [Mary.Hanna-Weir@ed.gov](mailto:Mary.Hanna-Weir@ed.gov))
- **Marianna Vinson**, U.S. Department of Education, Office of English Language Acquisition ([Marianna.Vinson@ed.gov](mailto:Marianna.Vinson@ed.gov))
- **John McLaughlin**, U.S. Department of Education, Office of Safe and Healthy Students ([John.McLaughlin@ed.gov](mailto:John.McLaughlin@ed.gov))
- **Supreet Anand** and **Millie Bentley-Memon**, U.S. Department of Education, Office of State Support ([Supreet.Anand@ed.gov](mailto:Supreet.Anand@ed.gov); [Millicent.Bentley-Memon@ed.gov](mailto:Millicent.Bentley-Memon@ed.gov))

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