

BEST PRACTICES IN INTERAGENCY COLLABORATION

Youth Homelessness and Juvenile Justice

Introduction

This brief is designed for juvenile justice agencies and professionals (including law enforcement officers, juvenile probation officers, attorneys, juvenile court personnel, and detention facility staff), as well as State Coordinators for Homeless Education and local homeless education liaisons. It provides basic information to help educators understand the juvenile court process and explains why the McKinney-Vento Homeless Assistance Act is a critical tool for juvenile justice agencies to help homeless youth they work with to enroll and succeed in school.

The Overlap Between Juvenile Justice and Homelessness

Toro, Dworsky, & Fowler (2007) report that youthful offenders are likely to experience homelessness disproportionately.¹ For example, at one large youth shelter in New York, 30 percent of youth served had been arrested or incarcerated previously (Toro, et al., 2007). Additionally, because their homelessness forces them to spend more time than their housed peers in public spaces, homeless youth are more likely to have contact with the juvenile justice system for offenses such as loitering, camping, and panhandling (Sedlak & Bruce, 2010).² Their offenses are generally non-violent but recurring, likely as a result of their lack of stable homes and frequent moves.

Some youth are homeless at the time they enter the juvenile justice system:

- One study by Bernstein & Foster (2008) found that 60 percent of homeless youth had been fined for “quality-of-life offenses”, such as panhandling, sleeping or camping in public, and loitering (p. 5). Most homeless youth cannot afford to pay the fines, which results in the issuance of a warrant for their arrest.
- Some homeless youth engage in illegal activities in exchange for food or shelter. For example, some youth resort to survival sex, prostitution, or selling

1 Court-involved youth have been found to be less likely to be living with their parents and more likely to have no permanent address. Homeless adults also have high rates of prior incarceration, including incarceration when they were juveniles.

2 At the time they were taken into custody, more youth were living with one parent (45 percent) than with two parents (30 percent); and one-fourth of youth (25 percent) were not living with any parent. Survey of Youth in Residential Placement data describing where youth were living when they entered custody indicate that the risk of being taken into custody is significantly greater for juveniles who live with a single parent (558 per 100,000) or with no parent (1,652 per 100,000) than for juveniles living in two-parent households (153 per 100,000).



Who is homeless?

(McKinney-Vento Homeless Assistance Act – Title X, Part C of the Elementary and Secondary Education Act – Sec 725)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
 3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

drugs in exchange for a place to stay or as a means to earn money to pay for food or shelter.

- Many youth experience homelessness on their own, without a parent or guardian to help guide their behavior and negotiate with law enforcement if they become involved in the justice system (National Center for Homeless Education, 2011).

Other youth become homeless upon or soon after their release from juvenile justice facilities:

- Many youth do not have a stable home to return to after leaving a juvenile detention facility (U.S. Department of Health and Human Services, 2005).
- Some youth are precluded from returning home by policies that prohibit individuals who have been convicted of certain offenses, such as domestic violence, from living in public or Section 8 housing (Toro, et al., 2007).

The Importance of School

Attending school can be critical for young people who are homeless to avoid contact with the juvenile justice system. According to Snyder & Sickmund (2006), youth who are neither in school nor working are at significantly greater risk of breaking the law. By contrast, youth who were working or in school six months after their release from a juvenile detention facility tended to stay involved in constructive activities and had not returned to the facility one year after release (Bullis, Yovanoff, Mueller, & Havel, 2002). Youth who are engaged in school are more likely to have positive adult role models and to access a variety of services, including tutoring, health and mental health services, free meals, and after-school activities.

Young people themselves seem to understand the positive effects of an education as evidenced by a recent Sedlak and Bruce (2010) study, which found that over two-thirds of youthful offenders in residential placement aspire to higher education, with 47 percent hoping to attend college and another 21

percent interested in graduate school (p. 7).³

The Juvenile Justice System At-A-Glance

The juvenile justice system includes a host of “players”, such as police officers, judges, attorneys, detention and correctional facility staff, and probation officers, and can be complex to navigate. The system works differently and even has different names in different states. In general, most youth enter the juvenile justice system through contact with law enforcement, while a small proportion are referred to the juvenile court by other sources, such as schools, parents, and probation officers.

In addition to the juvenile justice system, most states have a separate court process for “children in need of services”, or “CHINS”.⁴ This system has some of the same characteristics as the juvenile justice system, but its focus is to provide services to youth whose behavior or family dynamics indicate a need for intervention prior to juvenile justice involvement. CHINS cases often are based on “status offenses”, which are acts that are considered to be illegal only when committed by a minor (e.g., running away from home, truancy, and smoking).

Youthful Offenders and the McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act is a federal law that authorizes various homeless support services, including instituting the federal Continuum of Care program and providing funding for emergency shelter. The educational portion of the law is Subtitle VII-B, also known as Title X, Part C, of the Elementary and Secondary Education Act, and provides

3 See also:

Balfanz, R., Herzog, L., & MacIver, D.J. (2007). Preventing student disengagement and keeping students on the graduation path in urban middle-grade schools: Early identification and effective interventions. *Educational Psychologist*, 42, 223-235.

Pribesh, S., & Downey, D.B. (1999). Why are residential and school moves associated with poor school performance? *Demography*, 36(4), 521-534.

Rumberger, R.W. & Larson, K.A. (1998). Student mobility and the increased risk of high school dropout. *American Journal of Education*, 107(1), 1-35

Rumberger, R.W., & Palardy, G.J. (2005). Test scores, dropout rates, and transfer rates as alternative indicators of high school performance. *American Educational Research Journal*, 42(1), 3-42.

Worrell, F.C. (1997). Predicting successful or non-successful at-risk status using demographic risk factors. *The High School Journal*, 81(1), 46-53.

4 The CHINS system has different names in different states, and may be known as Families in Need of Services, Children in Need of Supervision, Youth in Need of Services, or another moniker.

the right to immediate enrollment and full participation in school for homeless students. Subtitle VII-B of the Act states that children and youth who lack a “fixed, regular, and adequate nighttime residence” are considered homeless and, therefore, eligible for McKinney-Vento education services. See the sidebar on page 1 for the full text of the definition of homelessness used by the U.S. Department of Education (US ED).

US ED collects data from states annually on the enrollment of children and youth experiencing homelessness. In this data collection, US ED groups homeless students into the following primary nighttime residence categories: Doubled-up, Sheltered, Living in Hotels/Motels, and Unsheltered. According to data for the 2009-2010 school year (the most current data available at the time of the publication of this brief), 72% of homeless children and youth enrolled in U.S. public schools live in doubled-up situations, 19% in shelters, 5% in hotels or motels, and 4% are unsheltered (National Center for Homeless Education, 2011, p. 15). For a full discussion of homeless education data collection, see NCHE's *Education for Homeless Children and Youth Program Data Collection Summary*, available at http://center.serve.org/nche/pr/data_comp.php.

Youth who are or have been involved in the juvenile justice system are eligible for McKinney-Vento rights and services if they live in one of the situations mentioned above or are being released from detention into one of the living situations outlined above. Youth are not eligible under the McKinney-Vento Act while they are incarcerated.

Non-incarcerated youth who are involved in any stage the juvenile justice system, if eligible under the McKinney-Vento Act, have the right to:

- Receive the free, appropriate public education to which they are entitled.
- Be enrolled in school immediately, even if lacking documents normally required for enrollment.

- Be enrolled in school and attend classes while the school gathers needed documentation.
- Enroll in the local attendance area school; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is the parent's, guardian's, or unaccompanied youth's preference and is feasible. If the school district believes that the school selected is not in the student's best interest, then the district must provide the parent, guardian, or unaccompanied youth with a written explanation of its position and the opportunity to appeal its decision.
- Receive transportation to and from the school of origin, if requested by the parent, guardian, or unaccompanied homeless youth.
- Receive educational services comparable to those provided to all other students, according to the youth's need.

Every U.S. school district must designate a local homeless education liaison to serve as the key homeless education contact in the district and to ensure that eligible students within the district receive the rights and services to which they are entitled, as outlined above. McKinney-Vento students are also afforded certain services under other federal programs, including free school meals under the USDA's school nutrition program; supplemental educational supports under the US ED's Title I, Part A program; and special education services, if needed, under the US ED's special education program.

Broader Initiatives Related to Homelessness Prevention after Reentry

The broader McKinney-Vento Homeless Assistance Act, as explained under *Youthful Offenders and the McKinney-Vento Act* on page 2, also authorizes federal and regional coordinating councils on homelessness, which in turn promote the formation of state and local counterparts. Inter-agency coordination is particularly important for discharge planning

from institutions and reentry for adult and juvenile ex-offenders, due to the risk of homelessness. Related resources are available as follows:

- The U.S. Department of Justice manages the Federal Interagency Reentry Council (<http://www.nationalreentryresourcecenter.org/reentry-council>) and the Juvenile Justice and Delinquency Prevention Coordinating Council (<http://www.juvenilecouncil.gov>).
- The U.S. Department of Housing and Urban Development's Continuum of Care Program (CofC) emphasizes coordination around discharge planning and reentry. More information, including state and local CofC contact information, is available at <http://www.hudhre.info/> and <http://www.usich.gov/>.

YOUTH WHO WERE WORKING OR IN SCHOOL SIX MONTHS AFTER THEIR RELEASE FROM A JUVENILE DETENTION FACILITY TENDED TO STAY INVOLVED IN CONSTRUCTIVE ACTIVITIES AND HAD NOT RETURNED TO THE FACILITY ONE YEAR AFTER RELEASE.

Tips for Juvenile Justice Professionals for Supporting School Enrollment and Success

1. Get more information about the McKinney-Vento Act, how it may apply to students previously involved in or currently exiting the juvenile justice system, and how you can help meet these students' needs. Sources include:
 - The National Center for Homeless Education (NCHE), <http://center.serve.org/nche/>, 800-308-2145.
 - State Coordinators for Homeless Education, responsible for statewide implementation of the McKinney-Vento Act (contact information available at http://center.serve.org/nche/states/state_resources.php).
2. Contact local school district administrators to discuss collaboration among juvenile justice and education systems. Collaboration should address issues such as facilitating transitions for youth from incarceration and out-of-home placements back to the community and local school system, transferring records and credits, providing appropriate education services, clearing warrants, and developing memoranda of understanding or other agreements to address youth homelessness.
3. Residential placement staff should contact local homeless education liaisons to ensure immediate and appropriate school enrollment and full school participation for youthful offenders transitioning out of detention and correctional facilities or out-of-home placements into a homeless situation. For example:
 - Even if not yet qualified as McKinney-Vento eligible, all students exiting the justice system can be enrolled in school while they are still detained/incarcerated so they can begin attending immediately upon their release and avoid missing valuable classroom time, which could cause them to suffer academically.
 - The residential facility should provide the school with the student's records, help coordinate the curriculum to ease the student's transition into public school, and take the student to the new school for a pre-release visit.
 - The new school should provide the student with adult and peer mentors, explain school rules and expectations, connect the student with clubs and sports, and enroll the student in appropriate classes and support services.
 - More transition strategies are available in the Office of Juvenile Justice and Delinquency Prevention's *From the Courthouse to the Schoolhouse: Making Successful Transitions*, available at <http://>

www.ncjrs.gov/pdffiles1/ojdp/178900.pdf, and the Neglected and Delinquent Technical Assistance Center's *Transition Toolkit*, available at http://www.neglected-delinquent.org/nd/resources/toolkits/transition_200808.asp.

4. Probation officers working with homeless youth for whom school attendance is a condition of probation should contact the school and the local homeless education liaison to ensure that these students receive the services they need to enroll and succeed in school. These may include transportation, tutoring, counseling, special education services, mental health support, and mentorship.
5. Develop a protocol to guide law enforcement officers who interact with homeless youth who are not enrolled in school. Include suggestions to help keep youth out of the juvenile justice system and encourage their engagement in school and other constructive activities. Consider the following:
 - Encourage officers to contact the local homeless education liaison to facilitate immediate school enrollment and attendance.
 - Provide officers with tools to support homeless youth, such as training on youth homelessness; a pocket-guide to local health services, food pantries, shelters, drop-in centers, and other available sources of support; a supply of basic hygiene kits; and information on how youth can connect with school.
 - Ask that officers refer youth to services rather than fine them for quality-of-life offenses.
 - Encourage officers to contact Parent Centers or disability organizations in your state when working with youth they believe may be in need of support for a disability or mental health issue. Information can be found at the Pacer Center (<http://www.pacer.org>), the Federation of Families (<http://www.ffcmh.org>), the National Alliance on Mental

Illness (<http://www.nami.org>), and other disability-specific organizations.

Tips for Educators for Supporting School Enrollment and Success

1. Get more information about how your state and/or local juvenile justice system(s) work(s). Sources include:
 - The local juvenile court. To find out which court handles delinquency cases in your area, call the local courthouse. Ask for information about how the system works in your area.
 - The juvenile probation office. The juvenile court can provide contact information. Ask about resources for homeless youthful offenders and share information about resources you can contribute to supporting these youth.
 - The juvenile division of the public defender's office. This may be a separate office or the court may contract with individual attorneys; the juvenile court can provide information. Provide these attorneys with information about youth homelessness in your community and resources available to support these youth.
2. Contact local juvenile justice administrators to discuss collaboration among juvenile justice and education systems. Collaboration should address issues such as facilitating transitions for youth from incarceration and out-of-home placements back to the community and local school system, transferring records and credits, providing appropriate education services, clearing warrants, and developing memoranda of understanding or other agreements to address youth homelessness.
3. Contact the state Title I, Part D (Neglected and Delinquent) Coordinator (see <http://www.neglected-delinquent.org/nd/states/state.php>) to obtain the contact information of local Part D coordinators and staff and to develop ideas for collaboration between the local school district and juvenile justice system. Title I, Part D is a federal

program that provides grants to states to fund supplementary education services to help provide educational continuity for incarcerated children and to help them make successful transitions to school or employment once they are released. It also supports dropout prevention programs for at-risk youth.

4. Assist youth in working with the juvenile court to clear outstanding warrants. The court may be able to offer a payment plan or forgive the warrants entirely, particularly if youth are attending school, working, or engaged in other productive activities. Find out if there are apprenticeships for youth close to age 18 or alternative dispute resolution options, like restorative justice circles or mediation, available in your community.

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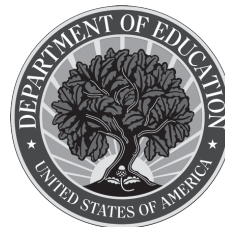
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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://www.serve.org/nche/states/state_resources.php.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.



Local Contact Information: