



NYS-TEACHS

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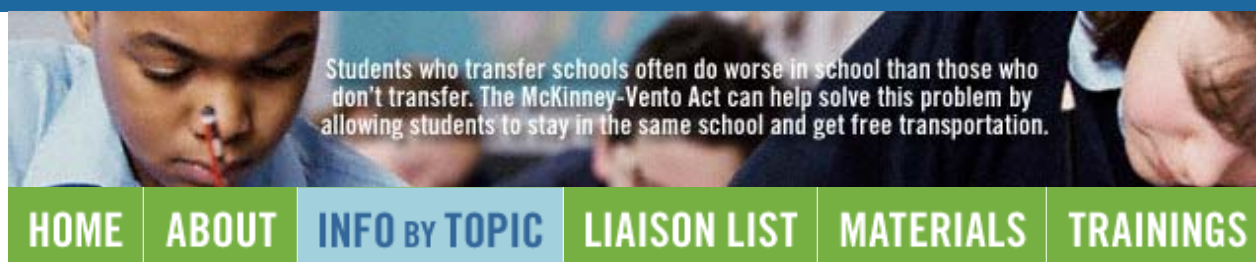
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Unaccompanied Youth

An unaccompanied youth is a student who is not in the physical custody of a parent or guardian; this includes youth who have run away from home, been kicked out of their homes, or been abandoned by parents. There is no age range for unaccompanied youth, but these students are generally adolescents. Such students are covered under the McKinney-Vento Act when the student also lacks a fixed, adequate and regular nighttime residence. (*M-V Section 725(2) and (6); N.Y. Educ. Law § 3209(1)(a)(1)*). Without a parent or guardian to advocate on behalf of unaccompanied youth, these students may not understand their educational rights or know how to acquire this information.

Do unaccompanied youth experiencing homelessness need their parents in order to enroll in school?

No. Lack of guardianship papers cannot delay or prevent the enrollment of an unaccompanied youth. (*M-V Section 722(g)(3)(C); N.Y. Educ. Law § 3209(2-a); 8 N.Y.C.R.R. § 100.2(x)(4)*).

Who decides where an unaccompanied youth will attend school?

An unaccompanied youth together with the LEA liaison decides where the youth will attend school. (*N.Y. Educ. Law § 3209(1)(b) & (2)(a); 8 N.Y.C.R.R. Section 100.2(x)(1)(ii)*).

Is a student considered to be an unaccompanied youth if she is living with a parent only temporarily?

During the time the student is living with his/her parent, the student is not considered to be an unaccompanied youth. But, the student may be considered homeless if he/she lacks a fixed, adequate and regular nighttime residence, regardless of whether the student is living with a parent. (*M-V Section 725(6)*).

Is a student considered an unaccompanied youth if she is receiving financial support from her parents?

Any student who is not living in the physical custody of her parents, and is temporarily housed, should be considered an unaccompanied, homeless youth. Whether or not a student is receiving financial support from her parents should have no bearing on a student's designation as an unaccompanied youth.

If an unaccompanied youth has left home, but her parents will allow the student back home, is the student still eligible for protections under the McKinney-Vento Act?

Yes. Despite the fact that the youth's parents will allow the student to return home, if the student meets the definition of homeless under McKinney-Vento, it does not matter whether or not the student can return home.

What is an "emancipated minor"?

For purposes of establishing residency under New York State Educ. Law § 3202, a student is considered emancipated if she is over the age of 16 and under 18, living separate and apart from her parents in a manner inconsistent with parental custody and control, not receiving financial support from her parents, and has no intent to return home. In New York State, there is no such thing as a court declaration of emancipation; there is no legal paperwork

UPDATE
[School district liaison contact info.](#)

UPCOMING WORKSHOPS AND TRAININGS

HRA McKinney-Vento Training - 11/7/11

New York City Workshop - 11/16/11

Albany Workshop - 11/21/11

Syracuse Workshop - 12/5/11

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WORKSHOPS AND TRAINING MATERIALS

[Training and Workshop Materials](#)

McKinney-Vento in the News
[McKinney-Vento + school](#)
Branford News - [Story of homeless students told](#)

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Research on
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(McKinney-Vento
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Summer School

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Title I

Transportation

Unaccompanied
Youth

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necessary to declare oneself an emancipated minor. Students who are married or in the military are considered automatically emancipated; pregnant minors, however, are not automatically considered emancipated. It is important to keep in mind that emancipation usually relieves parents of obligations to their children, depriving the minor of the right to demand food, clothing and shelter from his parents.

Are all unaccompanied youth automatically eligible for services under McKinney-Vento?

Unaccompanied youth who do not meet the definition of homeless are not necessarily eligible for the same services. For instance, a student who is not living with a parent or guardian but who is permanently housed is not protected under the McKinney-Vento Act. (*M-V Section 723(c)(3)(d)*). However, the Act encourages districts that receive sub-grant funds to integrate the services for homeless youth into the general education setting. For example, a district could use these funds to create a tutoring program for at-risk students, which could include services for both homeless and permanently housed students.

What does LGBTQ mean?

LGBTQ stands for Lesbian, Gay, Bisexual, Transgender, Queer/Questioning. Thousands of LGBTQ youth are forced out onto the streets every year, and they comprise a reported 40% of the total homeless youth population. For more information, please see *Homeless LGBT Youth and LGBT Youth in Foster Care*, available [here](#).

Can an unaccompanied youth leave out her parents' financial information when filling out a FAFSA form?

Youth do not need to provide information about their parents' financial status if they meet the definition of "independent student" or if the financial aid administrator at a college designates the student independent due to "other circumstances." For the latter, the youth needs an advocate to demonstrate that "other circumstances" necessitate deeming the student independent. To accomplish this, a liaison or staff member from a Runaway and Homeless Youth (RHY) program can write a letter to the financial aid administrator explaining that the youth is homeless. For a copy of sample forms that RHY and school providers can use to assist unaccompanied youth in these situations, please click [here](#).

Does the McKinney-Vento Act cover students seeking to enroll in GED programs?

It depends. If the GED program is being offered through the LEA or BOCES, then the McKinney-Vento Act applies

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NYS-TEACHS is housed at Advocates for Children and is funded by the New York State Education Department. The content of this website does not necessarily reflect the views or policies of the New York State Education Department. This website was produced with funding from the New York State Education Department.

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