



Meeting the Educational Needs of Pennsylvania’s Children & Youth Experiencing Homelessness

Informational Joint House Children & Youth Committee and Education Committee

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Thank you for this opportunity to testify in recognition of *Pennsylvania Education for Youth Experiencing Homelessness Awareness Week*. My name is Maura McInerney and I am the Legal Director at the **Education Law Center-PA (“ELC”)**, a statewide nonprofit legal advocacy organization dedicated to ensuring that all of Pennsylvania’s children have access to a quality public education. ELC’s work focuses on protecting and advancing the rights of students who are most underserved by our education system, including children living in poverty, Black and Brown students, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ students, and children experiencing homelessness, as well as students at the intersection of these identities. Over our 48-year history, ELC has handled hundreds of individual and impact cases and engaged in legislative and policy reform at all levels on behalf of children experiencing homelessness. These efforts have included filing cases¹ in federal court under the *McKinney-Vento Act Homeless Assistance Act*, 42 US Code §§11431-11435, as well as advocating for policy reforms such as ensuring that young children experiencing homelessness are appropriately screened and tracked to determine eligibility for

¹ See e.g., *L.R. ex rel. G.R. v. Steelton-Highspire Sch. Dist.*, No. 1:10-CV-00468, 2010 WL 1433146 (M.D. Pa. Apr. 7, 2010) (granting preliminary injunction directing school district to re-enroll child under the McKinney-Vento Act in case where the middle schooler had missed over six months of school); *N.C. v. Easton Area School District*, No. 5:13-CV-07199 (E.D. Pa. Jan. 6, 2014) (ordering immediate re-enrollment of two students who were disenrolled after being improperly classified as ineligible for McKinney-Vento protections because they lived in a recreational camper outside the catchment of the school district).

early intervention services² and that students in the K-12 system who experience education instability due to homelessness are supported to timely graduation.³ My testimony stems from ELC's years of experience in addressing the educational needs of children experiencing homelessness and what we have learned regarding the significant yet preventable barriers they face to obtaining a quality education.

My testimony today highlights three key recommendations to support students experiencing homelessness to improve academic and life outcomes for these students:

- First, ELC recommends that the General Assembly undertake legislative initiatives to *ensure the prompt identification and uninterrupted enrollment* of students who experience homelessness.
- Second, we recommend changes to the School Code to provide *targeted resources to students experiencing homelessness and additional protections in the school discipline context*.
- Third, we recommend that *school districts collaborate to develop and implement robust transition plans and facilitate connecting unaccompanied students experiencing homelessness to expanded supports and independent living options* as part of a systemic approach to addressing the growing crisis of youth aging out of foster care and forced into homelessness due to the absence of sufficient support to achieve permanency.

I. Understanding the Educational Needs of Students Experiencing Homelessness

It is well documented that children and youth experiencing homelessness struggle academically because they are more likely to be absent from school due to the effects of housing instability and frequent school moves.⁴ For example, data from the New York City Department of Education demonstrates a positive correlation between school moves, which are more frequent among students experiencing homelessness and missing school. This study also revealed that elementary students experiencing homelessness who missed fewer than five school days passed

² 55 Pa. Code § 4226.25.

³ See Act 1 of 2022, 24 P.S. § 13-1331.1, which removes educational and graduation barriers for students who experience "education instability" due to homelessness, foster care, involvement in the juvenile justice.

⁴ See *In School Every Day: Addressing Chronic Absenteeism Among Students Experiencing Homelessness*, National Center for Homeless Education (collecting research) (Sept. 2017) <https://nche.ed.gov/wp-content/uploads/2018/10/chron-absent.pdf>.

state assessment tests at approximately the same rate as their similar-income housed classmates (38% compared to 37%); however, only 12% of chronically absent students experiencing homelessness achieved proficiency on state assessment tests.⁵ Compounding this challenge is the fact that many students experiencing homelessness lack access to the healthcare needed to address common health issues, such as colds, the flu, and asthma, and mental health challenge resulting from the trauma and toxic stress caused by homelessness.⁶ Moreover, in the absence of consistent transportation, students experiencing homelessness are often forced to miss many days of school and often change schools midyear, rather than remaining in their schools of origin with transportation when this is in their best interest, as required by the McKinney-Vento Homeless Assistance Act.⁷ Each school move disrupts students' education and limits opportunities to learn. To address these harms stemming from homelessness, students need additional academic resources and support.

Due to systemic and structural racism, including housing policies and inequitable access to economic opportunities, students of color disproportionately experience homelessness. For example, in the 2020-2021 school year, while approximately 36.6% of Pennsylvania's public school students were children of color, they comprised 61% of children and youth identified as experiencing homelessness (32% Black, 21% Latinx, and 8% Asian, Multi-Racial, or Indigenous).⁸ LGBTQ+ students, youth who have aged out of foster care, and students who are expectant or parenting are also overrepresented among students experiencing homelessness.⁹

As a result of high rates of mobility and other barriers, students in Pennsylvania impacted by homelessness are more likely to be chronically absent (defined as absent 10 percent or more

⁵ da Costa Nunez, R., Erb-Downward, J., & Shaw-Amoah, A. (2012). Amoah, A. (2012). *Empty seats: The epidemic of absenteeism among homeless elementary students*. http://www.icphusa.org/wpcontent/uploads/2016/09/ICPH-PolicyReport_Empty-Seats_Chronic-Absenteeism.pdf.

⁶ Chang H. & Jordan, P. (2015). *Mapping the early attendance gap: Charting a course for school success*. <http://www.attendanceworks.org/wordpress/wpcontent/uploads/2015/07/Mapping-the-EarlyAttendance-Gap-Final-4.pdf>.

⁷ 42 U.S.C. § 11432(g)(3)(A)-(B).

⁸ See PENNSYLVANIA DEPARTMENT OF EDUCATION, *EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH) 2020-21 STATE EVALUATION REPORT* at p.11 (May, 2022), <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2020-21%20ECYEH%20State%20Evaluation%20Report.pdf>.

⁹ Shaw-Amoah, Anna; Lapp, David, *Students Experiencing Homelessness in Pennsylvania*, Policy Research Brief at p. 3 (2021), <https://files.eric.ed.gov/fulltext/ED611597.pdf>.

of school days during the year)¹⁰ which results in disparate educational outcomes in the absence of sufficient academic support. For example, state academic assessment data for the 2021-2022 school year reported by the Pennsylvania Department of Education reveals that only 27 percent of students experiencing homelessness scored at the proficient or advanced level in reading/literature, 11 percent scored proficient or advanced in math/Algebra I, and 30 percent of students scored proficient or advanced in science/biology.¹¹ Notably, as reflected in national data, educational outcomes for students experiencing homelessness are consistently below those for economically disadvantaged students who are stably housed. For example, in the 2018– 2019 school year, 30% of students experiencing homelessness reached academic proficiency on state standards in reading and language arts, compared to 38% of their economically disadvantaged peers. Performance was lower and the gap even larger in mathematics and science.¹²

In addition, students experiencing homelessness are more likely to be identified as being eligible for special education services than their peers who have access to stable housing. According to the Pennsylvania Department of Education, in the 2021-2022 school year 25 percent of students experiencing homelessness were identified as having a disability, with 36 percent of those identified categorized as having a “specific learning disability” while the state average for all students that year was 18.6%.¹³ Children and youth with disabilities who experience homelessness also face significant barriers in this context including: high rates of mobility which prevent the timely identification and evaluation of students; enrollment delays

¹⁰ School attendance data for the 2021-2022 school reflects that only 42 percent of students attended school 90 percent or more of the days enrolled. See *PENNSYLVANIA DEPARTMENT OF EDUCATION, EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH) 2021-22 STATE EVALUATION REPORT* <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2021-22%20ECYEH%20State%20Evaluation%20Report.pdf>. at p.42 (May, 2023).

¹¹ See *PENNSYLVANIA DEPARTMENT OF EDUCATION, EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH) 2020-21 STATE EVALUATION REPORT* at p. 12 (May, 2023), <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2021-22%20ECYEH%20State%20Evaluation%20Report.pdf>.

¹² Espinoza, D., Griffith, M., Burns, D., & Shields, P. M. *Federal and state resources for students experiencing homelessness*. Learning Policy Institute (2023), <https://doi.org/10.54300/546.264>.

¹³ See *PENNSYLVANIA DEPARTMENT OF EDUCATION, EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH) 2020-21 STATE EVALUATION REPORT* at p. 11 (May, 2023), <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2021-22%20ECYEH%20State%20Evaluation%20Report.pdf>.

and interruptions in services due to school transfers which also undermine progress and monitoring; and lack a consistent educational decisionmaker for unaccompanied youth.¹⁴

The experience of homelessness also significantly reduces the likelihood that students will have the supports they need to graduate from high school and go on to college. For example, during the 2021-2022 school year, of the 15,479 students experiencing homelessness enrolled in grades 7-12 in Pennsylvania, 3.8 percent dropped out of school, with grade 12th grade having the highest percentage at 7.3 percent, followed by grade 11 at 6.6 percent, and grade 10 at 3.8 percent. Of 2,737 grade 12 students for whom graduation status was known, 72.7 percent graduated.¹⁵ It is well established that being denied the opportunity to graduate from high school is linked to negative health consequences, unemployment, poverty, incarceration, and can also perpetuate intergenerational homelessness.¹⁶

II. ELC Policy Recommendations

A. *Improve Identification of Children and Youth Experiencing Homelessness*

In the 2021-2022 school year, over 40,000 children and youth across Pennsylvania were identified as experiencing homelessness.¹⁷ ***This is the highest reported count of children experiencing homelessness in our state's history.*** However, research shows that student homelessness in our state is grossly under-identified While Pennsylvania schools identified 10.1 students experiencing homelessness per 100 school-aged children in poverty, in the nation overall, schools on average identify 15.7 students experiencing homelessness per 100 children living in poverty. In fact, Pennsylvania ranks 36 out of 50 states in identification of students

¹⁴ *Supporting Students Experiencing Homelessness Who Have Disabilities: Federal Provisions to Increase Access and Success* National Center for Homeless Education (Aug. 2022), <https://nche.ed.gov/wp-content/uploads/2022/08/disabilities-brief.pdf>.

¹⁵ *Id.* at p.12.

¹⁶ See e.g., Hahn, R. A., Knopf, J. A., Wilson, S. J., Truman, B. I., Milstein, B., Johnson, R. L., Fielding, J. E., Muntaner, C. J. M., Jones, C. P., Fullilove, M. T., Moss, R. D., Ueffing, E., & Hunt, P. C. (2015). Programs to increase high school completion. *American Journal of Preventive Medicine*, 48(5); Wilson, S. J., & Tanner-Smith, E. E. (2013). Dropout prevention and intervention programs for improving school completion among school-aged children and youth: A systematic review. *Journal of the Society for Social Work and Research*, 4(4), 357–372. <https://www.journals.uchicago.edu/doi/10.5243/jsswr.2013.22>.

¹⁷ See PENNSYLVANIA DEPARTMENT OF EDUCATION, *EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH) 2020-21 STATE EVALUATION REPORT* at 10 (May, 2023), <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2021-22%20ECYEH%20State%20Evaluation%20Report.pdf>.

experiencing homelessness per school-aged children in poverty.¹⁸ Data indicates that Philadelphia -- the city with the highest overall population of individuals experiencing homelessness -- significantly under-identifies students experiencing homelessness, especially in its charter school sector.¹⁹ In 2018, the School District of Philadelphia had the lowest rate of identification of students experiencing homelessness among the 20 largest school districts in the country, having identified 4 students per 100 children living in poverty. In addition, Pennsylvania has a growing rural population of students experiencing homelessness, underscoring the statewide nature of this problem.²⁰ When children fail to be identified as eligible as required by the McKinney-Vento Act, they are deprived of the robust legal protections and supports that can ensure school success.

In our work at the Education Law Center, we routinely see the devastating consequences of schools failing to identify students experiencing homelessness. Children are often illegally turned away by school districts which they have the legal right to attend on the ground that they are unable to establish school district residency, even though federal law is clear that students experiencing homelessness are entitled to immediate enrollment without any documents.²¹ This often happens when a family or unaccompanied youth is “doubled up” living with other relatives or friends due to economic hardship or loss of housing, which is the most common way homelessness is experienced. Because schools do not ask appropriate questions regarding a child’s living situation students who are homeless are asked to prove residency despite the concept of residency not applying these students. When this occurs, schools illegally turn students away for not being able to provide a lease or utility bill in their name when in fact they are entitled to immediate enrollment because they are experiencing homelessness. Under-identification is a particular problem for unaccompanied youth experiencing homelessness while living on their own who commonly struggle to navigate the enrollment process and may be afraid to disclose that they are experiencing homelessness as many students have fled violence or been kicked out of their home.

¹⁸ Shaw-Amoah, Anna; Lapp, David, *Students Experiencing Homelessness in Pennsylvania*, Policy Research Brief at p. 3-6 (2021), <https://files.eric.ed.gov/fulltext/ED611597.pdf>.

¹⁹ *Id.* at 10 (Traditional charter schools in Philadelphia served a lower proportion of students experiencing homelessness as compared to School District of Philadelphia schools (0.8% to 2.6%).

²⁰ *Id.* at 14.

²¹ 42 U.S.C. § 11432(g)(3)(C)(i).

The failure to identify students experiencing homelessness deprives eligible students of their right to an education and the school stability or immediate enrollment guaranteed by the McKinney-Vento Act. In the absence of a formal and consistent process to identify students experiencing homelessness and mandatory training for school staff, students experiencing homelessness will continue to be shut out of school and deprived of any education for weeks or months at a time. The failure of schools to enroll these students rob them of educational opportunities. For many students, these deprivations will undermine their academic progress and push them out of school altogether.

The first step in determining McKinney-Vento eligibility is to gather relevant information in a non-stigmatizing way to learn about a child's or youth's situation. As recommended by the National Center for Homeless Education ("NCHE"), the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program, one of the most effective strategies to address the under-identification of students is to administer a non-stigmatizing universal questionnaire that asks about a family's or unaccompanied youth's living arrangement as part of a school's enrollment process. These questions should also be asked whenever a student changes addresses or reports moving. If the questionnaire indicates that the student may be experiencing homelessness, the student and family should be referred to the school's point-of-contact or local school district McKinney-Vento liaison (required to be appointed by federal law)²² to facilitate enrollment and connect the student with school resources.

Drawing on examples from other states such as Florida, Louisiana, and Texas,²³ ELC has created *a universal enrollment questionnaire that may be used by schools to identify students experiencing homelessness*.²⁴ Mandating the use of such a tool along with school staff training

²² 42 U.S.C. § 11432(g)(1)(J)(ii).

²³ For example, Florida's State Board of Education adopted Rule 6A-10.088 in Florida's Administrative Code which standardizes procedures and requirements for identifying students experiencing homelessness and mandates the use of a student enrollment questionnaire created by school districts as well as trainings for school district McKinney-Vento liaisons and other relevant school/district staff. See F.A.C. Rule 6A-10.088, available at <https://www.fldoe.org/core/fileparse.php/20653/urlt/15-2.pdf>. See also Louisiana Department of Education Student Residency available at <https://www.louisianabelieves.com/docs/default-source/policy/louisiana-student-residency-questionnaire---english.pdf?sfvrsn=2> and Texas Education Agency Student Residency Questionnaire Form available at <https://tea.texas.gov/academics/special-student-populations/srq-sample-harvey-12-5.pdf> and Student Intake Form available at <https://tea.texas.gov/academics/special-student-populations/sample-intake-form-21-22.pdf>.

²⁴ ELC's universal screening tool is available on our website at https://www.elc-pa.org/wp-content/uploads/2021/04/MV-Screener_Fillable-1.pdf.

regarding the signs of homelessness serves to ensure that students experiencing homelessness will be promptly identified, remain enrolled in school without disruptions, and receive the supports and protections they need and to which they are legally entitled. A universal enrollment screen helps to eliminate stigma associated with self-identification and the process assists to ensure the confidentiality of information regarding a student's living arrangement as such information is disclosed only to the applicable McKinney-Vento liaison and other designated staff and treated as confidential under the privacy protections for student records set forth in the *Family Educational Rights and Privacy Act*, 42 U.S.C. § 11432(g)(3)(G). School enrollment offices should also refrain from contacting people or agencies outside the school system to obtain additional information about the family's or youth's situation.

ELC also recommends mandatory trainings for all school-personnel regarding how to identify students experiencing homelessness similar to Indiana where state law requires each local educational agency to provide school staff, including teachers, paraprofessionals, school support staff, and specialized instructional support personnel, with training on the definition and signs of homelessness and steps to take when a student is identified as experiencing homelessness at least once a year. Ind. Code §§20-50-1; 31-36-3-4 (2019).

State legislation to promote the timely identification of students experiencing homelessness should also *prohibit school entities from unilaterally disenrolling any students previously identified as experiencing homelessness* in recognition of applicable statutes and caselaw emphasizing that there is no duration to homelessness.²⁵ ELC has found this to be a recurring issue for school districts, which results in children being out of school for extended periods of time. ELC also *strongly urges the General Assembly to pass H.B. 663* which provides that in the event of a residency dispute a school district cannot immediately disenroll a child from school until the dispute has been fully resolved and requires schools to provide information to families about the educational rights of students experiencing homelessness.²⁶

²⁵ 42 U.S.C. § 11432(g)(3)(A)(i) (requiring local education agencies to continue the education of students experiencing homelessness in the school of origin for the duration of the homelessness); *G.S. v. Rose Tree Media Sch. Dist.*, 914 F. 3d 206, at 211 (3d. Cir. 2019)(districts may not unilaterally determine that “ a doubled-up arrangement can transform into a fixed, regular, and adequate residence if it persists long enough.”); *L.R. v. Steelton-Highspire Sch. Dist.*, No.1:10-CV-00468, 2010 WL 1433146, at *4.

²⁶ See H.B. 663, as amended, re-committed to Appropriations on Oct. 31, 2023, available at [Bill Information - House Bill 663; Regular Session 2023-2024 - PA General Assembly \(state.pa.us\)](#).

B. Provide Additional Targeted Supports to Students Experiencing Homelessness

Years of research consistently shows that the McKinney-Vento Act's school stability protections are effective in improving educational outcomes. Youth who remain in the same school are twice as likely to graduate and a high school student with even one fewer school change is 1.8 times more likely to obtain a diploma.²⁷ In addition, we know that students experiencing homelessness also need additional academic support and that they are disproportionately penalized in response to absenteeism and in school discipline matters where their behaviors at issue are caused by the circumstances and trauma students experience due to homelessness. For example, according to a recent report released by the UCLA Civil Rights Project and the National Center for Youth Law, students in foster and those experiencing homelessness in California are much more likely to have their behaviors met with suspensions instead of school-based supports, forcing them to miss out on instructional time vital to their academic success.²⁸ Students experiencing homelessness in the state of Washington similarly face suspensions and expulsions at almost three times the rate of their housed peers due to enduring systemic inequities in the ways adults respond to often age-appropriate behaviors as well as a lack of school-based supports.²⁹ Pennsylvania's annual evaluation reports regarding students experiencing homelessness do not disaggregate school discipline data and address this issue. We urge that data be collected to determine school discipline disparities in the Commonwealth in addition to the recommendations below.

In order to address these issues, ELC first recommends that *students experiencing homelessness be prioritized for academic support*. The McKinney-Vento Act makes clear that LEAs "must ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including... summer school." 42 U.S.C. § 11432[g][1][F][iii]. In addition, multiple federal laws have recognized the

²⁷ See e.g., Pecora et al., 2006, Northwest Alumni Study and Pecora, P., Williams, J., Kessler, R.C., Downs, A.C., O'Brien, K., Hiripi, E., & Morello, S. (2003). *Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study*. Seattle, WA: Casey Family Programs

²⁸ See *Lost Instruction Time in California Schools: The Disparate Harm from Post-Pandemic Punitive Suspensions* (2023), available at [https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions/Lost Instruction Time CA Schools October 2023.pdf](https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions/Lost%20Instruction%20Time%20CA%20Schools%20October%202023.pdf).

²⁹ See *Report Card Discipline 2018-19*, Washington State, Office of Superintendent of Public Instruction (OSPI) (finding that 1 in 10 students experiencing homelessness were required to leave school for disciplinary reasons during the 2018-19 school year compared to 1 out of every 25 for their housed peers), <https://data.wa.gov/education/Report-Card-Discipline-for-2018-19/t29s-ahk>.

importance of prioritizing children experiencing homelessness for additional educational support. For example, students experiencing homelessness are categorically eligible for Title I services even if they are not enrolled in Title I schools. 20 U.S.C. § 6315(c)(2)(E). Young children who meet the definition of homelessness in the McKinney-Vento Act are also categorically eligible for Head Start/Early Head Start. 45 CFR §1302.12(c)(iii) and as part of a needs assessment must be prioritized for participation in Head Start programs. See 42 U.S.C. 11432(6)(A)); 45 CFR §1302.11(b)(1)(i).

A recent national study of school districts successfully serving children and youth experiencing homelessness disclosed that all district programs in the study provided students experiencing homelessness with additional targeting academic support, such as prioritizing these students for tutoring and summer programs, providing assistance with post-high-school planning, and linking students and families to counseling and other resources.³⁰ We recommend that the General Assembly *consider legislation to prioritize students experiencing homelessness for such supports* or enact legislation similar to that adopted in Kentucky which requires LEAs to adopt written procedures to provide students experiencing homelessness access to extracurricular and summer programs, and after- school tutoring and other extended school services available in the district to the fullest extent practicable and at nominal or no cost. Ky. Rev. Stat. §156.160); 704 KAR 7:090 (2020). Another approach would be to incentivize providing such supports through a competitive grant program.

In addition, ELC urges the General Assembly to consider *legislation to eliminate punitive and exclusionary measures imposed against students experiencing homelessness*. ELC has seen first-hand how students experiencing homelessness are frequently improperly marked absent, penalized, and fined under Pennsylvania's truancy laws³¹ when student absences are caused by a student's homelessness. For example, in one case ELC handled, a student living in a shelter was required to stay at the facility until a certain time in the morning in order for his family to remain in the shelter. This caused him to be late for school and he and his family faced truancy citations and excessive truancy fines and fees as a result. In another case, a child was

³⁰ Levin, S., Espinoza, D., & Griffith, M. Supporting students experiencing homelessness: District approaches to supports and funding. Learning Policy Institute (2023) <https://learningpolicyinstitute.org/product/supporting-students-homelessness-brief>.

³¹ See 24 P.S. § 13-1326 (defining truancy as three or more unexcused absences in the current school year and habitual truancy as 6+ absences) and 24 P.S. § 13-1333 (explaining truancy procedures).

nearly removed from her parent's care because she missed weeks of class when her school refused to send a bus to pick her up at her new temporary address. Outcomes like these are preventable.

Recognizing that students should not be penalized for conduct or behaviors relating to homelessness, several states have undertaken legislation to address these issues. For example, Texas enacted legislation that requires that each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program must give consideration to a student's homelessness. Tex. Ed. Code §37.001(a)(2019). In Nevada, schools must evaluate whether any student removed from the classroom for more than one day is experiencing homelessness. Disciplinary conferences must consider the impact of homelessness on the student's behavior and interventions to mitigate that impact. Moreover, schools must *presume* that a homeless student's behavior was caused by homelessness and cannot label a student as habitually truant under law if the behavior was caused by homelessness. In most instances, students experiencing homelessness or foster care cannot be suspended or expelled unless a determination is made that the behavior was not caused by homelessness or being in foster care. The McKinney-Vento liaison or designated school social worker or counselor must be involved in the determination for students experiencing homelessness and unaccompanied youth must be allowed to participate in their own disciplinary conferences. Nevada Revised Statutes § 388.13535.

ELC urges the General Assembly to consider adopting similar provisions to ensure that students experiencing homelessness cannot be penalized due to homelessness in either the truancy context or the school discipline context. The status a student who is experiencing homelessness or in foster care should be taken into account as part of any school discipline process.

C. Engage in Cross-agency Collaboration to Address the Needs of Unaccompanied Homeless Youth

According to the 2017 *Voices of Youth Count*, nearly one-third of older youth identified as homeless in a national point-in-time count had been in foster care or the juvenile justice

system.³² Peer-reviewed research indicates that between 31% and 46% of youth exiting foster care experience homelessness by age 26.³³ In fact, one of the more significant contributors to homelessness is spending time in the foster care system. The National Foster Youth Institute reports that the child welfare system is described as a “highway to homelessness” as an estimated 20 percent of young adults who are in care becoming homeless the moment they turn 18 and nationwide 50% of the homeless population has spent time in foster care.³⁴ A study conducted in Washington State found that approximately one quarter of youth that exited foster care at age 17 or older became homeless within 12 months of exit due to a critical lack of supports.³⁵

In Pennsylvania, surveys indicate that only 47% of older youth are exiting the foster care system to permanency while others exit with no permanency. Due to individual, systemic, and structural racism, Black youth and those who identify as Hispanic or Latinae experience disproportionate rates of non-permanence compared to their White counterparts: only 39% of Black children and 43% of Hispanic/Latinae youth have permanency, while 56% of White children and youth do.³⁶

The unique and fundamental needs of unaccompanied older youth experiencing homelessness who are living on their own requires additional support from school districts to support students to graduate, facilitate access to higher education or vocational programs, and ensure that these students are connected to vital resources, including housing. The General Assembly made significant progress to help these students through the adoption of Act 1 of 2022

³² According to the 2017 *Voices of Youth Count*, nearly one-third of youth identified as homeless in a point-in-time count had been in foster care or the juvenile justice system. See *Voices of Youth Count Report on Youth Homelessness: Findings from the Youth Count, Brief Youth Survey, and Provider Survey Philadelphia* available at <http://www.philadelphiaofficeofhomelessservices.org/wp-content/uploads/2017/04/voices-of-youth-count-philadelphia-9-2017.pdf>. See also *Youth at Risk of Homelessness: Identifying Key Predictive Factors Among Youth Aging Out of Foster Care in Washington State* available at <https://www.dshs.wa.gov/sites/default/files/SESA/rda/documents/research-7-106.pdf>

³³ Amy Dworsky PhD, Laura Napolitano PhD, and Mark Courtney PhD, *Homelessness During the Transition From Foster Care to Adulthood* Home American Journal of Public Health (AJPH) (December 2013), <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2013.301455>.

³⁴ See National Foster Youth Institute, *Housing and Homelessness* (2022), <https://nfyi.org/issues/homelessness/>

³⁵ Melissa Ford Shah, MPP, Qinghua Liu, PhD, David Mancuso, PhD, David Marshall, PhD, Barbara E.M. Felver, MES, MPA, Barbara Lucenko, PhD, Alice Huber, PhD *Youth at Risk of Homelessness Identifying Key Predictive Factors among Youth Aging Out of Foster Care in Washington State* (Jan. 2015) <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-7-106.pdf>.

³⁶ FOSTERING YOUTH TRANSITIONS 2023, PENNSYLVANIA PROFILE TRANSITION-AGE YOUTH IN FOSTER CARE, <https://assets.aecf.org/m/resourcedoc/aecf-fosteringyouth-stateprofile-PA.pdf>

which provides important supports and protections for unaccompanied youth to facilitate their prompt graduation from high school, including ensuring that students receive full and partial credit for all work completed in prior schools; waiving or providing alternative methods to fulfill local graduation requirements where a student meets state graduation requirements, and requiring points of contact to work with students to develop graduation plans. See 24 P.S. § 13-1331.1.

In order to address the needs of unaccompanied youth and youth who are exiting foster care and at a high risk of becoming homeless, ELC proposes that school districts be required to do the following: (1) work with unaccompanied youth experiencing *homelessness to develop transition plans for life after high school*, including identifying potential employment, vocational programs, or applying for post-secondary opportunities, including providing youth with verifications explaining their eligibility for financial aid in accordance with the McKinney-Vento Act;³⁷ (2) *connect unaccompanied youth with housing options*, health care resources, etc. recognizing that schools are often a student’s main source of stability and guidance; and (3) *engage with children and youth agencies to inform robust Transition Plans*³⁸ for youth who are exiting foster care, recognizing that youth aging out of care may continue in the same school without the direction and support of caring adults. Finally, ELC strongly supports expanding the availability of housing options for youth who are aging out of foster care, including independent living opportunities.

B. Conclusion

Thank you for the opportunity to raise awareness regarding the educational needs of students experiencing homelessness across Pennsylvania. ELC believes that we can vastly improve educational and life outcomes for these students through a robust system of identifying eligible students and proactive measures to meet their well-documented educational needs.

³⁷42 U.S.C. § 11432(g)(6)(A) and § 11432(g)(1)(K) (requiring school staff to assist youth applying to college by verifying their status as an “unaccompanied homeless student” for purposes of securing independent student status on the Free Application for Federal Student Aid Form (FAFSA). See Higher Education Act of 1965 § 480(d)(8), 20 U.S.C. § 1070(a).

³⁸ The 90-day Child Welfare Transition Plan is completed after a comprehensive transition assessment and connected to a youth's Permanency/Independent Living Plan developed by a country children and youth agency. The Transition Assessment included with the Plan should be started at least one year before the youth is expected to transition and be updated as needed to prepare youth for a successful transition. See 90-Day Transition Plan at https://www.pacwrc.pitt.edu/Curriculum/202_YthInTrnstm/HO/HO05_AppV.pdf.