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## Opening Doors: Preventing Youth Homelessness Through Housing and Education Collaboration

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Courtney Lauren Anderson\*

### I. INTRODUCTION

It is common for Americans to label the estimated six million homeless people<sup>1</sup> in this country as unmotivated adults who choose to spend their time panhandling for loose change instead of looking for a job. Contrary to popular belief, a large number of homeless adults are employed, but the compensation they receive is insufficient to cover the expense of housing.<sup>2</sup> Moreover, children comprise approximately one-fourth of the homeless population.<sup>3</sup> These children are unlikely to receive an education that will allow them to secure employment—employment that, in the long run, which would reduce their chance of becoming homeless in the future.<sup>4</sup>

The federal government is in the process of increasing efforts to end and

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<sup>1</sup> NAT'L ALLIANCE TO END HOMELESSNESS, THE STATE OF HOMELESSNESS IN AMERICA 7, 39 (2012), available at [http://b.3cdn.net/naeh/89f146b5bbed56d5a9\\_erm6yc53b.pdf](http://b.3cdn.net/naeh/89f146b5bbed56d5a9_erm6yc53b.pdf).

<sup>2</sup> PAUL A. TORO ET AL., HOMELESS YOUTH IN THE UNITED STATES: RECENT RESEARCH FINDINGS AND INTERVENTION APPROACHES 9 (2007), available at <http://www.huduser.org/publications/pdf/p6.pdf>. However, the number of unemployed people in the United States increased from 8.9 million in 2008 to 14.3 million in 2009. NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 15.

<sup>3</sup> There are approximately 1.6 million homeless children in the United States.

<sup>4</sup> Russel W. Rumberger & Katherine A. Larson, *Student Mobility and the Increased Risk of High School Dropout*, 107 AM. J. EDUC. 1, 21 (1998). The Bureau of Labor Statistics shows that higher education attainment leads to lower unemployment rates. U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS: EDUCATION PAYS . . . (2012), available at [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm).

prevent homelessness.<sup>5</sup> The US Interagency Council on Homelessness (USICH) was created in 1987 and is comprised of representatives from nineteen federal agencies.<sup>6</sup> Its purposes are to review the effectiveness of federal activities and programs that assist people experiencing homelessness and to promote better coordination among agency programs.<sup>7</sup> On June 22, 2010, USICH presented the first federal plan to end homelessness, entitled, “Opening Doors: The Federal Strategic Plan to Prevent and End Homelessness” (Strategic Plan).<sup>8</sup> The Strategic Plan enumerates four distinct yet interrelated goals: (i) end chronic homelessness<sup>9</sup> in five years;

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<sup>5</sup> U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, OPENING DOORS: FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS (2010) [hereinafter OPENING DOORS], available at [http://www.ich.gov/PDF/OpeningDoors\\_2010\\_FSPPPreventEndHomeless.pdf](http://www.ich.gov/PDF/OpeningDoors_2010_FSPPPreventEndHomeless.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* The departments and agencies represented by USICH are the US Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, Transportation, and Veterans Affairs; the Corporation for National and Community Service; the General Services Administration; the Office of Management and Budget; the Social Security Administration; the US Postal Service; and the White House Office of Faith-based and Community Initiatives. *About USICH*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, [http://www.uscih.gov/about\\_us/](http://www.uscih.gov/about_us/) (last visited Mar. 27, 2012). I refer to these agencies as “council agencies” in this article.

<sup>8</sup> OPENING DOORS, *supra* note 5.

<sup>9</sup> Helping Families Save Their Homes Act, 42 U.S.C. § 11360 (1987), amended by Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 401 (2009). A chronically homeless person is (1) homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter; (2) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and (3) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15002 (2000)), post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions. *Id.* The term “homeless” within the definition of “chronically homeless” is defined as “a person sleeping in a place not meant for human habitation (. . . living on the streets, for example) OR living in a homeless emergency shelter.” U.S. DEP’T OF HOUS.

(ii) prevent and end homelessness among veterans in five years; (iii) prevent and end homelessness for families, youth, and children in ten years; and (iv) set a path aimed at ending all types of homelessness.<sup>10</sup> In this article, I focus on the goal of preventing and ending homelessness for families, youth, and children in ten years.

There are approximately 1,682,900 homeless and runaway youth in the United States in any given year.<sup>11</sup> The inherent difficulty in identifying homeless youth, and the challenges this presents to service providers, is the main impediment to ending youth homelessness. Once homeless individuals are identified, agencies need to coordinate services, including housing, health care, and education, in order to provide homeless youth with the necessary resources to maintain a more stable living situation.

Permanent supportive housing combines shelter with social services, and is recognized as one of the most effective ways to assist homeless individuals.<sup>12</sup> Homeless service providers typically include health care services in these initiatives.<sup>13</sup> Educational services have not been included in permanent supportive housing units to date. Scholars integrate education agencies<sup>14</sup> in the discussion of homelessness by touting the need for

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AND URBAN DEVELOPMENT, DEFINING CHRONIC HOMELESSNESS: A TECHNICAL GUIDE FOR HUD PROGRAMS (2007), available at <http://www.hudhre.info/documents/DefiningChronicHomeless.pdf>.

<sup>10</sup> OPENING DOORS, *supra* note 5, at 4.

<sup>11</sup> NAT'L CTR. FOR HOMELESS EDUC., WHO IS HOMELESS? 1 (2006), available at [http://center.serve.org/nche/downloads/briefs/who\\_is\\_homeless.pdf](http://center.serve.org/nche/downloads/briefs/who_is_homeless.pdf) (statistic provided by a 2002 study done by the Office of Juvenile Justice and Delinquency Prevention).

<sup>12</sup> See generally U.S. DEP'T OF HOUS. AND URBAN DEV. OFFICE OF POLICY DEV. AND RESEARCH, PREDICTING STAYING IN OR LEAVING PERMANENT SUPPORTIVE HOUSING THAT SERVES HOMELESS PEOPLE WITH SERIOUS MENTAL ILLNESS 17 (2006), available at <http://www.hudhre.info/documents/5thHomelessAssessmentReport.pdf>.

<sup>13</sup> *Id.* at 17, 61, 63.

<sup>14</sup> Definitions, U.S. DEP'T OF EDUC., <http://www.ed.gov/race-top/district-competition/definitions> (last visited Oct. 7, 2012) (defining "local education agencies" as a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or

outreach and accessibility initiatives by the public school system. I agree with the importance of this premise; however, I believe that education agencies can create a support system in education and can utilize their capabilities in an innovative way, which integrates a range of support services.

As housing agencies work to create more affordable housing, they should take advantage of the knowledge base and experience that education agencies have in identifying the unique needs of homeless youth and in providing them with the resources to meet these needs. I argue that in order to end homelessness, federal initiatives must broadly interpret the law that affords education rights to homeless youth, thereby reframing the traditional scope of education agencies. Specifically, I believe that education agencies should work with housing organizations to create homes that incorporate educational services. I provide support for this hypothesis through statistical evidence detailing the connection between education and employment, and the need for extra educational services to be provided to homeless youth to meet their unique needs. Further, I detail how agencies have used the resources provided in the law to give homeless youth the free, appropriate, and public education to which they are entitled. The federal government's plan to end and prevent homelessness presents an immediate opportunity to test this hypothesis.

My intent is to convey the importance of reframing the capabilities of education agencies to challenge the normative functions of these agencies. In Part II of this article, I give additional detail about the homeless youth population and describe the importance of ending and preventing homelessness for youth, family, and children. Part III explains the unique needs of homeless youth, with a focus on the effects of homelessness on

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other political subdivision of a State, or for a combination of school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools).

education. Part IV provides information on how Title VII-B of the McKinney-Vento Homeless Assistance Act can serve as the foundation for increased incorporation of education agencies into the Strategic Plan. Part V describes the Strategic Plan and my critique of how it incorporates education agencies. Part VI sets forth my recommendation for including educational services into the design of permanent supportive housing.

## II. AN OVERVIEW OF HOMELESS YOUTH, FAMILY, AND CHILDREN

In this section, I define homelessness and provide statistics on the total number of homeless people. I then focus on the homeless youth subpopulation, illustrating the magnitude of the problem and suggesting the urgency with which multi-dimensional solutions must be implemented.

### *A. Defining and Identifying the Homeless*

The definition of “homeless” varies among homeless service providers and federal agencies.<sup>15</sup> For purposes of this article, a person is homeless if he or she is categorized as one of the following:

1. an individual or family<sup>16</sup> who lacks a fixed, regular, and adequate nighttime residence;<sup>17</sup>

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<sup>15</sup> *What is the Official Definition of Homeless?*, NAT’L HEALTHCARE FOR THE HOMELESS COUNCIL, , <http://www.nhchc.org/faq/official-definition-homelessness/> (last visited Oct. 2, 2012).

<sup>16</sup> U.S. DEP’T OF HOUS. AND URBAN DEV., THE 2009 ANNUAL HOMELESSNESS ASSESSMENT REPORT TO CONGRESS, at iii (2010), *available at* <http://www.huduser.org/publications/pdf/5thHomelessAssessmentReport.pdf> [hereinafter U.S. DEP’T OF HOUS. AND URBAN DEV., 2009 REPORT]. A “family” is defined as a household that includes an adult eighteen years of age or older and at least one child. *Id.* All other homeless people are considered individuals. *Id.* For purposes of this article, a “child” or “youth” is a person who is seventeen years of age or younger.

<sup>17</sup> An “emergency shelter” is any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless, and “transitional housing” is a project that has its purpose facilitating the movement of homelessness individuals and families to permanent housing within a reasonable amount of time (usually twenty-four months). *See*

2. an individual or family who will imminently lose their primary nighttime residence;<sup>18</sup>
3. unaccompanied youth<sup>19</sup> and families with children who (i) have lived for a long period of time without living independently in permanent housing; (ii) are defined as “homeless” under other federal statutes; (iii) have moved frequently for adverse economic reasons; and (iv) will continue to experience instability because of reasons related to a disability, multiple barriers to employment, or a history of domestic violence or abuse; or
4. an individual or family fleeing, or attempting to flee, domestic violence and other situations of violence.<sup>20</sup>

For purposes of this article, “homeless children” or “homeless youth” means individuals who lack a fixed, regular, and adequate nighttime residence and includes the following:

1. children and youth who are “doubled up”<sup>21</sup> or who lack a fixed, regular, and adequate nighttime residence;
2. children and youth 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;

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*Emergency Solutions Grants Program Fact Sheet*, HOMELESSNESS RESOURCE EXCHANGE, [http://hudhre.info/index.cfm?do=viewESG\\_SolutionsPrgm](http://hudhre.info/index.cfm?do=viewESG_SolutionsPrgm) (last visited Dec. 17, 2012). In this article, I will refer to homeless people staying in transitional housing and/or emergency shelters as “sheltered.”

<sup>18</sup> 42 U.S.C. § 11302 (2009). If a person must vacate his or her housing within fourteen days and that person does not have a fixed, adequate, and regular housing alternative, that person is at imminent risk of homelessness. *Id.*

<sup>19</sup> An “unaccompanied youth” refers to a youth in homeless situations who are not in the physical custody of a parent or guardian. NAT’L CTR. FOR HOMELESS EDUC., *supra* note 11, at 1. When I use the term “youth” alone, when referring to a homeless individual, the term encompasses both unaccompanied youth and youth in families.

<sup>19</sup> 42 U.S.C. § 11302 (2009).

<sup>20</sup> *Id.*

<sup>21</sup> I use the term “doubled up” to refer to a low-income individual or member of a family who is living with friends, extended family, or other non-relatives due to economic hardship. NAT’L ALLIANCE TO END HOMELESSNESS, *supra* note 1.

3. children and youth who are living in cars, parks, public areas, abandoned buildings, or similar settings; and
4. migratory children<sup>22</sup> who qualify as homeless because they are living in circumstances described in the clauses listed above.<sup>23</sup>

The first method used to collect data on the homeless population utilizes the Homeless Management Information Systems (HMIS) to count homeless people who are sheltered.<sup>24</sup> The 2009 Annual Homeless Assessment Report (AHAR)<sup>25</sup> shows that 1,558,917 people stayed in an emergency shelter or transitional housing from October 1, 2008, through September 30, 2009.<sup>26</sup>

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<sup>22</sup> Migratory child means,

a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work:

(A) has moved from one school district to another;

(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

(C) resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

Elementary and Secondary Education Act, 20 U.S.C. ch. 70 (1965) (current version at 20 U.S.C. § 6399 (2012)).

<sup>23</sup> 42 U.S.C. § 11432 (2002).

<sup>24</sup> U.S. DEP'T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at ii.

<sup>25</sup> *Id.* at 42. AHAR is the fifth in a series of reports mandated by Congress calling for the collection and analysis of data on homelessness. AHAR was developed by HUD, a team of researchers from Abt Associates Inc. (one of the world's largest for-profit government and business research and consulting firms in the fields economic development and health, social, and economic policy), and the University of Pennsylvania Center for Mental Health Services and Research. *Id.* at 18.

<sup>26</sup> *Id.* at 9. I refer to this time period as the "2009 reporting period." The process for these counts was developed and initiated by the U.S. Department of Housing and Urban Development (HUD) so that the case management tools used to collect and analyze the data is uniform among communities. *Id.* at 1-2.



HMIS databases are maintained at the local and state level, and are required in order for agencies to receive US Housing and Urban Development (HUD) funding for homeless programs.<sup>27</sup> By using this data, agencies can analyze and prioritize their services for the homeless.<sup>28</sup> This data can also be used to chart the progress of homeless service providers in achieving their goals. Although HMIS is one of the most effective data collection systems used by the federal government and homeless service providers, a significant number of homeless people are not included in the information collection process.<sup>29</sup> Doubled up individuals and families are excluded, as are women who use domestic violence shelters and homeless people who use service programs that do not receive funds from certain government programs.<sup>30</sup>

The second method of collecting and analyzing data on homeless people is a point-in-time (PIT) count, which HUD requires of communities receiving funds under the McKinney-Vento Homeless Assistance Act.<sup>31</sup> A PIT count is a count of the unsheltered and sheltered homeless people in a given community, conducted on a single night.<sup>32</sup> The PIT count conducted

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> NAT'L HEALTHCARE FOR THE HOMELESS COUNCIL, *supra* note 14, at 14.

<sup>30</sup> OPENING DOORS, *supra* note 5, at 11. Domestic Violence Counts estimated that on a single day in 2009, domestic violence programs provided emergency shelter or transitional housing services to more than 32 thousand adults and children. *Id.* at 13.

<sup>31</sup> 42 U.S.C. § 11432 (2002). The McKinney-Vento Homeless Assistance Act (the McKinney-Vento Act) was originally enacted in 1987 as the Stewart B. McKinney Homeless Assistance Act, and was most recently reauthorized in 2009. The name was changed to McKinney-Vento Homeless Assistance Act in 2000. It provides a number of services for homeless people. Subtitle VII-B of the McKinney-Vento Act is the Education for Homeless Children and Youth (EHCY) Program and it provides resources to homeless youth through education institutions. It is described in more detail in the Part VI of this article.

<sup>32</sup> *Fact Sheet: What is a Point-in-Time Count?*, NAT'L ALLIANCE TO END HOMELESSNESS (Sept. 7, 2012), <http://www.endhomelessness.org/library/entry/fact-sheet-questions-and-answers-on-homelessness-policy-and-research>. This involves local homeless service providers identifying their homeless residents and characterizing each

during the last week of January 2009 resulted in an estimate that 656,129 people in the United States were homeless on a single night.<sup>33</sup> Individuals and families included in PIT counts are either on the street, and cooperate with the outreach and identification efforts of volunteers, or they are sheltered at programs that receive Continuum of Care<sup>34</sup> funds, and provide such information during intake processes.<sup>35</sup> Data available from the PIT counts does not separately identify homeless youth, but rather reports the number of persons living in households with children.<sup>36</sup>

Though PIT and HMIS are the two most commonly used methods to identify homeless people, they do not fully capture the magnitude of the problem. This is due to the transient nature of the homeless population, the expansive definition of “homeless,” and the hardships presented by coordinating data collection among a large number of service providers. Such limitations are especially apparent with respect to homeless families

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person as an individual, a member of a family, or an unaccompanied youth. The communities that provided data for the AHAR are: Cincinnati-Hamilton County, Detroit, Idaho State, Iowa State, Memphis, New York City, Phoenix-Maricopa County, San Francisco Continuum of Care, and Seaside-Monterey County Continuum of Care. The interview participants were local service providers located within each of these communities. The interviews in Idaho and Iowa were with service providers located throughout the state. U.S. DEP’T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 1.

<sup>33</sup> This is approximately 20 thousand more homeless people than in the 2008 estimate. NAT’L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 4.

<sup>34</sup> “Continuum of Care” is defined by HUD as “a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximize self-sufficiency. In essence these are administrative entities that distribute funds to be used for homeless assistance. OPENING DOORS, *supra* note 5, at 39.

<sup>35</sup> MICHELLE CHAU ET AL., NAT’L CTR. FOR CHILDREN IN POVERTY, BASIC FACTS ABOUT LOW-INCOME CHILDREN, 2009 170 (2010), available at [http://www.nccp.org/publications/pdf/text\\_975.pdf](http://www.nccp.org/publications/pdf/text_975.pdf).

<sup>36</sup> *Id.*

and youth because these subpopulations are often doubled up.<sup>37</sup> Since homeless families constitute a majority of the doubled up homeless population, it is difficult to provide them with the types of services that sheltered homeless people receive. Family homelessness has been steadily increasing<sup>38</sup> and, without better identification methods, preventing this type of homelessness will be difficult.

The Strategic Plan also relies on data reported by public schools on the number of homeless children in the school system, and acknowledges the central role that schools play in identifying and supporting homeless children, youth, and families.<sup>39</sup> These reports show that during the 2008–2009 school year, over 956 thousand homeless students were enrolled.<sup>40</sup> To the extent schools rely on families to self-report their homeless status, families' lack of understanding of the definition of "homeless" also skews the statistics on homeless children actually enrolled in school. Because the definition is broad, parents may be unaware that their particular living situation places them in the homeless category.

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<sup>37</sup> HOMELESSNESS RESEARCH INST., ECONOMY BYTES: DOUBLED UP IN THE UNITED STATES 1–2, available at [http://b3cdn.net/naeh/97569cfc8f6ecf741f\\_vhm6bhzcg.pdf](http://b3cdn.net/naeh/97569cfc8f6ecf741f_vhm6bhzcg.pdf) (last visited Dec. 18, 2012).

<sup>38</sup> 29.5 percent of homeless families reported that they had been staying with family members or friends before entering a shelter or transitional housing.. U.S. DEP'T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 33. There were 535,447 families who were sheltered in during the 2009 reporting period, which is a 30 percent increase from 2007. 170,129 of these families had children. *Id.* at 18. Data from the January 2009 PIT count indicates that the nation's family homelessness population on a single night increased from 236,904 persons in 2008 to 243,156 in 2009, and also that there were approximately 12 thousand homeless youth that night. NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 9. Homeless service providers report that it is likely that this increase in homeless families is an effect of the recession. U.S. DEP'T OF HOUS. AND URBAN DEV., *supra* note 16, at iv.

<sup>39</sup> *Id.* at 14.

<sup>40</sup> OPENING DOORS, *supra* note 5, at 13.

*B. Where are the Homeless Youth?*

The methods of identifying homeless people have become increasingly precise over the years, but are still subject to human error. Additionally, they are complicated by the fact that the homeless population is also exceptionally mobile.<sup>41</sup> Despite these flaws, certain subgroups of homeless youth have been identified, and a closer examination of these subgroups will be useful in analyzing the causes of youth homelessness. This article divides homeless youth into two main subgroups: unaccompanied youth and youth in families. A brief look at the population that makes up the unaccompanied youth category illustrates the varied causes of youth homelessness and underscores the need for an interdisciplinary approach to the problem. I view the problem of youth homelessness as caused by a number of interrelated socioeconomic and economic factors. Therefore, I assert that, in order to end homelessness, the laws protecting the rights of homeless youth should be broadly interpreted to provide protection in the least restrictive way possible. Part IV of this article describes how comprehensively supporting the right of education for homeless youth can help to break their cycle of homelessness. Given that the parent or guardian generally has the obligation to provide shelter to his or her family, it follows that the reasons for homelessness among youth in families are usually attributed to economic factors.

Unaccompanied youth are homeless youth who are not in families.<sup>42</sup> This group rarely uses homeless shelters or other public services, making their numbers hard to quantify.<sup>43</sup> Generally, unaccompanied youth become

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<sup>41</sup> SANDRA PAIK & REBECCA PHILLIPS, *STUDENT MOBILITY IN RURAL COMMUNITIES: WHAT ARE THE IMPLICATIONS FOR STUDENT ACHIEVEMENT?* 4–5 (2002).

<sup>42</sup> See *OPENING DOORS*, *supra* note 5, at 15.

<sup>43</sup> See NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 30. In 2009, 35 percent of homeless assistance providers reported that there were zero unaccompanied youth in their communities. The underestimation of the existence of homeless youth data in these communities lessens the chance that these homeless youth will receive services

homeless due to severe family conflict, because they have been discharged from jail or foster care, or for both of these reasons.<sup>44</sup> The majority of unaccompanied homeless youth are runaways or throwaways.<sup>45</sup> Runaway youth have made the choice to leave home, often due to severe family conflict<sup>46</sup> that involves physical or sexual abuse.<sup>47</sup> In 2002, the National Survey on Drug Use found that about 1.6 million youth between the ages of twelve and seventeen had run away from home and slept in the street in the

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and support required to secure housing stability. It is highly unlikely that so many communities would not have any unaccompanied youth.

<sup>44</sup> See *State of Homelessness in America* 2011, NAT'L ALLIANCE TO END HOMELESSNESS, <http://www.endhomelessness.org/library/entry/state-of-homelessness-in-america-2011>. Due to the lack of opportunities for stable employment or the education needed to attain such jobs, youth who have aged out of foster care or the juvenile justice system are prone to becoming homeless upon their release and, later in life, as adults. See NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1. Approximately 60 percent of homeless adults age twenty and over spent time in the child welfare system. WHITE HOUSE TASK FORCE FOR DISADVANTAGED YOUTH, FINAL REPORT 39 (2003), available at [http://www.mpmn.org/Resources/white\\_house\\_task\\_force.pdf](http://www.mpmn.org/Resources/white_house_task_force.pdf). Given that only 3 percent of the US population has spent time in the child welfare system, it is clear that there is an unfortunate pipeline from the system to homelessness. *Id.* The odds of experiencing homelessness for a person in the general population of the United States are approximately one in two hundred. The odds for a person released from incarceration are one in eleven. NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 26. The odds for a youth aging out of foster care are approximately one in six. *Id.* at 5.

<sup>45</sup> "Runaway children" are youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations and who are considered homeless, even if their parents have provided and are willing to provide a home for them. "Throwaway children" are youth whose parents or guardians will not permit them to live at home and who are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations. U.S. Department of Education Preliminary Guidance for the Education for Homeless Children and Youth Program, Title VII, Subtitle B (June 1995) at 22–3.

<sup>46</sup> Bryan N. Cochran et al., *Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents with their Heterosexual Counterparts*, 92 AM. J. OF PUB. HEALTH 772 (2002).

<sup>47</sup> See MARJORIE J. ROBERTSON & PAUL A. TORO, HOMELESS YOUTH: RESEARCH, INTERVENTION, AND POLICY 4 (1998), available at <http://aspe.hhs.gov/progsys/homeless/symposium/3-youth.htm>. Statistics estimate that as many as 60 percent of all homeless youth have experienced physical abuse and that 35 percent have experienced sexual abuse. *Id.*

previous year.<sup>48</sup> Throwaway youth are those who have been forced to leave home.<sup>49</sup> Homeless service providers report that lesbian, gay, bisexual, transgender, and queer youth have often been rejected by their families and account for a large percentage of the throwaway youth population.<sup>50</sup> If a youth is in fear of his or her guardians, or is purposely avoiding returning home for another reason, it is likely that he or she will seek obscure or abandoned housing rather than seek assistance from authorities.<sup>51</sup> This exacerbates the problems faced by homeless service providers in identifying homeless youth.

The Runaway, Homeless, and Missing Children Protection Act (RHYA) was enacted to provide resources to unaccompanied youth.<sup>52</sup> RHYA uses its resources for immediate short-term assistance, for outreach to unsheltered homeless youth, and to develop and support transitional living programs.<sup>53</sup> Transitional living programs provide homeless individuals ages sixteen to twenty-one with stable living conditions, educational opportunities, medical

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<sup>48</sup> JENNIFER BENOIT-BRYAN, NATIONAL RUNAWAY SWITCHBOARD 2010 REPORTER'S SOURCE BOOK ON RUNAWAY AND HOMELESS YOUTH 14–16 (2010), available at <http://www.1800runaway.org/assets/1/7/2010reporterssourcebookv07152010.pdf>.

<sup>49</sup> NICHOLAS RAY, NAT'L GAY AND LESBIAN TASK FORCE, LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH: AN EPIDEMIC OF HOMELESSNESS 9 (2007), available at <http://www.thetaskforce.org/downloads/HomelessYouth.pdf>.

<sup>50</sup> *Id.* at 1.

<sup>51</sup> See generally Richard A. Hooks Wayman, *Homeless Queer Youth: National Perspectives on Research, Best Practices, and Evidence-Based Interventions*, 7 SEATTLE J. FOR SOC. JUST. 587 (2009).

<sup>52</sup> See generally Juvenile and Delinquency Prevention Act, 12 U.S.C. §§ 5715–5770 (1974), amended by 42 U.S.C. § 5742 (Supp. I 2003). Pursuant to the RHYA, the Health and Human Services secretary provides funds to community organizations that provide shelter, food, clothing, and other essential items and services to homeless youth. Runaway, Homeless, and Missing Children Protection Act, Pub. L. No. 108-96, 117 Stat. 1167 (codified as amended at 42 U.S.C. §§ 5701–5752 (2003)). \$115 million is provided for RHYA programs in the 2013 federal budget. *FY 2013 Appropriations: RHYA Programs*, NAT'L ALLIANCE TO END HOMELESSNESS, <http://www.endhomelessness.org/library/entry/fy-2013-appropriations-rhya-programs> (last visited Mar. 25, 2013).

<sup>53</sup> *Id.*

services, and other support services that they need to become healthy and self-sufficient.<sup>54</sup> However, in 2008, RHYA outreach programs resulted in less than 1 percent of contacted homeless youth being placed in units outside of shelters.<sup>55</sup>

It is also important to note that homeless youth may be separated from their families due to restrictions that shelter providers impose.<sup>56</sup> Some shelters do not allow youth over a certain age or have limits on the number of family members that may stay there.<sup>57</sup> A number of shelters serve females only, which separates male homeless youth from their families.<sup>58</sup> These administrative practices, though created for the protection of sheltered individuals, can perpetuate the homeless status of youth, making it difficult to identify and serve them.

Due to the large number of homeless youth who are unable or unwilling to live with their families, housing alternatives need to cater not only to homeless youth in families, but also to unaccompanied youth. Most transitional living programs for homeless youth do not account for the fact that homeless youth may be unwilling or unable to reunite with their

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<sup>54</sup> *Id.*

<sup>55</sup> NICO SIFRA QUINTANA ET AL., CTR. FOR AM. PROGRESS, ON THE STREETS: THE FEDERAL RESPONSE TO GAY AND TRANSGENDER YOUTH HOMELESSNESS 25 (2010), available at <http://www.americanprogress.org/issues/2010/06/pdf/lgbtyouthhomelessness.pdf>. Eight hundred youth were contacted, 44,483 youth were given a bed in a shelter, and 3,946 were placed in traditional housing units. *Id.*

<sup>56</sup> See generally Linda Weinreb & Peter H. Rossi, *The American Homeless Family Shelter 'System'*, 69 SOC. SERV. REV. 86, 95–97 (1995) (documenting how restrictive admissions policies function).

<sup>57</sup> *Id.*

<sup>58</sup> Peter H. Rossi, *Troubling Families: Family Homelessness in America*, 37 AM. BEH. SCI. 342, 379 (1994) (arguing that the population of homeless families is skewed toward young single mothers with small families because of admissions policies restricting men and large families); see also CHAU ET AL., *supra* note 35, at 18. The typical homeless family consists of a single mother with two children, one or both under the age of 6. NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 13.

families.<sup>59</sup> When educational services are provided within transitional living programs, the direct link with the student's school curriculum is tenuous.<sup>60</sup> If such housing alternatives are to find long-term success, the unique needs of homeless youth must be considered. Education policies can address the systemic factors that contribute to homelessness as well as the individualized factors that are often seen in homeless youth.

### III. THE UNIQUE NEEDS OF HOMELESS YOUTH

Similar to the variance among the causes of homelessness, the unique needs of homeless youth often vary depending on whether the youth is unaccompanied or with his or her family. However, all homeless youth fall victim to traumatic experiences that can cause or aggravate mental and physical health problems.<sup>61</sup> This section will detail such problems and how they limit educational opportunities for homeless youth. In Subpart A, I will begin by describing the physical, mental, and emotional health issues that homeless youth face and how these issues are complicated by a lack of access to proper health care. In Subpart B, I will then discuss how the typical homeless family structure impacts the well-being of homeless youth. Next, in Subpart C, I will explain how the prevalence of residential and school mobility<sup>62</sup> disrupts the life of homeless children and how the issues they face compound the difficulty of achieving academic success. Finally,

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<sup>59</sup> See generally CORP. FOR SUPPORTIVE HOUS., SUPPORTIVE HOUSING FOR YOUTH: A BACKGROUND OF THE ISSUES IN THE DESIGN AND DEVELOPMENT OF SUPPORTIVE HOUSING FOR HOMELESS YOUTH, available at <http://documents.csh.org/documents/pd/youth/youthsh.pdf>.

<sup>60</sup> *Id.*

<sup>61</sup> See generally ARLENE SCHNEIR, NAT'L CHILD STRESS NETWORK, TRAUMA AMONG HOMELESS YOUTH (2007), available at [http://www.hhyp.org/downloads/culture\\_and\\_trauma\\_brief\\_v2n1\\_HomelessYouth.pdf](http://www.hhyp.org/downloads/culture_and_trauma_brief_v2n1_HomelessYouth.pdf).

<sup>62</sup> "School mobility" is defined as frequent school moves that are not the result of promotion to the next grade level. ALEXANDRA BEATTY ET AL., BD. ON CHILDREN, YOUTH, AND FAMILIES, STUDENT MOBILITY: EXPLORING THE IMPACT OF FREQUENT MOVES ON ACHIEVEMENT 1 (2010).



in Subpart D, I will underscore the importance of increasing the availability of educational opportunities in permanent supportive housing for this subpopulation to reduce their chances of becoming homeless adults.

*A. The Trauma of Homelessness: Deterioration of Physical, Mental, and Emotional Health*

As a result of the unique needs and environments of homeless youth as described in Part II, a high number of homeless youth are plagued with a variety of physical illnesses.<sup>63</sup> Homeless children are in greater need of specialized medical attention immediately after birth.<sup>64</sup> Upon birth, homeless children will live in conditions that threaten their physical health as they grow. They may suffer from asthma at disproportionately high rates.<sup>65</sup> Homeless youth are twice as likely to go hungry than housed<sup>66</sup> youth, and studies show that any failure to regularly eat nutritional meals adversely affects behavior, cognitive development, and academic performance.<sup>67</sup> Health problems such as headaches, fevers, and stomach illnesses are also more prevalent in homeless youth.<sup>68</sup> Additionally, these children display speech impediments at a much higher rate than their

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<sup>63</sup> Josephine Ensign & Michelle Bell, *Illness Experiences of Homeless Youth*, 14 QUAL. HEALTH RES., 1239, 1239 (2004).

<sup>64</sup> ELLEN HART-SHEGOS, FAMILY HOUS. FUND, HOMELESSNESS AND ITS EFFECTS ON CHILDREN 2 (Anne Ray ed. 1999), available at [http://www.fhfund.org/\\_dnld/reports/SupportiveChildren.pdf](http://www.fhfund.org/_dnld/reports/SupportiveChildren.pdf).

<sup>65</sup> J. J. Cutuli et al., *Asthma and Behavior in Homeless 4- to 7-Year-Olds*, 125 PEDIATRICS 145, 149 (2010), available at <http://pediatrics.aappublications.org/content/125/1/145.full.pdf+html>. Twenty percent of homeless preschoolers have emotional problems that require professional care. *Id.*

<sup>66</sup> I use the term “housed” to refer to individuals that are not homeless. This does not include individuals who are doubled up.

<sup>67</sup> HART-SHEGOS, *supra* note 64, at 6–9.

<sup>68</sup> John H. Wong et al., *The McKinney-Vento Homeless Assistance Act—Education for Homeless Children and Youths Program: Turning Good Law into Effective Education*, 16 GEO. J. POVERTY L. 53, 289–90 (2009).

housed counterparts.<sup>69</sup> These ailments adversely impact their ability to attend school and process information.<sup>70</sup>

In addition to increased physical illness, homelessness affects the mental and emotional health of these children. Faced with the uncertainty of finding shelter and food each day, homeless youth often have high levels of stress in their lives.<sup>71</sup> It is also common for homeless youth, especially those who are sheltered or living on the street, to fear for their own safety or the safety of their family members.<sup>72</sup> Studies show that 33 percent of homeless children will have a mental disorder that substantially interferes with their daily life.<sup>73</sup> Approximately 47 percent of homeless youth are depressed and have other clinical emotional issues, while only 18 percent of youth who are not homeless experience these same issues.<sup>74</sup> Homeless youth with mental health problems often fail to receive adequate medical attention because they lack insurance. Without adequate access to medical and emotional support systems or services to properly deal with the trauma of being homeless, psychological damage can result.<sup>75</sup> Untreated mental health

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<sup>69</sup> Patricia F. Julianelle & Maria Foscarinis, *Responding to the School Mobility of Children and Youth Experiencing Homelessness: The McKinney-Vento Act and Beyond*, 72 J. NEGRO EDUC. 39, 42 (2003).

<sup>70</sup> NAT'L CTR. ON FAMILY HOMELESSNESS, THE CHARACTERISTICS AND NEEDS OF FAMILIES EXPERIENCING HOMELESSNESS 6 (2009), available at <http://www.familyhomelessness.org/media/147.pdf>

<sup>71</sup> SCHNEIR, *supra* note 61, at 3.

<sup>72</sup> NAT'L CTR. ON FAMILY HOMELESSNESS, *supra* note 70, at 6.

<sup>73</sup> HART-SHEGOS, *supra* note 64, at 6–9. Such disorders are present in about 20 percent of children who are not homeless. *Id.*

<sup>74</sup> *Id.* at 8. 20 percent of homeless preschoolers have emotional problems that require professional care. *Id.*

<sup>75</sup> See Laura Noble, *The Meaning of a Free Appropriate Public Education for Homeless Children: An Analysis of the Stewart B. McKinney Homeless Assistance Act*, 23 STETSON L. REV. 429, 441 (1994). See also CONFERENCE PROCEEDINGS, HOMELESS CHILDREN AND YOUTH: COPING WITH A MARYLAND TRAGEDY — II (1990) [hereinafter MARYLAND TRAGEDY]. Children's advocates, educators, and Congress concur that homeless children require direct specialized services to ensure their success in school. See S. REP. NO. 436 (1990) (indicating that grant funds are to be used to provide services to "enhance the opportunities for homeless children and youth to enroll in and be

disorders in homeless youth can result in increased rates of substance abuse, violence, and high-school dropout rates.<sup>76</sup>

These physical and mental illnesses complicate the administrative task of providing homeless students with the necessary resources to receive a “free, appropriate, and public education” (FAPE).<sup>77</sup> Children who are living in poverty are overrepresented in special education services,<sup>78</sup> and homeless youth are diagnosed with learning disabilities twice as often as housed youth.<sup>79</sup> Unfortunately, school personnel often mislabel homeless children as “socially maladjusted” and do not provide them with the proper treatment for emotional and behavioral disorders.<sup>80</sup> Childhood trauma can lead to damaging changes to brain structures and functions, and special education services can often provide the additional resources needed by children who have experienced such trauma.<sup>81</sup> Educators may also inappropriately place

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successful in school” and, because homeless children may be disproportionately exposed to violent behavior, strongly urging that the DOE secretary and local educational agencies give special attention to this troubling problem).

<sup>76</sup> HART-SHEGOS, *supra* note 64.

<sup>77</sup> The Individuals with Disabilities Education Act was enacted to ensure that all disabled children receive a free, appropriate public education, and defines this as “special education and related services that have been provided at public expense . . . meet the standards of the state educational agency . . . include an appropriate preschool, elementary school, or secondary school education . . . and are provided in conformity with [an] individualized education program.” 20 U.S.C. § 1401 (2006). This was further defined by the courts as “consist[ing] of access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child.” Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cnty. v. Rowley, 458 U.S. 176, 176, 181–82 (1982).

<sup>78</sup> *Special Education for Students with Disabilities: Analysis and Recommendations*, 6 THE FUTURE OF CHILDREN 4, 6 (1996), available at [http://www.princeton.edu/futureofchildren/publications/docs/06\\_01\\_FullJournal.pdf](http://www.princeton.edu/futureofchildren/publications/docs/06_01_FullJournal.pdf).

<sup>79</sup> HART-SHEGOS, *supra* note 64, at 8.

<sup>80</sup> *Id.* at 9.

<sup>81</sup> MASS. ADVOCATES FOR CHILDREN, HELPING TRAUMATIZED CHILDREN LEARN 18–19 (2005), available at <http://opi.mt.gov/pdf/indianed/TeachTraumatizedKids.pdf>.

They (children who are victims of trauma) can have difficulties focusing, behaving, trusting adults and peers, and learning the subject matter at the

students in restrictive special education settings, which unnecessarily isolates the student from his or her peers and puts the student on an academic track that is not commensurate with the student's capacity.<sup>82</sup>

*B. Characteristics of Unaccompanied Youth and Homeless Youth in Families*

Families become homeless for a variety of reasons. One of the most common causes of homelessness is the inability to afford housing.<sup>83</sup> Homelessness is also caused by domestic unrest and any number of other health or personal struggles.

The main economic causes of homelessness are housing affordability, unemployment, low income, and foreclosure status.<sup>84</sup> These causes, which have been exacerbated due to the recent recession, illustrate the need to create more affordable housing.<sup>85</sup> Though unemployment is a major contributor to family homelessness, it is not the only cause; close to one-fifth of adults in homeless families are employed, but earn wages that are insufficient to cover the basic cost of living.<sup>86</sup> Single mothers head the

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school. Unfortunately, school staff often fail to understand the connections between trauma and learning and respond superficially rather than therapeutically to these behaviors. This can cause children to disengage, dropout, or escalate negative behaviors. Because their behavior is not adequately understood, these students are prone to being suspended and/or expelled from school. Without adequate supports and services, a high proportion of these children will go on to engage in risk taking behavior, including the use of drugs and alcohol . . . and juvenile delinquency.

*Id.* at 40–41.

<sup>82</sup> JAMES M. KAUFFMAN, CHARACTERISTICS OF BEHAVIOR DISORDERS OF CHILDREN AND YOUTH 30 (1989).

<sup>83</sup> OPENING DOORS, *supra* note 5, at 23.

<sup>84</sup> NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 17.

<sup>85</sup> *Id.*

<sup>86</sup> TORO ET AL., *supra* note 2, at 6.

majority of homeless families.<sup>87</sup> These women, who often lack a high school education, are hindered in their ability to attain sustainable employment.<sup>88</sup>

Because approximately 72 percent of households in the United States with incomes below the federal poverty line spend at least 50 percent of their monthly household income on rent,<sup>89</sup> it is expected that people are becoming homeless because they are unable to pay their housing costs.<sup>90</sup> It follows that the significant expense of housing reduces discretionary funds, including the ability to pay for children to have the compensatory education measures they may need, such as tutoring.

Factors that are not solely economic in nature also attribute to a stressful home environment.<sup>91</sup> A large number of single mothers in homeless families have experienced severe violence, which is often cited as a main cause of homelessness, and children were found to be present in more than three-quarters of the households where domestic violence was reported.<sup>92</sup> An unstable home life can negatively impact a child's self-awareness,

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<sup>87</sup> Families with children comprise 34 percent of the homeless population, and 80 percent of these families consist of a single mother as the sole adult figure. U.S. DEP'T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 26, 28.

<sup>88</sup> *Homelessness: Programs and the People They Serve*, U.S. DEP'T OF HOUS. AND URBAN DEV., [http://www.huduser.org/publications/homeless/homelessness/ch\\_2b.html](http://www.huduser.org/publications/homeless/homelessness/ch_2b.html).

<sup>89</sup> NAT'L LOW INCOME HOUS. COAL., OUT OF REACH 2012 4 (2012), *available at* <http://nlihc.org/sites/default/files/oor/2012-OOR.pdf>. The number of households who experienced this severe housing cost burden increased 9 percent from 2008 to 2009, totaling 5,886,293 households in 2009. NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 18.

<sup>90</sup> The number of residential foreclosures in 2009 totaled 2,824,674, which is an increase of 21 percent from 2008. *Id.* at 21.

<sup>91</sup> *See generally* Joseph S. Volpe, *Effects of Domestic Violence on Children and Adolescents: An Overview*, AM. ACAD. OF EXPERTS IN TRAUMATIC STRESS, <http://www.aeets.org/article8.htm> (last visited Oct. 3, 2012).

<sup>92</sup> NAT'L COAL. FOR THE HOMELESS, DOMESTIC VIOLENCE AND HOMELESSNESS FACT SHEET #7 (2007), *available at* <http://www.nationalhomeless.org/publications/facts/domestic.pdf>.

development, and school adjustment.<sup>93</sup>

Due to violence and instability, homeless mothers are twice as likely to use alcohol and drugs as compared to the general female population, and more than half of mothers experience a depressive episode after becoming homeless.<sup>94</sup> Alcohol, drugs, and depression limit the extent to which a homeless parent can provide a healthy family structure. Research has shown that maternal depression and child neglect increases the amount of stress hormones in children, which makes it difficult for children to cope with emotional or stressful situations later in life<sup>95</sup> and places children at a greater risk for mental health disorders, developmental delays, and stunted academic progress.<sup>96</sup>

Like homeless youth, homeless adults have a disproportionately high risk of contracting physical illnesses.<sup>97</sup> Furthermore, a number of these health problems tend to be left untreated due to a lack of access to health facilities and preventative measures.<sup>98</sup> Long bouts of illness can render household

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<sup>93</sup> One-third of this population expresses this trauma through delinquent behaviors. HART-SHEGOS, *supra* note 64, at 21–40.

<sup>94</sup> Linda F. Weinreb et al., *A Comparison of the Health and Mental Health Status of Homeless Mothers in Worcester, Mass: 1993 and 2003*, 96 AM. J. PUB. HEALTH 1444, 1447 (2006) (showing 52.4 percent of homeless mothers have experienced a “major depressive episode”); *see also* Ellen L. Bassuk et al., *Prevalence of Mental Health and Substance Abuse Disorders among Homeless and Low-Income Housed Mothers*, 155 AM. J. PSYCHIATRY 1561, 1563 (1998).

<sup>95</sup> Nat’l Sci. Council on the Developing Child, *Children’s Emotional Development is Built into the Architecture of Their Brains 2–3* (Ctr. on the Developing Child, Working Paper No. 2 2004), available at [http://developingchild.harvard.edu/index.php/resources/reports\\_and\\_working\\_papers/working\\_papers/wp2/](http://developingchild.harvard.edu/index.php/resources/reports_and_working_papers/working_papers/wp2/).

<sup>96</sup> HART-SHEGOS, *supra* note 64.

<sup>97</sup> Over one-third of homeless adult females have a chronic medical problem such as asthma, diabetes, or hypertension. Martin Donohoe, *Homelessness in the United States: History, Epidemiology, Health Issues, Women, and Public Policy*, MEDSCAPE, July 8, 2004.

<sup>98</sup> Uninsured people are more likely to be homeless than individuals with health insurance, so it is not surprising that these illnesses plague the homeless youth and their families. Nat’l Coal. for the Homeless, *Health Care and Homelessness* (2009), <http://www.nationalhomeless.org/factsheets/health.html>. *See also* M. WILLIAM SERMONS

leaders incompetent, and it is foreseeable that such incapacitation may result in longer periods of homelessness for youth in such families.

*C. Educating Homeless Youth: The Mobility Dilemma*

The myriad of health and stress problems with which homeless youth struggle negatively affect their school attendance and performance. When students move frequently due to economic hardship, as is often the case with homeless youth, they usually change schools.<sup>99</sup> Such school mobility can have adverse effects on a student's educational progress and social development.<sup>100</sup> These effects typically become more pronounced with an increased number of moves, but even a single move can negatively affect a youth's behavior and performance in school, especially among children who do not reside with both of their biological parents.<sup>101</sup>

The US General Accounting Office (GAO) produced a report on school mobility in 1994 (GAO Study) that shows that the majority of single mothers move for involuntary reasons stemming from adverse economic situations.<sup>102</sup> Such moves can be distinguished from moves that increase a family's economic situation and overall well-being—in the latter scenario,

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& PETER WITTE, NAT'L ALLIANCE TO END HOMELESSNESS, STATE OF HOMELESSNESS IN AMERICA (2011), available at [http://b3cdn.net/naeh/4813d7680e4580020f\\_ky2m6ocx1.pdf](http://b3cdn.net/naeh/4813d7680e4580020f_ky2m6ocx1.pdf).

<sup>99</sup> See generally PAIK & PHILLIPS, *supra* note 41. A study by The Institute for Children and Poverty, a research and policy think tank, showed that, during the 2001–2002 academic year, 42 percent of homeless children transferred schools at least once and 51 percent transferred twice or more. See INST. FOR CHILDREN AND POVERTY, MILES TO GO: THE FLIP SIDE OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (2003), available at <http://www.icphusa.org/PDF/reports/MilestoGo.pdf>.

<sup>100</sup> BEATTY, *supra* note 62, at 1.

<sup>101</sup> As previously stated, most homeless families have one parent, a single mother. Russell W. Rumberger, *Student Mobility and Academic Achievement*, ERIC DIGEST (2004), <http://www.ericdigests.org/2003-2/mobility.html/>.

<sup>102</sup> GEN. ACCOUNTING OFFICE, ELEMENTARY SCHOOL CHILDREN: MANY CHANGE SCHOOLS FREQUENTLY, HARMING THEIR EDUCATION (1994), available at <http://archive.gao.gov/t2pbat4/150724.pdf>.

any short-term disruption from the move is offset by the benefits of upward mobility.<sup>103</sup> Moving to a more affluent neighborhood and attending a better school may benefit a youth's health or education. This type of move, however, is not common for low-income families.<sup>104</sup> Some low-income schools report a 70 percent mobility rate, which means that only 30 percent of their students start and end the school year at the same school.<sup>105</sup>

Data shows that three or more moves within a school year doubles the chance that a student will exhibit signs of emotional problems, which extend beyond the risk of mental health disorders discussed previously.<sup>106</sup> Regular relocations result in missed school days and are a contributing factor to the below average academic performance of homeless youth.<sup>107</sup> Mobile students are more likely to perform poorly on standardized tests, to work below grade level in reading and math, and to repeat a grade.<sup>108</sup>

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<sup>103</sup> PAIK & PHILLIPS, *supra* note 41, at 1.

<sup>104</sup> Debra Viadero, *New Papers Grapple with Impact of School Mobility*, EDUCATION WEEK (July 8, 2009, 1:37 AM), [http://blogs.edweek.org/edweek/inside-school-research/2009/07/new\\_papers\\_grapple\\_with\\_impact\\_1.html](http://blogs.edweek.org/edweek/inside-school-research/2009/07/new_papers_grapple_with_impact_1.html).

<sup>105</sup> Sheila Crowley, *The Affordable Housing Crisis: Residential Mobility of Poor Families and School Mobility of Poor Children*, 72 J. OF NEGRO EDUC. 22, 24 (2003), available at [http://courses.temple.edu/neighbor/world/crowley\\_affordable-housing-crisis\\_2003\\_vol72-n1\\_22-38.pdf](http://courses.temple.edu/neighbor/world/crowley_affordable-housing-crisis_2003_vol72-n1_22-38.pdf). See also CTR. ON HOUS. POLICY, SHOULD I STAY OR SHOULD I GO? 10–11 (2011), available at <http://www.nhc.org/media/files/HsgInstablityandMobility.pdf> (reporting 30 percent of third graders from families with annual income below \$10 thousand per year changed schools three or more times since first grade, and that the percentage of third graders who move three or more times since first grade decreases to 10 percent when the parents' income range is \$25 thousand to \$49 thousand per year); Hanna Skandera & Richard Sousa, *Mobility and the Achievement Gap*, HOOVER DIGEST (2002), <http://www.hoover.org/publications/hoover-digest/article/6718>.

<sup>106</sup> CTR. ON HOUS. POLICY, *supra* note 105.

<sup>107</sup> See Cara Chambers & Erika Palmer, *Educational Stability for Children in Foster Care*, 26 TOURO L. REV. 1103, 1105–07 (2011) (stating that with each school change, children lose four to six months of educational progress).

<sup>108</sup> *Education of Homelessness in America*, NAT'L CTR. ON FAMILY HOMELESSNESS (2010), [http://www.homelesschildrenamerica.org/findings\\_child-wellbeingeducation.php?s=t](http://www.homelesschildrenamerica.org/findings_child-wellbeingeducation.php?s=t) (showing that proficiency rates for homeless children in reading and math are on average 16 percent lower than the scores for all students). See generally *id.* (noting that



Constantly changing schools and surroundings inevitably leads to adjustment problems, too. Increased mobility weakens the relationships that youth have to communities and further harms any support systems that may be in place.<sup>109</sup> Moving to a new school requires getting to know a new set of peers and relating to a new instructor's teaching style.<sup>110</sup> The additional time it takes for a new school to receive and review a student's records from prior schools adds to the difficulty of understanding the student's level of education and need for special services.<sup>111</sup> The extra effort required to teach highly mobile homeless youth often leads to teacher resignations, thus further disrupting the education process.<sup>112</sup> The teachers who remain may not invest as much time in homeless students, believing that the students will leave before the end of the school year. Finally, an increased attrition rate among teachers at lower income schools drains the limited financial resources available to these schools.<sup>113</sup>

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homeless children are twice as likely to repeat a grade and that multiple studies suggest that repeating a grade significantly increases likelihood of dropping out).

<sup>109</sup> *Id.*

<sup>110</sup> Len Biernat & Christine Jax, *Limiting Mobility and Improving Student Achievement*, 23 *HAMLIN L. REV.* 1, 6–8, 35. See also Nat'l Child Traumatic Stress Network, *Trauma Among Homeless Youth*, 2 *TRAUMA AND CULTURE BRIEF*, no. 1, 2007 at 4, available at [http://www.nctsn.org/sites/default/files/assets/pdfs/culture\\_and\\_trauma\\_brief\\_v2n1\\_HomelessYouth.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/culture_and_trauma_brief_v2n1_HomelessYouth.pdf).

<sup>111</sup> Camilla M. Cochrane, Comment, *The Homeless School-Age Child: Can Educational Rights Meet Educational Needs?*, 45 *U. MIAMI L. REV.* 537, 549–50 (1991) (“In the 1987 National Coalition for the Homeless Survey, twenty-five percent of the shelters reported difficulty in registering homeless children, and some homeless children faced actual denial of placement because of a lack of records from another school district.”).

<sup>112</sup> Crowley, *supra* note 105, at 25.

<sup>113</sup> Donald Boyd et al., *Explaining the Short Careers of High-Achieving Teachers in Schools with Low-Performing Students*, 95 *AM. ECON. REV.* 166, 166–71 (2005). See also David Greenberg & John McCall, *Teacher Mobility and Allocation*, 9 *J. HUM. RESOURCES* 480, 480–85 (1974); Viadero, *supra* note 104 (noting that not only does changing schools disrupt the child's learning, but also frustrates the pace at which the other students in the classroom learn); Crowley, *supra* note 105, at 25 (noting that the time it takes to assist new students with the curriculum diverts attention from other students).

*D. Academic Success Eluding Homeless Youth*

Because the majority of the homeless youth population is very young, ensuring that they receive an appropriate education—and that they receive it as early as possible—is an integral part of preventing them from falling behind their housed peers and missing out on future opportunities that may lift them from poverty.<sup>114</sup> The disparity in academic achievement between homeless youth and housed youth begins as early as kindergarten.<sup>115</sup> For example, children who come from socioeconomically disadvantaged families have a slower vocabulary growth rate than children who come from families in higher income brackets.<sup>116</sup> In addition to the health and mobility issues that affect homeless children’s abilities to learn and perform well in school, living situations and lack of support at home make it difficult for these youth to complete homework, understand certain social and behavioral standards that are necessary to form relationships, and work productively with others.<sup>117</sup>

There is a proven positive correlation between education and income, thereby making educational success a leading factor in escaping poverty.<sup>118</sup> Homeless youth begin life at a disadvantage, and the majority of them are unable to overcome the obstacles they face, such as health problems and

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<sup>114</sup> U.S. DEP’T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 28 (“More than half (52.6%) [of homeless children in shelters] are under age 6; 32.5% are age 6 to 12, and 14.8% are age 13 to 17.”).

<sup>115</sup> W. Steven Barnett & Clive R. Belfield, *Early Childhood Development and Social Mobility*, 16 FUTURE OF CHILD. 73, 75 (2006) (noting that kindergarten entrants in the bottom fifth of family income often score considerably lower than other students in reading, mathematics, and general knowledge).

<sup>116</sup> See BETTY HART & TODD RISLEY, EARLY EDUC. FOR ALL, MEANINGFUL DIFFERENCES IN THE EVERYDAY EXPERIENCE OF YOUNG AMERICAN CHILDREN 10–15 (1995).

<sup>117</sup> Henry M. Levin, *On the Relationship Between Poverty and Curriculum*, 85 N.C. L. REV. 1381, 1398 (2007).

<sup>118</sup> *Id.*

unstable living situations, in order to graduate from high school.<sup>119</sup> Less than 25 percent of homeless children graduate from high school.<sup>120</sup> The high school graduation rate is 98 percent among the top 10 percent of income earners nationwide.<sup>121</sup> Students who drop out of high school earn on average \$200 thousand less over their lifetimes than high school graduates, further highlighting the effect of the education gap between these two groups on future earning potential.<sup>122</sup>

#### IV. THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT: THE EDUCATION OF HOMELESS YOUTH AND CHILDREN PROGRAM<sup>123</sup>

The legal framework for the collaboration needed between housing agencies and education agencies should be based on education rights for homeless youth, which are enshrined in the McKinney-Vento Homeless Assistance Act (the McKinney-Vento Act), the primary piece of federal legislation protecting the rights of the homeless.<sup>124</sup> While the McKinney-Vento Act provides assistance to all homeless individuals, research has shown that compensatory education measures are more effective when they are provided in a child's formative years, thus Part IV will focus on the Act as it relates to education and homeless youth.<sup>125</sup> It will discuss expanding the role of education agencies into programs working to increase the number of affordable housing units. This expanded function of education agencies will allow them to provide homeless youth with educational

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<sup>119</sup> BASSUK ET AL., *supra* note 3.

<sup>120</sup> *Id.*

<sup>121</sup> INST. OF EDUC. SCI. NAT'L CTR. FOR EDUC. STATISTICS, TRENDS IN HIGH SCHOOL DROPOUT AND COMPLETION RATES IN THE UNITED STATES: 1972–2009, at 6 (2011), available at <http://nces.ed.gov/pubs2012/2012006.pdf>.

<sup>122</sup> U.S. CENSUS BUREAU, EDUCATION AND SYNTHETIC WORK-LIFE EARNINGS ESTIMATES 2–4 (2011), available at <http://www.census.gov/prod/2011pubs/acs-14.pdf>.

<sup>123</sup> 42 U.S.C. § 11432(d)(3) (Supp. 2005).

<sup>124</sup> The McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11432 (reauthorizing Subtitle B of Title VII in Jan. 2002).

<sup>125</sup> See generally Barnett & Belfied, *supra* note 115.

resources and support they are unlikely to receive at home.

Congress passed Subtitle VII-B of the McKinney-Vento Act—the Education for Homeless Children and Youth Program (EHCY)—to increase the number of homeless children enrolled in school.<sup>126</sup> State education agencies must ensure that each homeless youth has equal access (as compared with other children) to FAPE.<sup>127</sup> Equal access includes reducing enrollment barriers, such as waiving requirements of school records, immunization records, and documentation signed by a legal guardian, prior to homeless students' admittance.<sup>128</sup> In 1987, the McKinney-Vento Act required only that states revise residency requirements for homeless youth to enable more efficient enrollment of these children in public schools.<sup>129</sup>

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<sup>126</sup> Jennifer A. Na, *For Better or For Worse?: A Closer Look at the Federal Government's Proposal to Provide Adequate Educational Opportunities for Homeless Children*, 51 HOW. L.J. 864, 874 (2008).

<sup>127</sup> See U.S. DEP'T OF EDUC., EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT AS AMENDED BY THE NO CHILD LEFT BEHIND ACT OF 2001: NON-REGULATORY GUIDANCE, 24–26 (2004), available at [http://doe.sd.gov/oess/documents/TitleX\\_NonregulatoryGuidance.pdf](http://doe.sd.gov/oess/documents/TitleX_NonregulatoryGuidance.pdf) [hereinafter U.S. DEP'T OF EDUC., EHCY PROGRAM]. The McKinney-Vento law requires that state educational agencies and local educational agencies

address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, state educational agencies must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth should have access to the other educational and other services that they need to enable them to meet the same challenging State student academic achievement standards to which all students are held.

*Id.* The Department of Education provides a list of strategies for local and state educational agencies to follow in order to meet this goal. *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> McKinney-Vento Education for Homeless Children and Youths Program, 67 Fed. Reg. 10,697 (March 8, 2002). Pursuant to the McKinney-Vento Act, a school that a local education agency selects on the basis of the best interest determination must immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment (such as previous academic records, medical records,

Prior to EHCY, reports showed that homeless children were often denied access to schools because of imposed residency requirements and because of requirements that all of students' records and transcripts from previous schools be properly transferred and reviewed prior to instruction commencing.<sup>130</sup> With the rights provided under the McKinney-Vento Act, EHCY requires schools to enroll homeless students regardless of whether they have the necessary enrollment documents, thus ensuring the continuity of students' learning.<sup>131</sup> Also under EHCY, unaccompanied youth are able to enroll in school without the approval of a parent or legal guardian.<sup>132</sup> Over the years, the McKinney-Vento Act granted more rights to homeless youth.<sup>133</sup> In 1990, the McKinney-Vento Act required states to eliminate all enrollment barriers and to provide funds to schools to support the academic success of homeless youth.<sup>134</sup> The McKinney-Vento Act also required

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proof of residency, or other documentation). 42 U.S.C. § 11432(g)(3)(C)(i) (2012). The enrolling school must immediately contact the school last attended by the child or youth to obtain relevant academic or other records. *Id.* § 722(g)(3)(C)(ii), *Id.* 42 U.S.C. § 11432(g)(3)(C)(ii). If a child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school must immediately refer the parent or guardian to the local education agency homeless liaison, who must assist in obtaining the immunizations or records. *Id.* § 722(g)(3)(C)(iii) *Id.* 42 U.S.C. § 11432(g)(3)(C)(iii). Any record ordinarily kept by a school regarding each homeless child or youth must be maintained so that it is available in a timely fashion when the child enters a new school or school district. *Id.* § 722(g)(3)(D)(3) *Id.* 42 U.S.C. § 11432(g)(3)(D). If a dispute arises between a school district and parents or guardians over school selection or enrollment, the LEA must immediately enroll the child or youth in the school in which the parent or guardian seeks enrollment, pending resolution of the dispute. *Id.*

<sup>130</sup> JAMES H. STRONGE & CHERI TENHOUSE, EDUCATING HOMELESS CHILDREN: ISSUES AND ANSWERS (1990) (examining the legal barriers to education for homeless children including residency requirements, guardianship requirements, and institutional barriers such as lack of records and placement in inappropriate programs).

<sup>131</sup> See U.S. DEP'T OF EDUC., EHCY PROGRAM, *supra* note 127.

<sup>132</sup> Julianelle & Foscarinis, *supra* note 69.

<sup>133</sup> See U.S. DEP'T OF EDUC., EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY) PROGRAM: PROGRAM PROFILE 1-2 (2012), available at [http://center.serve.org/nche/downloads/ehcy\\_profile.pdf](http://center.serve.org/nche/downloads/ehcy_profile.pdf) [hereinafter U.S. DEP'T OF EDUC., EHCY PROGRAM PROFILE].

<sup>134</sup> *Id.*

school districts to employ a liaison to oversee the implementation of the law at the local level by 2002.<sup>135</sup>

EHCY requirements include establishing programs that provide students additional time and assistance with schoolwork and an environment that allows students to have the structure they need to manage their schoolwork and deal with stress in a healthy way.<sup>136</sup> EHCY also encourages local education agencies to offer homeless youth tutoring and counseling services before or after school and during the summer.<sup>137</sup>

EHCY recognizes that certain homeless youth, depending on the youth's housing situation, require additional educational resources.<sup>138</sup> In the event that a youth's housing situation can be categorized with the umbrella of "exceptional circumstances," then educational services are to be provided at the residence of the student.<sup>139</sup> EHCY also requires that homeless students receive necessary special education resources and be placed in the gifted and talented programs for which they are qualified.<sup>140</sup> The purpose of this requirement is to not only allow homeless students access to education, but also to make efforts to give homeless youth the opportunity to succeed in school by providing resources that meet their unique needs.<sup>141</sup>

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<sup>135</sup> See generally Helping Families Save Their Homes Act, 42 U.S.C. § 11360 (1987), amended by Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 401 (2009).

<sup>136</sup> McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431–11435 (1987).

<sup>137</sup> U.S. DEP'T OF EDUC., EHCY PROGRAM, *supra* note 125, at 24–26. (providing a list for local and state educational agencies to follow in meeting this goal).

<sup>138</sup> *Id.*

<sup>139</sup> MARYLAND TRAGEDY, *supra* note 75, at 18. "[I]t is also contemplated that where exceptional circumstances such as safety concerns related to domestic violence exist, for example, involving a parent who is not living at home, . . . funds may be used for the provision of home-bound services." *Id.*

<sup>140</sup> 42 U.S.C. §§ 11431–11432.

<sup>141</sup> 42 U.S.C. § 11432 ((a) authorizing the Secretary of Education to make grants to states to carry out the activities listed in section 11432(c), (d), & (e)). *Id.* (§ 11432(b) requiring states to spend "not less than 50 percent" of the grant money on tutoring, remedial education and other sources). *Id.*

While these rights are important, I believe the McKinney-Vento Act also supports a broad interpretation of FAPE, which could include permanent supportive housing with educational services. President Obama reauthorized the McKinney-Vento Act in 2009; the reauthorization provisions in the McKinney-Vento Act were also included in the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) of 2009, which was introduced a month prior to President Obama's reauthorization.<sup>142</sup> This reauthorization underscored the importance of permanent supportive housing units for people experiencing chronic homelessness and included families in the definition of who can be considered chronically homeless.<sup>143</sup> The McKinney-Vento Act states that homeless youth must have access to services they need in order to ensure that they can meet the achievement standards to which all students are held.<sup>144</sup> Because there is a large achievement gap between homeless and non-homeless youth, and because homeless youth present unique needs, the odds of closing the gap without compensatory educational services to address these needs are small.<sup>145</sup>

HUD selects which plans under the HEARTH Act it will fund.<sup>146</sup> The selection criteria requires, among other things, that the plan be comprehensive in its approach to reducing homelessness, provide homeless youth with educational services, and address the needs of all subpopulations.<sup>147</sup> Incentive structures are also in place so that strategies that have been proven to reduce homelessness, such as permanent

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<sup>142</sup> Helping Families Save Their Homes Act, 42 U.S.C. § 11360 (1987), *amended by* Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 401 (2009).

<sup>143</sup> *Id.*

<sup>144</sup> See U.S. DEP'T OF EDUC., EHCY PROGRAM PROFILE, *supra* note 133.

<sup>145</sup> See generally Carolyn Weisman, *Giving Credit Where Credit is Due: Advancing the Highly Mobile Student Population Towards Graduation*, 50 FAM. CT. REV. 527 (2012).

<sup>146</sup> 42 U.S.C. § 11382(a).

<sup>147</sup> 42 U.S.C. § 11386a.

supportive housing programs for individuals and families that experience chronic homelessness, receive additional funds, the amount of which is determined by HUD.<sup>148</sup> At least 10 percent of funds received under this incentive structure are allocated for permanent housing for homeless families.<sup>149</sup> The McKinney-Vento Act also requires education and housing agencies to coordinate in order to minimize disruptions to homeless children's education.<sup>150</sup> This requirement adds further support to the use of the McKinney-Vento Act as a foundation for the collaboration between housing and education agencies.

*A. Service Coordination for the Education of Homeless Youth*

The federal government provides monetary support through EHCY to states so that educational services can be effectively delivered to homeless youth.<sup>151</sup> The US Department of Education (DOE) allocates funding annually to states, and the states must use 75 percent of this allocation<sup>152</sup> to provide sub-grants to school districts through a competitive process.<sup>153</sup> The DOE allocation of funds under EHCY grew from \$35 million per year in

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<sup>148</sup> 42 U.S.C. § 11384.

<sup>149</sup> 42 U.S.C. § 11386b(b).

<sup>150</sup> Another purpose of EHCY that I believe connects housing to education is the law's intent to limit mobility by promoting a policy of keeping the child in his or her school of origin, unless the parent or guardian wishes otherwise or if avoiding school mobility is not feasible. If the child is sent to a school other than the school of origin, a written explanation must be provided, and the parent or guardian must be provided with the opportunity to appeal this decision. "School of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. 42 U.S.C. § 11432(g)(3)(A). Keeping a child in the school of origin is in the "best interest" of the child. 42 U.S.C. § 11432(g)(3)(B)(i). Transportation services are to be provided at the cost of the school district if necessary to comply with the school of origin requirement. 42 U.S.C. § 11432(g)(4)(A).

<sup>151</sup> OPENING DOORS, *supra* note 5.

<sup>152</sup> A few states are required to just use 50 percent of the DOE allocation for school district sub-grants. U.S. DEP'T OF EDUC., ECHY PROGRAM PROFILE, *supra* note 133.

<sup>153</sup> See generally OPENING DOORS, *supra* note 5.



2001 to just over \$65.4 million per year in 2010.<sup>154</sup> The DOE allocates these awards based on school district need and the substantive plan that a school district will implement (as described in the school district's application).<sup>155</sup>

In addition to allocating funds, the DOE must also ensure that the state acts in accordance with EHCY guidelines.<sup>156</sup> Every state is required to hire personnel to allocate EHCY funds to school districts and personnel to identify homeless youth and their needs.<sup>157</sup> These education agencies must review and revise any policies or procedures that create barriers of entry into schools for homeless youth, particularly for homeless youth who are not currently enrolled in school.<sup>158</sup> States that receive funding under EHCY are also required to establish an office in each state education agency that carries out the plans describing the educational goals for homeless children and youth that the state proposed to HUD.<sup>159</sup> This includes detailing the education of each homeless child the state has identified to ensure that the youth has access to a FAPE.<sup>160</sup>

States receiving funds under EHCY must include in their plans how their programs heighten awareness of the specific needs of homeless youth and how the homeless youth will be provided with the opportunity to meet state academic standards.<sup>161</sup> Every state is required to have a homeless coordinator and every school district must have a local liaison that works with homeless students, pursuant to the HEARTH Act as discussed

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<sup>154</sup> U.S. DEP'T OF EDUC., ECHY PROGRAM PROFILE, *supra* note 133.

<sup>155</sup> *Id.*

<sup>156</sup> 42 U.S.C. § 11433(a)(1) ("The State educational agency shall, in accordance with section 11432(e) of this title and from amounts made available to such agency under section 11435 of this title, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance and success of homeless children and youths.").

<sup>157</sup> 42 U.S.C. § 11432.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> 42 U.S.C. §§ 11432(g)(1)(B), (D).

earlier.<sup>162</sup> State agencies must also require the local EHCY funded education agencies to place each child in a school that is able to meet the child's needs.<sup>163</sup> When local agencies apply to state agencies for funds, the local agencies' applications must include their assessments of the educational needs of the homeless youth in their service areas.<sup>164</sup> Under EHCY, the DOE is required to compile data on "the number and location of homeless children and youth, the educational services they receive, the extent to which their educational needs are being met, and such other data that the Secretary of Education determines to be necessary and relevant."<sup>165</sup>

Furthermore, in addition to regular academic programs, state agencies are to provide services to students off school grounds.<sup>166</sup> This part of EHCY is of particular importance because it illustrates the government's acknowledgement that homeless children are presented with a unique set of circumstances that often requires them to have additional resources and support to meet the same academic achievement standards as their non-homeless peers. State coordinators assist local education agencies in carrying out their services by providing liaisons to homeless youth and by building a network between different homeless service providers.<sup>167</sup>

The liaisons employed by local education agencies ensure that homeless youth are receiving the rights afforded to them under EHCY and that school administrators are a part of the network that includes homeless service providers.<sup>168</sup> The liaisons are responsible for ensuring that school officials coordinate efforts with homeless service providers in order to identify

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<sup>162</sup> 42 U.S.C. § 11432.

<sup>163</sup> 42 U.S.C. § 11432(e)(3).

<sup>164</sup> McKinney-Vento Homeless Education Assistance Improvements Act of 2001, No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 2001 (current version at 42 U.S.C. § 11433(b)(1) (2002)).

<sup>165</sup> *Id.* at 115 Stat. 2005 (current version at 42 U.S.C. § 11434(h) (2002)).

<sup>166</sup> 42 U.S.C. § 11433 (a)(2)(A).

<sup>167</sup> 42 U.S.C. § 11432 *Id.* §§ 722(e)(1), 115 Stat. 1425, 1991.

<sup>168</sup> 42 U.S.C. § 11432(g)(6).

homeless youth and to inform the parents or guardians of both the homeless child's educational rights and the parent or guardian's right to participate in the educational process.<sup>169</sup> States and liaisons are required to identify youth who are homeless, with a particular emphasis on those who are not in school, and to provide homeless youth with access to appropriate education and support services.<sup>170</sup> In furtherance of their goals, the liaisons are authorized to provide homeless youth with supplemental materials and tutoring services that the homeless youth may need for academic readiness.<sup>171</sup>

State and local education agencies go beyond this school-based approach to address homelessness and to provide support for housing-based initiatives.<sup>172</sup> EHCY requires state and local education agencies, such as school districts, to collaborate with emergency and transitional shelters, independent living programs, and affordable housing providers.<sup>173</sup> EHCY requires collaboration between the state and local education agencies in order to "(i) ensure that homeless children and youth have access and reasonable proximity to available education and related support services; and (ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness."<sup>174</sup> This collaborative approach has shown positive results.<sup>175</sup> For example, according to student performance on state assessment tests, homeless youth in grades three through eight improved their math and reading proficiency from the 2004–2005 academic year to the 2008–2009 academic year as a result of collaboration between homeless service

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<sup>169</sup> *Id.*

<sup>170</sup> 42 U.S.C. § 11432.

<sup>171</sup> 42 U.S.C. § 11433(d).

<sup>172</sup> 42 U.S.C. § 11432.

<sup>173</sup> *Id.*

<sup>174</sup> 42 U.S.C. § 11432(g)(5)(C).

<sup>175</sup> U.S. DEP'T OF EDUC., ECHY PROGRAM PROFILE, *supra* note 133.

providers and education agencies.<sup>176</sup> EHCY's requirement for collaboration between education agencies and homeless assistance providers supports my hypothesis that improved access to education can strengthen the efficiency and success of housing policies.

While EHCY has been successful in enhancing the delivery of educational services, the funds available to EHCY fall short of what is needed, which prevents homeless youth from receiving all the educational resources they require.<sup>177</sup> Furthermore, the reluctance of homeless youth to seek assistance, and the large number of homeless youth who are unsheltered, makes it difficult to provide services to this population,<sup>178</sup> although identification efforts spearheaded by participants in EHCY have helped to address these problems.<sup>179</sup> The increase of EHCY dollars has not closed the gap between needed and provided services; in fact, the growing number of homeless children has magnified this disparity.<sup>180</sup> However, the implementation of EHCY has resulted in the development of successful collaborative models, from which best practices can be replicated by

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<sup>176</sup> *Id.*

<sup>177</sup> See NAT'L CTR. FOR HOMELESS EDUC., EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM: ANALYSIS OF DATA FROM THE 2006–07 FEDERALLY REQUIRED STATE DATA COLLECTION FOR THE MCKINNEY-VENTO EDUCATION ASSISTANCE IMPROVEMENTS ACT OF 2001 AND COMPARISON OF THE 2004–05, 2005–06, AND 2006–07 DATA COLLECTIONS 3 (2008), available at [http://center.serve.org/nche/downloads/data\\_comp\\_03-06.pdf](http://center.serve.org/nche/downloads/data_comp_03-06.pdf). Nearly 40 percent of homeless students identified and reported on to state education agencies attended local education agencies that did not receive any McKinney-Vento funds. *Id.*

<sup>178</sup> See JAN MOORE, NAT'L CTR. FOR HOMELESS EDUC., UNACCOMPANIED AND HOMELESS YOUTH: REVIEW OF LITERATURE (1995–2005) (2005), available at [http://center.serve.org/nche/downloads/uy\\_lit\\_review.pdf](http://center.serve.org/nche/downloads/uy_lit_review.pdf); see also DEBRA BOYER ET AL., STREET YOUTH TASK FORCE: BARRIERS TO SHELTER STUDY, PILOT PROJECT NEEDS ASSESSMENT: FINAL RECOMMENDATIONS REPORT (2002).

<sup>179</sup> NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 30.

<sup>180</sup> See DEP'T OF EDUC., REPORT TO THE PRESIDENT AND CONGRESS ON THE IMPLEMENTATION OF THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM UNDER THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (2006), available at [www2.ed.gov/programs/homeless/rpt2006.doc](http://www2.ed.gov/programs/homeless/rpt2006.doc).

agencies focused on ending and preventing homelessness. Using these best practices will help agencies to secure funding from other sources and to create initiatives that use the same comprehensive approach.<sup>181</sup> Collaborative programs between education and housing agencies have grown over the past few years, partly due to the success and resources of EHCY.<sup>182</sup> It is because of EHCY's success with collaboration that I believe EHCY can provide a solid foundation for integrating education with affordable housing to accomplish the Strategic Plan's objective of ending youth homelessness. I believe this collaboration between education agencies and housing agencies is of particular importance in ensuring that educational services that children receive at home directly relate to current school curriculum. EHCY has requirements for interagency collaboration and acknowledges the importance of providing educational services outside of the classroom setting.<sup>183</sup>

#### *B. Funding Coordination for the Education of Homeless Youth*

Although the amount of funding currently allocated for the prevention of youth homelessness is insufficient,<sup>184</sup> these resources can be maximized if prevention programs are coordinated among agencies.<sup>185</sup> The "Inventory of

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<sup>181</sup> HOMELESSNESS PREVENTION AND RAPID RE-HOUS. PROGRAM, STRATEGIES FOR COORDINATING THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) WITH MCKINNEY-VENTO HOMELESS ASSISTANCE ACT EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY) 4-5, *available at* [http://www.hudhre.info/documents/HPRP\\_EHCYGuide.pdf](http://www.hudhre.info/documents/HPRP_EHCYGuide.pdf).

<sup>182</sup> *Id.*

<sup>183</sup> NAT'L COAL. FOR THE HOMELESS, EDUCATION OF HOMELESS CHILDREN AND YOUTH NCH FACT SHEET #10 (Aug. 2007), *available at* <http://www.nationalhomeless.org/publications/facts/education.pdf>. EHCY provides for education programs before school, after school, and in the summer. *Id.* at 2.

<sup>184</sup> *See* NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1.

<sup>185</sup> *See* U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, INVENTORY OF FEDERAL PROGRAMS THAT MAY ASSIST HOMELESS FAMILIES WITH CHILDREN (2008), *available at* [http://162.140.121.1/library/publications/FamilyInventory\\_Mar2008.pdf](http://162.140.121.1/library/publications/FamilyInventory_Mar2008.pdf).

Federal Programs that May Assist Homeless Families with Children”<sup>186</sup> is a guide that describes federal programs that have the capacity to assist homeless families by connecting homeless individuals with education, job readiness, health, and other services that address their anticipated needs.<sup>187</sup> The guide also identifies gaps and overlaps in services that may exist across programs.<sup>188</sup> It describes different approaches—coordinated entry, staff training and coordination, target services, and tailored policies<sup>189</sup>—to increase the likelihood that homeless youth assisted by federal programs are connected to proper educational resources through programs that have received funding from the Homeless Prevention and Rapid Re-Housing Program (HPRP).<sup>190</sup> HPRP received over a billion dollars in federal funding through the American Recovery and Reinvestment Act; the program’s goal is to increase efforts to re-house and stabilize homeless families.<sup>191</sup> If HPRP is coordinated with EHCY, it will be possible to lessen disruptions in the education of homeless youth while they are pursuing housing options.<sup>192</sup>

The coordinated entry approach described in the guide supports programs that create multi-service centers<sup>193</sup> that offer placement and educational access services to homeless people.<sup>194</sup> Staff training and coordination initiatives instruct school district personnel on the logistics of HPRP and on other homeless programs.<sup>195</sup> This training is imperative because school district personnel may be the first parties to identify homeless students.

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<sup>186</sup> *See id.*

<sup>187</sup> *See id.*

<sup>188</sup> *See id.*

<sup>189</sup> HOMELESSNESS PREVENTION AND RAPID RE-HOUS. PROGRAM, *supra* note 181, at 2.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.* at 1.

<sup>192</sup> *Id.* at 2.

<sup>193</sup> I use this term to refer to “one-stop” places homeless individuals can go to receive multiple social services.

<sup>194</sup> HOMELESSNESS PREVENTION AND RAPID RE-HOUS. PROGRAM, *supra* note 181, at 2.

<sup>195</sup> *Id.* at 3.

Consequently, school district personnel would be able to immediately offer the necessary housing resources to homeless youth.<sup>196</sup>

Identifying the subpopulations of homeless individuals that can best benefit from HPRP funds creates efficient programs that make the best use of limited resources.<sup>197</sup> Homeless families with children in the public school system have been identified as the target population, and tailoring policies to focus on increasing the probability that these homeless youth will experience educational success is the final approach that the guide suggests.<sup>198</sup>

As described more specifically in Part V, I believe that the Strategic Plan's framework for coordinated entry can include some of the methods described in this section. The Strategic Plan has also emphasized the correlation between a better education and increased employment opportunities that permit individuals to afford safe and stable housing.<sup>199</sup> For this reason, USICH<sup>200</sup> has named the DOE as a federal leader in the Strategic Plan's objective to increase meaningful and sustainable employment for people who are homeless or who are at risk of being homeless.<sup>201</sup> However, it is my view that the Strategic Plan fails to fully account for the ability of education agencies to provide services that meet the needs of homeless youth. Incorporating education agencies into the planning of affordable housing units is a direct way to address this limitation and should be an initiative of the Strategic Plan in its efforts to end family and youth homelessness.

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<sup>196</sup> *Id.*

<sup>197</sup> *Id.* at 2.

<sup>198</sup> *Id.* at 3–4.

<sup>199</sup> OPENING DOORS, *supra* note 5, at 39.

<sup>200</sup> The US Interagency Council on Homelessness is the entity that presented the Strategic Plan.

<sup>201</sup> OPENING DOORS, *supra* note 5, at 40.

## V. A REVIEW OF OPENING DOORS: THE FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS

The many forms of homelessness and its increasing rate require a targeted offensive plan, which is why President Obama and Congress charged USICH to create strategies to end the homelessness epidemic.<sup>202</sup> In this part of the article, I provide an overview of the Strategic Plan and additional details regarding its data sources and creation, focusing on the goal to end and prevent homelessness for families, youth, and children in ten years, together with my recommendations for improving the integration of educational policy with housing policy.

My critique of the Strategic Plan anticipates that the limited inclusion of education agencies will pose challenges to the successful implementation of the Strategic Plan's objectives. The Strategic Plan outlines ten objectives integral to accomplishing its four overarching goals and fifty-two strategies to achieve the objectives.<sup>203</sup> The Strategic Plan concludes by describing the steps to be taken in the immediate future and how progress towards its goals will be measured.<sup>204</sup> The Strategic Plan is centered around the following five themes:

1. Increase leadership, collaboration, and civic engagement
2. Increase access to stable and affordable housing
3. Increase economic security
4. Improve health and stability<sup>205</sup>

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<sup>202</sup> *Id.* at 12.

<sup>203</sup> *Id.* at 30.

<sup>204</sup> *Id.* at 10.

<sup>205</sup> The Strategic Plan lists three strategies to advance health and stability for youth. These strategies are to improve discharge planning, to improve access for youth, and to promote targeted outreach strategies. The DOE is listed as a leader in the objective to advance health and stability for youth in some areas of the Strategic Plan, and is not included in others. USICH explicitly lists the DOE as a federal leader in its description of the objective and underlying strategies, and states that improving discharge planning



5. Retool the homeless crisis response system<sup>206</sup>

Although these themes centered on increasing access to stable and affordable housing and on retooling the homeless crisis response system are admirable, the Strategic Plan is notably missing a theme related to education. This is my most significant critique of the Strategic Plan because it means that the DOE and its resources and capabilities are not necessarily included in the overall effort.

Each theme is underscored by certain objectives, and USICH describes strategies to achieve each objective.<sup>207</sup> In order to accomplish its four main goals,<sup>208</sup> the Strategic plan sets forth the following ten objectives:

1. Promote collaborative leadership
2. Strengthen capacity and knowledge
3. Provide affordable housing
4. Provide permanent supportive housing
5. Increase employment
6. Reduce financial vulnerability
7. Integrate healthcare with housing
8. Advance housing stability for youth
9. Advance health and housing stability for adults

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necessitates connecting youth to education, including higher education. However, the leaders are listed again later in the Strategic Plan's chapter on accountability and implementation, and the DOE is not included as a USICH member that is to be involved in this aspect. It is not clear if this is an inconsistency, or whether involvement of the DOE is to be limited to placement of the discharged youth. *Id.* at 26, 46, 56.

<sup>206</sup> *Id.* at 7.

<sup>207</sup> *Id.* at 30–51.

<sup>208</sup> As stated in Part I of this article, the four goals are: (i) end chronic homelessness in five years; (ii) prevent and end homelessness among veterans in five years; (iii) prevent and end homelessness for families, youth, and children in ten years; and (iv) set a path to ending all types of homelessness. *Id.* at 4. *See also supra* Part I.

10. Transform crisis response systems<sup>209</sup>

The DOE is included in the objectives to promote collaborative leadership, strengthen capacity and knowledge, increase employment, and reduce financial vulnerability. However, it is not included in the objectives to provide affordable housing, provide permanent supportive housing, or transform the crisis response systems.<sup>210</sup> Not only should the DOE be included in these goals, but its role in increasing leadership, collaboration, and civic engagement should be expanded.

The fundamental divergence between my view and USICH's view of the inclusion of education in homelessness prevention strategies can be framed in terms of school-based and housing-based approaches. I use the term "school-based" to refer to policies that focus primarily on access to and delivery of FAPE. Such policies include identifying homeless students and providing teachers and school administration with the knowledge and resources needed to streamline enrollment and special education services. I use the term "housing-based" to refer to policies centered on affordable housing conceptualization, development, and accessibility, which includes increasing the supply of affordable housing and partnering with lenders and developers to finance and build housing. The Strategic Plan separates the two approaches, using education agencies to implement a school-based approach while incorporating other agencies in more preventative housing-based strategies to provide affordable housing.

Homelessness assistance providers have started to create programs that combine school-based and housing-based initiatives.<sup>211</sup> For example, the state housing finance agency in Minneapolis, MN, requires providers of housing to homeless children to monitor the children's educational

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<sup>209</sup> OPENING DOORS, *supra* note 5, at 26.

<sup>210</sup> *See generally id.*

<sup>211</sup> HOMELESSNESS PREVENTION AND RAPID RE-HOUS. PROGRAM, *supra* note 181, at 2.

situations.<sup>212</sup> This agency also receives feedback on the performance of housing providers from local education agencies.<sup>213</sup> This process has resulted in efficient coordination between homeless assistance providers and local liaisons in addressing education and housing needs simultaneously.<sup>214</sup> A Chicago rapid re-housing program is also implementing this model by requiring that shelter providers track school stability and attendance.<sup>215</sup> An exploration of the themes highlights the opportunities for collaboration that exist within the Strategic Plan.

#### *A. Increase Leadership, Collaboration, and Civic Engagement*

The Strategic Plan's theme of increasing leadership, collaboration, and civic engagement is driven by two objectives.<sup>216</sup> The first objective is to

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<sup>212</sup> *Id.* at 3.

<sup>213</sup> *Id.*

<sup>214</sup> *Id.*

<sup>215</sup> *Id.* at 4.

<sup>216</sup> There are sixteen strategies to achieve these two objectives, and the strategies are: (i) educate the public on the scope, causes, and costs of homelessness, the Strategic Plan, and the reasons for taking action; (ii) engage state, local, and tribal leaders in a renewed commitment to prevent and end homelessness in their communities; (iii) get states and localities to update and implement plans to end homelessness to reflect local conditions and the comprehensiveness of the Strategic Plan, as well as to develop mechanisms for effective implementation; (iv) involve citizens and businesses in efforts to prevent and end homelessness; (v) test, model, and learn more about interagency collaboration; (vi) seek opportunities to reward communities that are collaborating to make significant progress preventing and ending homelessness; (vii) review budget processes to determine avenues for recognizing savings across partners resulting from interventions to prevent and end homelessness; (viii) seek opportunities for engaging congressional committees collaboratively on issues related to preventing and ending homelessness; (ix) collaborate on and compile research to better understand best practices and gaps in research; (x) coordinate federal technical assistant resources and provide service providers with information on how to access the support they need; (xi) make information on best practices and strategies to finance them more readily available; (xii) make information more readily available on working effectively with various sub-populations; (xiii) attend to the unique needs of rural and tribal communities; (xiv) develop and maintain an inventory of federal emergency response programs to help communities identify what is being funded in their community with federal resources and which resources are available to them; (xv) continue to increase and encourage the use of the HMIS, and develop

“provide and promote collaborative leadership at all levels of government and across all sectors to inspire and energize Americans to commit to preventing and ending homelessness.”<sup>217</sup> The genesis of this objective is the notion that resources must be organized across disciplinary levels, across different levels of government, and across the private and nonprofit sectors.<sup>218</sup> Increasing the awareness of homelessness has the potential to increase contributions to prevention initiatives; therefore, progression towards this objective may have the added benefit of additional monetary support for homeless service providers and programs.

The second objective is to “strengthen the capacity of public and private organizations by increasing knowledge about collaboration, homelessness, and successful interventions to prevent and end homelessness.”<sup>219</sup> Partnerships between the private sector and federal, local, and state governments will be created and realigned to address the needs of those who are homeless.<sup>220</sup> Although a technical roadmap is not provided, the Strategic Plan anticipates that these partnerships will coordinate resources to decrease the gap between income and the cost of housing and to provide assistance for addressing the other factors that cause people to become homeless or at risk of being homeless.<sup>221</sup>

The Strategic Plan should take advantage of the federal government’s enthusiasm and support for the issue of ending and preventing homelessness by exploring innovative partnerships that require agencies to act outside of their traditional roles. The Strategic Plan, while expecting education

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standard that permit interoperability between data system; and (xvi) create a common data standard and uniform performance measure if feasible across all targeted and mainstream federal programs. *OPENING DOORS*, *supra* note 5, at 30, 31, 34, 35.

<sup>217</sup> *Id.* at 30.

<sup>218</sup> *Id.*

<sup>219</sup> *Id.* at 33.

<sup>220</sup> *Id.* at 23.

<sup>221</sup> *Id.* at 4–5.

agencies to be instrumental in ensuring that homeless children are identified and treated similarly to their housed peers, is silent as to the direct involvement these agencies will have in the creation of affordable housing units.<sup>222</sup> The number of homeless people is increasing,<sup>223</sup> and a realignment of partnerships may provide more effective solutions. Many of the federal programs on which USICH focuses do not adequately explore this opportunity for collaboration.

*B. Increase Access to Stable and Affordable Housing*

The Strategic Plan's theme to increase access to stable and affordable housing is supported by objectives to "provide affordable housing to people experiencing or most at risk of homelessness," and to "provide permanent supportive housing to prevent and end chronic homelessness."<sup>224</sup> The first step in implementing these objectives involves the DOE identifying homeless families.<sup>225</sup> The signature initiative of the Strategic Plan concerning families and children is a collaborative effort among HUD, the DOE, and the US Department of Health and Human Services. These three agencies are responsible for the creation of six thousand supportive housing vouchers.<sup>226</sup> The agencies foresee the US Department of Health and Human Services leading the development of services to be included with the vouchers, such as Temporary Assistance for Needy Families.<sup>227</sup> The DOE

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<sup>222</sup> *Id.* at 37.

<sup>223</sup> NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 5.

<sup>224</sup> OPENING DOORS, *supra* note 5, at 7. "More affordable housing is needed for people with extremely low incomes who are most at risk of homelessness. Housing needs to be affordable to those households with the lowest incomes who are most at risk of homelessness." *Id.* at 35.

<sup>225</sup> *Id.* at 37. See also U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, OPENING DOORS IMPLEMENTATION UPDATE (June 2011), [http://www.usich.gov/resources/uploads/asset\\_library/OpeningDoorsImplementationUpdate.pdf](http://www.usich.gov/resources/uploads/asset_library/OpeningDoorsImplementationUpdate.pdf) [hereinafter OPENING DOORS IMPLEMENTATION UPDATE].

<sup>226</sup> *Id.* at 4.

<sup>227</sup> *Id.*

will have the role of identifying homeless students.<sup>228</sup> Increasing efforts to identify the homeless population is necessary and can help to provide a more accurate account of the resources that must be allocated to assist the homeless youth subpopulation. However, the initiative should structure this collaborative effort in a manner that takes advantage of the opportunity for education agencies to develop support services that cater to the unique needs of homeless youth.

Requiring education agencies to provide FAPE to homeless youth creates an opportunity for education agencies to address the underlying effects of this population's difficulties attaining educational success. This focus addresses the fact that the lack of affordable housing is the primary cause of homelessness<sup>229</sup> and that excessive mobility is a primary reason homeless children face barriers to academic achievement.<sup>230</sup> Successful placement of homeless youth in affordable housing will certainly address the need for shelter. However, addressing the effects of mobility requires intervention designed to compensate for missed school days and the stress that homeless students internalize as a result of changing schools or homes.<sup>231</sup> If the DOE's responsibility to ensure homeless youth receive FAPE<sup>232</sup> is broadly construed, the DOE can have a role in strategizing how educational services can be built into plans to increase and improve affordable housing options for the homeless population. The strategies to provide affordable housing are as follows: (i) support rental-housing subsidies; (ii) expand the supply of affordable rental homes; (iii) improve access to assistance; and (iv) increase

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<sup>228</sup> *Id.*

<sup>229</sup> NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 4.

<sup>230</sup> *See* Weisman, *supra* note 145 (addressing the adverse effects to students' academic achievement when they are dealing with residential mobility issues).

<sup>231</sup> *Id.* at 532–35.

<sup>232</sup> U.S. DEP'T OF EDUC., FREE APPROPRIATE PUBLIC EDUCATION FOR STUDENTS WITH DISABILITIES: REQUIREMENTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (2010), *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>.

service-enriched housing.<sup>233</sup> The placement of these housing units will likely require homeless youth and families to relocate. There is no mention of how, or if, such strategies will attempt to limit school mobility.<sup>234</sup> The DOE, given its expertise on the problems associated with school mobility, oversees the implementation of laws that work to limit such mobility.<sup>235</sup>

This focus also addresses the need for permanent housing. USICH provides four strategies to achieve the objective of creating permanent supportive housing: (i) improve access to and use of supportive housing; (ii) use protocols and incentives to free up units; (iii) expand the supply of supportive housing; and (iv) assess options for supportive housing service funding.<sup>236</sup> The goal is to increase the supply of permanent supportive housing for homeless youth.<sup>237</sup> My assertion is that an increase in the quantity of permanent housing for homeless youth should also provide educational support to address the unique needs of homeless youth. By doing so, the comprehensiveness of the homelessness prevention strategy would increase. The role of education in these four strategies would increase input from education agencies, which arguably are the entities with the most direct knowledge of the educational challenges that homeless youth face. Such input suggests how the design and location of housing can be tailored to address the adverse effects of school mobility and promote group learning and social behavior.

Historically, access to permanent supportive housing has been limited to the populations of homeless people that have chronic health challenges,

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<sup>233</sup> OPENING DOORS, *supra* note 5, at 28. Service-enriched housing offers residential services for tenants in housing developments to promote the social and economic well-being of tenants. *Service Enriched Housing*, NAT'L ALLIANCE TO END HOMELESSNESS (July 13, 2006), <http://www.endhomelessness.org/content/media/detail/1062>.

<sup>234</sup> OPENING DOORS, *supra* note 5, at 28.

<sup>235</sup> *See generally* 42 U.S.C. § 11432.

<sup>236</sup> OPENING DOORS, *supra* note 5, at 28.

<sup>237</sup> *Id.* at 38.

mental illness, and chemical dependency issues, despite the fact that HUD includes education as an appropriate service to be paired with permanent supportive housing.<sup>238</sup> Pairing a rent subsidy with dedicated services<sup>239</sup> is a common way of providing permanent supportive housing,<sup>240</sup> education should be one of the services provided.

### C. Retool the Homeless Crisis Response System

The theme to retool the homeless crisis response system is underscored by one objective: “Transform[ing] homeless services [in]to crisis response systems that prevent and rapidly return people who experience homelessness to stable housing.”<sup>241</sup> The term “stable housing” is not described in further detail in the Strategic Plan.<sup>242</sup> Education agencies should be heavily involved in defining the term given the profound effects of mobility on the likelihood of a student’s chance for academic success.<sup>243</sup>

The five strategies to transform the crisis response systems<sup>244</sup> are as

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<sup>238</sup> *Id.*

<sup>239</sup> *Overview of HUD Homeless and Housing Programs, Understanding SHP, Eligible Activities*, U.S. DEP’T OF HOUS. & URBAN DEV., <http://hudhre.info/index.cfm?do=viewUnderstandingShpEligibleAct> (last visited Feb. 11, 2013).

Almost any services aimed at moving homeless participants to independence are eligible for SHP support. The following are examples of services which may be paid for with supportive service grant funds: outreach, child care, job training/placement, case management, health care, transportation employment assistance, education, vocational opportunities, life skills, counseling, housing search assistance, substance abuse treatment, parenting skills, rent deposits, psychiatric care, mental health care, home furnishings, budgeting.

*Id.*

<sup>240</sup> OPENING DOORS, *supra* note 5, at 38.

<sup>241</sup> *Id.* at 7.

<sup>242</sup> *Id.*

<sup>243</sup> PAIK & PHILLIPS, *supra* note 41, at 1, 6.

<sup>244</sup> *What is Crisis Response? An Overview and Guidance on Building Better Systems*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, [http://www.usich.gov/plan\\_objective/homeless\\_crisis\\_response/what\\_is\\_crisis\\_response/](http://www.usich.gov/plan_objective/homeless_crisis_response/what_is_crisis_response/) (last visited Feb. 11, 2013).



follows: (i) promote best practices in crisis response; (ii) use mainstream resources for housing stability; (iii) use implementation strategies for the HEARTH Act;<sup>245</sup> (iv) ensure continuity through Homelessness Prevention and Rapid Re-Housing Program (HPRP) services; and (v) ensure prevention in place-based strategies.<sup>246</sup>

Rapid re-housing efforts are designed to serve people who became homeless for economic reasons and whose economic problems could be mitigated by financial services, such as rental assistance.<sup>247</sup> Many communities implement a Continuum of Care process to meet crisis response needs.<sup>248</sup>

Such initiatives may include outreach to social services to assist in stabilizing housing and activities to assist people who have moved into

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<sup>245</sup> The HEARTH Act was enacted on May 20, 2009. *See* Pub. L. No. 111-22, 123 Stat 1632 (codified as amended in scattered titles of the US Code). It revised a number of HUD's homeless assistance programs, including EHCY, in order to promote homeless prevention. Additional rapid re-housing initiatives were started, and homeless assistance providers were given more leeway in how they may utilize their funds so that a wider homeless population could be served. This was done in large part by increasing funding to emergency shelters and by modifying the definition of "homeless" to the definition used in this article. *See generally Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, <http://www.hudhre.info/hearth> (last visited Feb. 11, 2013).

<sup>246</sup> OPENING DOORS, *supra* note 5, at 28.

<sup>247</sup> OPENING DOORS, *supra* note 5, at 14.

<sup>248</sup> 42 U.S.C. § 11360 (1987), *amended by* Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 401 (2009). The Continuum of Care process is as follows: First, service providers perform an intake assessment or initial outreach to the homeless person. *Fact Sheet: What is a Continuum of Care?*, NAT'L ALLIANCE TO END HOMELESSNESS, <http://www.endhomelessness.org/library/entry/fact-sheet-what-is-a-continuum-of-care> (last updated Jan. 14, 2010). This is followed by emergency housing, then transitional housing, and finally either permanent housing or permanent supportive housing. *Id.* The purpose of the outreach is to reduce the number of homeless people on the street. *Id.* The HEARTH legislation created additional resources and expanded the role of the Emergency Solutions Grant (ESG). HEARTH Act §§ 1201–1205, 42 U.S.C. §§11371–8 (2009).

permanent housing in the last six months.<sup>249</sup> HPRP is administered by HUD and provides \$1.5 billion in funding, which is available to state education agencies to support the education of homeless students. HPRP funding provides homeless families with resources to assist them in their housing needs and provides educational resources to homeless youth.<sup>250</sup> Coordinating the resources of HPRP and HEARTH Act programs and designating how funds will be allocated helps to strengthen the partnerships between education providers and homelessness assistance providers in order to minimize disruption in children's education and to make homeless youth aware of their educational rights.<sup>251</sup>

Rapid re-housing initiatives often fail to meet the needs of the homeless population because success is contingent on housing service providers partnering with the proper social services to accommodate the needs of different subgroups of the homeless population.<sup>252</sup> While the Strategic Plan recognizes the need for rapid re-housing strategies to be coordinated with federal place-based strategies,<sup>253</sup> incorporating education agencies into policies directly related to increasing affordable housing will help to ensure that information collected by such agencies identifies the unique needs of homeless youth.

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<sup>249</sup> 42 U.S.C. § 11383 (1987), *amended by* Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 423 (2009); 42 U.S.C. § 11360.

<sup>250</sup> 42 U.S.C. §§ 11374, 11386 (1987), *amended by* Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, § 1202, 1304 (2009).

<sup>251</sup> *Id.*

<sup>252</sup> U.S. DEP'T HOUS. AND URBAN DEV., OFFICE OF CMTY. PLANNING & DEV., HPRP IMPLEMENTATION: PROMISING PRACTICES IN RAPID RE-HOUSING 17, *available at* [http://www.hudhre.info/documents/HPRPImplementation\\_PromisingPractices\\_Presentation.pdf](http://www.hudhre.info/documents/HPRPImplementation_PromisingPractices_Presentation.pdf).

<sup>253</sup> Place-based strategies target specific communities or locations, often with the explicit goal of revitalizing entrenched pockets of poverty. *See* Randall Crane & Michael Manville, *People or Place? Revisiting the Who Versus the Where of Urban Development*, LAND LINES 1, 2–4 (July 2008), *available at* [http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7620/1403\\_719\\_LLA080702.pdf?sequence=1](http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7620/1403_719_LLA080702.pdf?sequence=1).

*D. Funding Youth Homelessness Initiatives*

I believe the relatively small allocation of funds received by initiatives to end youth and family homelessness<sup>254</sup> illustrates the underdeveloped nature of certain strategies created by USICH to end the homelessness epidemic. In addition to providing the infrastructure needed to stop the cycle of homelessness, incorporating education agencies into housing policies has the potential to improve the efficiency of funding services for the homeless population.

Only \$195 million of the \$4.2 billion per year that the federal government allocates to combat homelessness is for homeless children and youth.<sup>255</sup> Additionally, only 1 percent of that \$195 million is used for rental housing, public housing, and affordable housing programs for homeless youth.<sup>256</sup> This deficiency can be attributed to the reluctance of homeless youth to take advantage of homelessness assistance programs,<sup>257</sup> the difficulties in identifying homeless youth,<sup>258</sup> and what I believe to be the lack of comprehensive integration of education into permanent supportive housing.

The purpose of these funds is to finance the high-level objectives described in the Strategic Plan<sup>259</sup> by increasing the operational capacity of local initiatives; however, the small percentage of funds allocated to the Strategic Plan's objectives is troubling. The majority of homeless advocates agree that more money is required if the needs of homeless youth are going to be adequately addressed.<sup>260</sup> The first step towards implementing the Strategic Plan, as it relates to education agencies, is to increase support for

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<sup>254</sup> QUINTANA ET AL., *supra* note 55, at 24.

<sup>255</sup> *Id.*

<sup>256</sup> *Id.*

<sup>257</sup> Wayman, *supra* note 51, at 587, 608.

<sup>258</sup> U.S. DEP'T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 2.

<sup>259</sup> The objectives are more particularly described in Part VI of this article.

<sup>260</sup> Wong et al., *supra* note 68, at 1.

EHCY<sup>261</sup> so that the program can carry out its mission of assisting state and local agencies in providing education resources to homeless youth.<sup>262</sup> The US budget through September 30, 2011, provided an additional \$40 million to HUD's McKinney-Vento Homeless Assistance Grants program, making a total of \$1.91 billion in available funding.<sup>263</sup> The focus of EHCY is to provide a FAPE to homeless youth,<sup>264</sup> and while EHCY is integral to providing homeless youth with access to education, plans should be developed to directly incorporate the DOE into housing-based initiatives.

#### VI. THE SOLUTION: PERMANENT SUPPORTIVE HOUSING PAIRED WITH EDUCATIONAL SERVICES

Two initiatives regarding homelessness prevention exist: first, homelessness cannot be prevented unless there is an increase in affordable housing,<sup>265</sup> and, second, homeless youth must have access to an appropriate education in order to decrease the likelihood that they will become homeless adults.<sup>266</sup> Although these two initiatives have the same goal—ending homelessness—I believe that their bifurcation causes a duplication of efforts and an inefficient use of scarce resources. The Strategic Plan currently contemplates synergies between housing and education in the

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<sup>261</sup> “EHCY” is the Education for Homeless Children and Youth Program, which was reauthorized in 2002 as Subtitle VII-B of the McKinney-Vento Homeless Assistance Act. U.S. DEP'T OF EDUC., EHCY PROGRAM PROFILE, *supra* note 131.

<sup>262</sup> OPENING DOORS, *supra* note 5, at 58.

<sup>263</sup> This is the primary source of federal funding for the homeless through competitive and non-competitive grants. Richard W. Brown, *\$40 Million More For the Homeless*, MONARCH HOUSING ASSOCIATES (Apr. 12, 2011), <http://monarchhousing.org/2011/04/12/40-million-more-for-the-homeless/>; *Alliance Online News: Congress Releases FY 2011 Budget Details*, NAT'L ALLIANCE TO END HOMELESSNESS (Apr. 12, 2011), <http://www.endhomelessness.org/library/entry/alliance-online-news-congress-releases-fy-2011-budget-details>.

<sup>264</sup> See NAT'L COAL. FOR THE HOMELESS, *supra* note 182.

<sup>265</sup> U.S. DEP'T OF HOUS. AND URBAN DEV., 2009 REPORT, *supra* note 16, at 32.

<sup>266</sup> *Education Pays*, BUREAU OF LABOR STAT., [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm) (last modified Mar. 23, 2012).

areas of data collection and economic security,<sup>267</sup> and collaborative efforts between housing and education should also be included in permanent supportive housing initiatives and objectives that advance housing stability for youth. Creating additional affordable housing can work to reduce the cycle of homelessness by providing homeless youth with educational services tailored to meet their unique needs.

In this part of the article, I describe the characteristics of permanent supportive housing and explain why there is a need for additional permanent supportive housing units for homeless youth and families. I detail the services typically provided with permanent supportive housing and argue that education should be one of the services offered. To address anticipated issues with securing funding for the development, I describe how existing legislation and homelessness assistance programs help support permanent housing with educational services.

*A. Existing Legislation and Programs Support Permanent Housing with Educational Services*

In the United States, there are 107,950 beds for families in need of emergency shelter, 109,512 transitional housing beds for families, and 95,353 permanent supportive housing beds for families.<sup>268</sup> This is far below the number of beds needed to address the millions of families that are homeless each year in this country.<sup>269</sup> Many shelters must turn away families with children because no beds are available for them.<sup>270</sup> Additional housing units for families will generally increase the amount of beds, as

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<sup>271</sup> OPENING DOORS, *supra* note 5.

<sup>268</sup> INST. FOR CHILDREN, POVERTY & HOMELESSNESS, THE BEGINNING OF THE END OF TRANSITIONAL HOUSING? 3 (2011), available at [http://www.icphusa.org/PDF/reports/ICPH\\_TransitionalHousing.pdf](http://www.icphusa.org/PDF/reports/ICPH_TransitionalHousing.pdf).

<sup>269</sup> *Id.*

<sup>270</sup> See THE U.S. CONFERENCE OF MAYORS, HUNGER AND HOMELESSNESS SURVEY: A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES 17 (2007), available at <http://usmayors.org/hhsurvey2007/hhsurvey07.pdf>.

well as help prevent male youth from being separated from their families due to the gender restriction policies of some shelters.<sup>271</sup>

The McKinney-Vento Act created the Supportive Housing Program (the Program) to assist homeless people with their transition to independent living.<sup>272</sup> Among other things, the Program funds innovative projects that meet the immediate and long-term needs of homeless individuals and families.<sup>273</sup> As previously stated, there are only about 95,353 permanent supportive housing units for families.<sup>274</sup> There is a need for more of these types of homes to address unmet demand.

There are two main structural models of permanent supportive housing.<sup>275</sup> One model integrates social services in the design of single-site affordable housing units where the services are provided automatically as a condition of living there.<sup>276</sup> The second model creates scattered-site programs in which residents can use rent subsidies to obtain housing from landlords, and then services can be obtained through home visits.<sup>277</sup> Both models could incorporate educational services for homeless youth. Permanent supportive housing using the single-site model may be an appropriate template for unaccompanied youth; however, given the issues with poverty concentration that are inherent in this model, it is important to have flexibility with regard to the location and type of units.<sup>278</sup>

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<sup>271</sup> See generally GILLIAN SILVER & REA PAÑARES, THE HEALTH OF HOMELESS WOMEN: INFORMATION FOR STATE MATERNAL AND CHILD HEALTH PROGRAMS (2000), available at <http://www.jhsph.edu/wchpc/publications/homeless.pdf>.

<sup>272</sup> See generally 42 U.S.C. § 11381 (2008).

<sup>273</sup> *Id.*

<sup>274</sup> INST. FOR CHILDREN, POVERTY & HOMELESSNESS, *supra* note 268, at 3.

<sup>275</sup> OPENING DOORS, *supra* note 5, at 18.

<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> See generally GEORGE C. GALSTER ET AL., JOINT CTR. FOR HOUS. STUDIES, THE SOCIAL COSTS OF CONCENTRATED POVERTY: EXTERNALITIES TO NEIGHBORING HOUSEHOLDS AND PROPERTY OWNERS AND THE DYNAMICS OF DECLINE 1 (2007), available at [http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/tr07-4\\_galster.pdf](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/tr07-4_galster.pdf).

Historically, permanent supportive housing units provided mental health services and care for HIV/AIDS and supported people with disabling chronic health conditions, including substance abuse.<sup>279</sup> A large number of the chronically homeless experience or have experienced trauma and violence in their lives, and permanent supportive housing has had success in addressing these issues.<sup>280</sup>

Trauma and violence issues are effectively treated through permanent supportive housing programs because these programs develop comprehensive service plans designed to address needs related to mental and physical health.<sup>281</sup> Further, the on-site location of such services may increase the likelihood that residents will take advantage of the resources.<sup>282</sup> Permanent supportive housing is the most commonly used form of homeless assistance, and it was created with the notion that housing could be used to aggressively target the underlying causes of homelessness.<sup>283</sup> The success of permanent supportive housing is attributed to the recognition that housing stability is affected by socioeconomic and health factors, which must be treated in order to stop the cycle of homelessness.<sup>284</sup>

Because a large number of homeless youth are plagued with traumatic

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<sup>279</sup> OPENING DOORS, *supra* note 5, at 38. Evaluations of permanent supportive housing, implemented in a range of communities for chronically homeless people and homeless people with disabilities, have demonstrated significant improvements in housing stability. *Id.* Summaries of outcomes from these and other cost studies with citations and links to published research can be found at CORP. FOR SUPPORTIVE HOUS., SUMMARY OF STUDIES: MEDICAID/HEALTH SERVICES UTILIZATION AND COSTS (2009), available at <http://documents.csh.org/documents/policy/UpdatedCostMatrixApr09.pdf>.

<sup>280</sup> OPENING DOORS, *supra* note 5, at 38. *See also* CORP. FOR SUPPORTIVE HOUS., SUPPORTIVE HOUSING FOR FAMILIES: AN OVERVIEW OF KEY CONSIDERATIONS (2008), available at <http://documents.csh.org/documents/ResourceCenter/Populations/Families2PagerFINAL.pdf> [hereinafter CORP. FOR SUPPORTING HOUS., KEY CONSIDERATIONS].

<sup>281</sup> *See generally* CORP. FOR SUPPORTING HOUS., KEY CONSIDERATIONS, *supra* note 280.

<sup>282</sup> *Id.*

<sup>283</sup> NAT'L ALLIANCE TO END HOMELESSNESS, *supra* note 1, at 5.

<sup>284</sup> *Id.*

experiences, it is fitting that the HEARTH Act expanded the definition of chronic homelessness to include families with children.<sup>285</sup> It is foreseeable that permanent supportive housing would be successful in addressing these same needs in homeless youth. The Strategic Plan asserts that permanent supportive housing services should be flexible and individualized to the needs of the end user.<sup>286</sup> In light of the statistics outlining the challenges homeless youth encounter with respect to receiving FAPE and the benefits to homeless youth of receiving educational services in their homes,<sup>287</sup> homeless youth should be able to receive such educational services. Expanding the availability of permanent supportive housing to homeless families and youth, and providing educational services, such as tutoring in academic subjects and homework assistance, would help to alleviate many of the educational problems that homeless youth face.<sup>288</sup>

Advocates of permanent supportive housing support prevention and early intervention services in housing units for the purposes of treating the underlying causal factors of homelessness and preventing these factors from becoming increasingly severe.<sup>289</sup> Severe family conflict, substance abuse, and mental health disabilities are commonly listed as factors that should be addressed, and though educational services that support a child's chance for academic success can reduce the likelihood of homelessness in the future,

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<sup>285</sup> See CORP. FOR SUPPORTIVE HOUS., DEFINING THE SEVEN DIMENSIONS OF HIGH-QUALITY SUPPORTIVE HOUSING (2008), available at <http://documents.csh.org/documents/Quality/SevenDimensionsQualityIndicatorsWEBFINAL.pdf>.

<sup>286</sup> OPENING DOORS, *supra* note 5, at 38.

<sup>287</sup> See generally Julianelle & Foscarinis, *supra* note 69 (discussing the importance of collaboration between education and housing systems to support the education of homeless youth, and advocating for flexible and alternative education programs to account for the difficulties homeless youth have in meeting basic needs and achieving academic success); U.S. DEP'T OF EDUC., EHCY PROGRAM, *supra* note 127, at 15.

<sup>288</sup> The lack of literary materials that is typical in a low-income home slows cognitive development. C. Brady-Smith et al., *Poverty and Education: Overview*, in 5 ENCYCLOPEDIA OF EDUCATION 1904–10 (2d ed. 2002).

<sup>289</sup> See generally OPENING DOORS, *supra* note 5.



they are not currently provided in permanent supportive housing.<sup>290</sup>

Due to the trauma experienced by the majority of homeless youth, they often receive special education services complete with an individualized education program, which outlines the resources and environment the student requires.<sup>291</sup> Most of the individualized education programs given to youth who have experienced trauma recommend that the student remain in a highly consistent routine from home to school.<sup>292</sup> Educational services at home can provide this type of consistent routine.<sup>293</sup> Because homeless students often lag behind their peers (because they lack home support systems), permanent supportive housing with educational services can help to close the achievement gap.<sup>294</sup>

Tailoring housing solutions to homeless youth will give additional support that extends beyond physically sheltering these individuals. Youth who are products of the child welfare system have a high propensity towards homelessness.<sup>295</sup> Permanent supportive housing for unaccompanied youth will help such youth to transition from the child welfare system to mainstream society; providing educational services to unaccompanied youth will help increase the likelihood of such youth remaining enrolled and

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<sup>290</sup> See generally *id.*

<sup>291</sup> The purpose of the IEP is to create an educational plan designed to meet the specific needs of the student. Educational goals are described in detail together with measure steps to monitor progress towards the goals. *The Short-and-Sweet IEP Overview*, NAT'L DISSEMINATION CTR. FOR CHILDREN WITH DISABILITIES (Sept. 2010), <http://nichcy.org/schoolage/iep/overview>; Evaluations, Eligibility Determination, Individualized Education Programs, and Educational Placements, 20 U.S.C. § 1414 (2005).

<sup>292</sup> See generally Laura R. McNeal & Colleen M. O'Rourke, *The Legal Foundation for Special Education*, in *SPECIAL EDUCATION FOR ALL TEACHERS* 31–62 (5th ed. 2009).

<sup>293</sup> See generally *id.*

<sup>294</sup> See generally *id.*

<sup>295</sup> WHITE HOUSE TASK FORCE FOR DISADVANTAGED YOUTH, *supra* note 44, at 104–5; Jean-Marie Firdion, *Homelessness, Poverty, and Foster Care*, in *ENCYCLOPEDIA OF HOMELESSNESS* 1, 3 (David Levinson ed. 2004), available at <http://www.brown.edu/Departments/Sociology/faculty/silver/sirs/papers/firdion.pdf>.

performing better in school.<sup>296</sup>

The Strategic Plan should structure its interagency collaboration so that educational programs are included in permanent supportive housing services. This will provide a framework for mitigating the effects of homelessness on youth, while simultaneously providing the shelter needed to directly eradicate the problem.<sup>297</sup> While school-based strategies combat the effects of mobility and cater to the unique needs of homeless youth,<sup>298</sup> appropriate housing can address the physical, mental, and emotional health issues prevalent in the homeless youth population.

For example, the City of Norfolk's Homeless Action and Response Team in Norfolk, VA, provides housing placement services and coordinates with schools to identify families who face an imminent risk of becoming homeless.<sup>299</sup> If there is a child in the family, the agency contacts a liaison to provide educational resources to the child.<sup>300</sup> Washington State has also increased collaboration between education and housing agencies.<sup>301</sup> In 2007, the state received a federal grant to fund a program designed to decrease school mobility.<sup>302</sup> School districts in Tacoma and Sumner, WA, have formed case management teams comprised of school district staff to provide housing application assistance and educational services.<sup>303</sup> The teams meet monthly to ensure that efforts are not duplicated, to report progress and challenges, and to hold team members accountable for

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<sup>296</sup> Wayman, *supra* note 51, at 614.

<sup>297</sup> Housing-based and school-based policies must work in concert to address the program. See Richard Rothstein, *Equalizing Education Resources on Behalf of Disadvantaged Children*, in A NOTION AT RISK: PRESERVING PUBLIC EDUCATION AS AN ENGINE FOR SOCIAL MOBILITY 10 (R.D. Kahlenberg ed. 2000).

<sup>298</sup> U.S. DEP'T OF EDUC., EHCY PROGRAM, *supra* note 127.

<sup>299</sup> HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM, *supra* note 181.

<sup>300</sup> *Id.*

<sup>301</sup> *Id.*

<sup>302</sup> *Id.*

<sup>303</sup> *Id.*

results.<sup>304</sup>

Individualized treatment is an important aspect of housing first models.<sup>305</sup> In housing first models, case managers help families to become aware of the amenities in their new community while working with the families on education, career development, health, and family conflict issues.<sup>306</sup> There are quarterly evaluations of program effectiveness.<sup>307</sup> Families receive support for a minimum of six months and may continue to receive services as long as necessary.<sup>308</sup> This home-based case management model allows families to continue accessing needed services as they begin to stabilize.<sup>309</sup>

I believe the Strategic Plan and the EHCY provide the foundation for structuring collaborative efforts to end and prevent homelessness so that educational programs are included in permanent supportive housing services. Moreover, models exist on which to base the permanent supportive housing that I describe. Housing first models attempt to prevent homelessness by placing homeless families in rental housing and, further, by providing services to prevent reoccurring homelessness.<sup>310</sup> The template of such models is to match a homeless family with a case manager who

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<sup>304</sup> *Id.*

<sup>305</sup> Housing first models of supportive housing incorporate strategies that minimize barriers to housing access or preconditions of housing readiness, sobriety, or engagement in treatment. U.S. DEP'T OF HOUS. AND URBAN DEV., THE APPLICABILITY OF HOUSING FIRST MODELS TO HOMELESS PERSONS WITH SERIOUS MENTAL ILLNESS (2007) [hereinafter U.S. DEP'T OF HOUS. AND URBAN DEV., APPLICABILITY], available at <http://www.huduser.org/portal/publications/hsgfirst.pdf>. Participants are able to move into permanent housing quickly, and they receive the intensive supportive services needed to help residents achieve and maintain housing stability and improvements in their overall condition. *Id.*

<sup>306</sup> NAT'L ALLIANCE TO END HOMELESSNESS, WHAT IS HOUSING FIRST? (2006), available at [http://b.3cdn.net/naeh/b974efab62feb2b36c\\_pzm6bn4ct.pdf](http://b.3cdn.net/naeh/b974efab62feb2b36c_pzm6bn4ct.pdf).

<sup>307</sup> *Id.*

<sup>308</sup> *Id.*

<sup>309</sup> *Id.*

<sup>310</sup> OPENING DOORS, *supra* note 5, at 18; U.S. DEP'T OF HOUS. & URBAN DEV., APPLICABILITY, *supra* note 305.

conducts an in-depth needs assessment.<sup>311</sup> The case manager creates a family transition plan that places the family in permanent supportive housing and provides for other social services.<sup>312</sup>

In addition to the programs that I list above, other collaborative efforts between housing and education agencies have been encouraged.<sup>313</sup> Scholars and homelessness assistance providers have explored options to incorporate education agencies into direct housing agendas and have encouraged the government to require shelter and transitional housing personnel to notify homeless youth and their guardians of their rights under EHCY.<sup>314</sup> This tactic will be helpful, but integrating educational services into affordable housing will help to ensure that homeless youth receive a free, appropriate, and public education.

*B. Costs of Integrating Educational Services and Affordable Housing*

It is important to note that the expense of integrating educational services into affordable housing could be considerable.<sup>315</sup> Administrative costs will be incurred in developing the criteria for entrance and retention in the residences, and securing the actual funding for the units will be difficult since little or no return is produced.<sup>316</sup> However, investing in preventative measures may be less expensive than maintaining and expanding the infrastructure that is already in place to serve homeless youth. The National Center for Housing and Child Welfare reports that foster care for an

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<sup>311</sup> *Id.*

<sup>312</sup> *Id.*

<sup>313</sup> Julianelle & Foscarinis, *supra* note 69.

<sup>314</sup> *Id.* Federal law already requires state and local educational agencies to collaborate with such programs. Grants for State and Local Activities for the Education of Homeless Children and Youths 42 U.S.C. § 11432(f)(4-5), (g)(5-6) (2008).

<sup>315</sup> See generally CORP. FOR SUPPORTIVE HOUS., PERMANENT SUPPORTIVE HOUSING: AN OPERATING COST ANALYSIS 4–7 (2011), available at [http://www.csh.org/wp-content/uploads/2011/12/Report\\_OperatingCostAnalysis.pdf](http://www.csh.org/wp-content/uploads/2011/12/Report_OperatingCostAnalysis.pdf).

<sup>316</sup> *Id.* at 4–5.

average-sized family's children costs \$56,892 per year while rental assistance to keep a family in its home costs \$13,193 per year.<sup>317</sup> The net lifetime contributions lost to society, after accounting for the costs that would be incurred in order to improve education, are \$127,000 per non-graduating student, which amounts to over \$100 billion lost in any given year.<sup>318</sup>

Funding opportunities exist for permanent supportive housing with educational services,<sup>319</sup> and USICH should encourage education agencies to participate in initiatives to increase affordable housing. The HEARTH Act provides additional funds for communities that include proven strategies to reduce homelessness in their assistance programs, such as permanent supportive housing for homeless families experiencing chronic homelessness.<sup>320</sup> The bonus funds may be used at the recipient agency's discretion.<sup>321</sup> From a logistical standpoint, collaboration between education and housing agencies will help to avoid disjointed and overlapping policies that frustrate local communities' efforts to secure funding for homelessness prevention and complicate efforts to adhere to the restrictions and conditions that such funding may impose.<sup>322</sup>

In early 2011, HUD announced that \$35 million would be allocated to housing authorities in order to create facilities that provide early childhood

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<sup>317</sup> Press Release, U.S. Dep't of Hous. and Urban Dev., HUD Provides Rental Assistance Vouchers to Help More Than 2,500 Families Stay Together (Aug. 5, 2010), [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2010/HUDNo.10-171](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.10-171).

<sup>318</sup> See BASSUK ET AL., *supra* note 3.

<sup>319</sup> See NAT'L ALLIANCE TO END HOMELESSNESS, HOMELESS ASSISTANCE REAUTHORIZATION: SUMMARY OF THE HEARTH ACT (2009), *available at* [http://b3cdn.net/naeh/939ae4a9a77d7cb13d\\_xim6bxa7a.pdf](http://b3cdn.net/naeh/939ae4a9a77d7cb13d_xim6bxa7a.pdf).

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

<sup>322</sup> See WHITE HOUSE TASK FORCE FOR DISADVANTAGED YOUTH, *supra* note 44, at 41.

and adult education or job training programs for public housing residents.<sup>323</sup> While this initiative recognized the link between housing and education, it did not address homeless youth in schools.<sup>324</sup> Housing authorities must partner with education or training support service providers that will offer services to achieve better educational and economic outcomes; but currently, HUD makes no mention of maintaining the connection between a child and his or her school of origin.<sup>325</sup> Moreover, information provided by HUD on the above referenced allocation makes no mention of collaboration with school officials to ensure consistency between work done at school and work done at home.<sup>326</sup>

HUD has also committed to provide \$20 million in grants to housing authorities in the form of rental assistance vouchers through HUD's Family Unification Program.<sup>327</sup> This program provides funds to families who are separated or who are in imminent danger of being separated from their children due to inadequate housing situations.<sup>328</sup> The main purpose of this program is to keep children out of foster care.<sup>329</sup> This program will also set aside vouchers for 750 adults, ages eighteen to twenty-two, who are aging out of the foster care system.<sup>330</sup> While this assistance will be beneficial to homeless families and young adults, it is not available to unaccompanied

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<sup>323</sup> Press Release, U.S. Dep't of Hous. and Dev., HUD Makes \$35 Million Available to Housing Authorities to Create New Educational Job Training Facilities for Residents (Oct. 8, 2010), [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2010/HUDNo.10-231](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.10-231).

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> *Id.*

<sup>327</sup> U.S. DEP'T OF HOUS. & URBAN DEV., FISCAL YEAR 2010 NOTICE OF FUNDING AVAILABILITY; FAMILY UNIFICATION PROGRAM (2010), *available at* <http://archives.hud.gov/funding/2010/fupsec.pdf>.

<sup>328</sup> *Id.*

<sup>329</sup> *Id.*

<sup>330</sup> *Id.*

youth.<sup>331</sup> This omission underscores the need for additional housing for which the entire homeless youth population is eligible.

### *C. Location of Permanent Housing*

Ideally, homelessness prevention collaboration between housing and education agencies would result in plans detailing the physical structure of permanent supportive housing and the nature of communication between teachers in schools and education professionals outside of schools.

The physical structure of permanent supportive housing with educational services should reflect a location that allows children to attend schools that best serve their interests and an internal design that allows for education to take place in the home. The location and design conceptualization is of particular importance when permanent supportive housing units and educational services are available in a single-site model.<sup>332</sup> In my solution, the agencies responsible for coordinating the educational services would manage the housing units in the single-site model. Understanding the adverse effects of school and residential mobility on homeless youth is not within the direct purview of housing agencies.<sup>333</sup> Therefore, these housing officials would likely not know how to integrate mechanisms designed to avoid mobility into housing models. However, it is likely that education agencies would highlight the importance of allowing children to remain in their schools of origin. Such scenario highlights how education agencies would add value if collaboration incorporated the input of education officials into this initial phase of the project.<sup>334</sup> Education agencies could assist with planning where single-site models would be located and explain the importance of placing youth in housing near their schools. The interiors

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<sup>331</sup> *Id.*

<sup>332</sup> OPENING DOORS, *supra* note 5, at 18.

<sup>333</sup> *Mission*, U.S. DEP'T OF HOUS. & URBAN DEV., <http://portal.hud.gov/hudportal/HUD?src=/about/mission> (last visited Dec. 17, 2012).

<sup>334</sup> *See generally* 42 U.S.C. § 11432.

of these single-site structures should include group and individual space for tutoring and homework assistance so that there is space for students and education professionals to work. Encouraging group work would allow interaction that would help students develop support networks with other students, conceivably assisting with any social isolation issues the youth may face.

Permanent supportive housing with educational services would not have to be restricted to a single-site model. Homeless youth could move into housing that was not built with the specific purpose of incorporating educational services into housing, but where they would still receive academic support. Support Services Only funds permit education professionals to provide academic enrichment services to homeless youth at a center that is not a residence, or to provide outreach to unaccompanied youth living on the street.<sup>335</sup> Education officials funded through Support Services Only are also eligible to provide educational services at residences operated and managed by a service provider not connected to the educational services provided.<sup>336</sup> This design also assists in making permanent supportive housing with education services more cost effective than would otherwise be the case. Rather than having to build new housing structures, homeless individuals can receive services in available housing and receive subsidies to offset some or all of the total housing cost.

Communication between teachers in schools and education professionals outside schools should culminate in coordinated lesson plans that help to ensure consistency in the education received by homeless youth at school and at home. To the extent a child is struggling with a particular subject or concept, both teacher and education service provider should address the issue without being unduly repetitive. Regular communication would allow

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<sup>335</sup> *Supportive Housing Program Desk Guide*, U.S. DEP'T OF HOUS. & URBAN DEV., <http://hudhre.info/index.cfm?do=viewShpDeskguide> (last visited Dec. 17, 2012).

<sup>336</sup> *Id.*



service providers to know they should dedicate extra time to trouble areas and provide additional assignments.

The cost of the program is manageable given the additional financial resources provided by the federal government, especially when compared with the expense of alternative sheltering options.<sup>337</sup> In addition to permanent supportive housing being cost effective by eliminating the need for more expensive emergency housing, permanent supportive housing funds are specifically earmarked to assist homeless children's academic performance.<sup>338</sup>

Incorporating educational services into permanent supportive housing meets the criteria of three performance measures<sup>339</sup> used to determine the effectiveness of permanent supportive housing.<sup>340</sup> Providing support for the educational achievement of homeless youth increases their earning potential as adults, which increases the likelihood that they will be able to afford housing.<sup>341</sup> Another performance measure states that a timeframe for achievement of the goals is integral to the success of the initiative.<sup>342</sup> The services will be designed so that the homeless child will be competitive with his or her peers each academic year. Setting increased graduation rates among homeless youth as a goal will further refine the timeframe and level of achievement desired by this permanent supportive housing program.

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<sup>337</sup> See CORP. FOR SUPPORTIVE HOUS., SUPPORTIVE RESEARCH FACTS: IS SUPPORTIVE HOUSING COST EFFECTIVE? (2006), available at <http://documents.csh.org/documents/policy/FAQs/CostEffectivenessFAQFINAL.pdf>.

<sup>338</sup> *Id.*

<sup>339</sup> U.S. DEP'T OF HOUS. & URBAN DEV., OFFICE OF CMTY PLANNING & DEV., HUD'S HOMELESS ASSISTANCE PROGRAMS—SUPPORTIVE HOUSING PROGRAM DESK GUIDE 14 (2008), available at <http://dpss.co.riverside.ca.us/files/pdf/homeless/hud-shp/hudshp-dg.pdf>. The three performance measures are: (i) relation of the program to the outcome; (ii) inclusion of a time frame for achievement; and (iii) measurability. *Id.*

<sup>340</sup> *Id.*

<sup>341</sup> *Id.*

<sup>342</sup> *Id.*

## VII. CONCLUSION

My hypothesis is that improved access to education can strengthen the efficiency and success of housing policies. Therefore, the implementation of the Strategic Plan should provide more collaboration between housing and education agencies than is currently included. To achieve the goal of ending and preventing homelessness among families, youth, and children, it is important that supportive housing units effectively deliver educational resources to homeless youth to reduce the likelihood that they become homeless adults.

The Strategic Plan advocates providing stable housing as a foundation for additional social services for those living in poverty.<sup>343</sup> It specifically states that housing stability is “an important ingredient for the success of children and youth in school.”<sup>344</sup> The Strategic Plan incorporates education into some of its initiatives, but there is room for a more inclusive approach in strategies that directly provide stable and affordable housing. Educational attainment expands employment prospects and increases earning potential, which addresses economic indicators of homelessness.<sup>345</sup> The Strategic Plan recognizes the positive correlation between employment and education, and has included the DOE in its objective to increase economic security.<sup>346</sup> The inclusion of education agencies in the Strategic Plan’s efforts to increase access to stable and affordable housing and to retool the homeless crisis response system will allow permanent supportive housing units to offer educational services that are a prerequisite for the academic success of homeless youth.<sup>347</sup> Increased collaboration between housing and education agencies can aid in efforts to identify homeless youth who are doubled up,

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<sup>343</sup> OPENING DOORS, *supra* note 5, at 5.

<sup>344</sup> *Id.*

<sup>345</sup> See *Education Pays*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm) (last updated Jan. 28, 2013).

<sup>346</sup> *Id.*

<sup>347</sup> *Id.*

which will result in the delivery of assistance to more homeless people.

Homeless youth experience mobility, health problems, and traumatic experiences at much higher rates than their housed counterparts, which negatively impacts their academic performance.<sup>348</sup> Given the relationship between housing and education, it is evident that identification of homeless youth is critical, and also that a successful collaboration between housing and education agencies will produce policies that integrate educational data. The needs of homeless youth are numerous and complex, and limiting the role of the DOE to school-based solutions underutilizes the potential of the agency to provide housing units that address these needs. The creation of the Strategic Plan offers an opportunity for housing agencies to provide affordable housing options that assist in providing access to education and that increase the use of educational resources by introducing an educational component into permanent supportive housing services. Developing permanent supportive housing units with educational services will help to break the cycle of homelessness—preventing homeless youth from becoming homeless adults—by increasing the likelihood of homeless youth achieving academic success, leading to greater employment opportunities. Education can and should be brought into the home to advance housing stability for youth and provide affordable housing with long-term benefits.

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<sup>348</sup> Julianelle & Foscarinis, *supra* note 69, at 42.