



National Center for Homeless Education  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
[www.serve.org/nche](http://www.serve.org/nche)



## MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

# Enrolling Children and Youth Experiencing Homelessness in School

### INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §§11431-11435; hereafter referred to as *the McKinney-Vento Act*), reauthorized in 2001 by Title X, Part C of the No Child Left Behind Act, ensures educational rights and protections for children and youth experiencing homelessness. Because of their often tumultuous living situations, school may be their only opportunity to benefit from a stable environment, consistent adult attention, positive peer relations, academic support, and regular meals. Enrolling homeless students in school immediately and presenting them with opportunities to participate fully in school provides them with needed educational stability and continuity.

This brief explains the key provisions in the McKinney-Vento Act concerning school enrollment, including sections on enrollment barriers, immediate enrollment, enrollment requirements, and full participation in school. Each section also offers strategies for State Coordinators, local homeless education liaisons (hereafter referred to as *local liaisons*), and school personnel to ensure that the key provisions are successfully implemented so that students experiencing homelessness are immediately enrolled in school and provided or referred to appropriate services.

### Who is homeless?

#### Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (as reauthorized by Title X, Part C of the Elementary and Secondary Education Act, as amended)

The term “homeless children and youth”—

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

## ENROLLMENT BARRIERS

A primary focus area of the McKinney-Vento Act is school access for children and youth experiencing homelessness. These students must be provided equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth [42 U.S.C. § 11431(1)]. In order to provide equal access, State educational agencies (SEAs) and local educational agencies (LEAs) should remove all barriers that could cause students to miss critical learning opportunities.

### McKinney-Vento Key Provisions

- SEAs and LEAs must review and revise any laws or policies that may act as barriers to the enrollment of homeless children and youth in schools [42 U.S.C. § 11432(g)(1)(I)].
- SEAs and LEAs must ensure the enrollment and attendance of homeless children and youth who are not currently attending school [42 U.S.C. § 11432(g)(7)(C)].
- Enrollment includes attending classes and participating fully in school activities [42 U.S.C. § 11434a(1)].

### Strategies for Implementation

State Coordinators and local liaisons should

- work with their agency attorneys and others to review state and local laws, regulations, practices, and policies and bring them into compliance with the McKinney-Vento Act;
- build a system of accountability that ensures compliance with the law;
- eliminate school enrollment barriers through proper staff training about the enrollment rights included in the McKinney-Vento Act;
- collaborate with school departments and community and state organizations serving out-of-school youth and those at risk of dropping out in order to develop and

implement a smooth and effective referral process for those youth to school enrollment staff; and

- determine the average length of time it takes between when students attempt to enroll and when they actually are participating fully in school, and create processes to shorten this time, if needed.

## IMMEDIATE ENROLLMENT

Another focus area of the McKinney-Vento Act is school stability. Students who change schools frequently are at a greater risk of school failure and dropping out than those who are stable in school (Institute of Medicine and National Research Council, 2010). To counteract this, the Act seeks to ensure that homeless students either continue attending and receive transportation to and from the school of origin, or are enrolled immediately in the local school.

### McKinney-Vento Key Provisions

- Schools must enroll homeless children and youth, including unaccompanied homeless youth (see the [Definitions sidebar](#) on page 3), in school immediately and ensure they receive educational and related services for which they are eligible [42 U.S.C. § 11432(e)(3)(E)(i)].
- Processes must be in place to enroll unaccompanied homeless youth in school immediately despite guardianship issues [42 U.S.C. § 11432(g)(1)(H)(iv)].
- Homeless students can either remain in the school of origin or enroll in the local attendance area school (see the [Definitions sidebar](#) on page 3) [42 U.S.C. § 11432(g)(3)(A)].
- Local liaisons must help unaccompanied homeless youth select and enroll in school, after considering the youth's wishes [42 U.S.C. § 11432(g)(3)(B)(iii)].
- If it is in the student's best interest to remain

## DEFINITIONS

The following definitions are included in the McKinney-Vento Act:

### Local attendance area school

Any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend [42 U.S.C. § 11432(g)(3)(A)(ii)]

### School of origin

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)(G)]

### Unaccompanied youth

A youth not in the physical custody of a parent or guardian. For an unaccompanied youth to be considered eligible for rights and services under the McKinney-Vento Act, his or her primary nighttime residence must meet the Act's definition of *homeless*. [42 U.S.C. § 11434a(6)]

in the school of origin, transportation to and from that school can be requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied homeless youth [42 U.S.C. § 11432(g)(1)(J)(iii)].

- When it is determined to be in a student's best interest to remain in the school of origin, the student can continue to do so for the duration of homelessness or for the remainder of the academic year in which the student becomes permanently housed. Students who lose housing between academic years can attend the school of origin the following academic year [42 U.S.C. § 11432(g)(3)(A)].
- If a student is enrolled in a school other than the one requested by a parent, guardian, or unaccompanied homeless youth, the school must provide a written explanation of its decision to place the student in a different school and of the parent's, guardian's, or

youth's right to appeal this decision [42 U.S.C. § 11432(g)(3)(B)(ii)].

- In the case of a dispute involving an unaccompanied homeless youth, the local liaison must assist the youth with the dispute process [42 U.S.C. § 11432(g)(3)(B)(iii)].

## Strategies for Implementation

Under the direction of the local liaison, school districts should consider the following strategies for the immediate enrollment of homeless children and youth.

- Instruct all school enrollment staff, secretaries, school counselors, school social workers, and principals on McKinney-Vento Act requirements and the school or school district's procedures and protocols for enrolling homeless students. Training can include brief updates during regular staff meetings or more intensive workshops that target specific goals or problems.
- Create a process for enrolling unaccompanied homeless youth in school, even when proof of guardianship is not available.
- Include information on the McKinney-Vento Act in parent handbooks and on the school district website to ensure that parents and students have access to information about the educational rights provided to children and youth experiencing homelessness, even if they become homeless after school enrollment.
- Include a residency questionnaire with a simple statement of McKinney-Vento rights in the standard school registration packet to screen for McKinney-Vento eligibility and ensure that all students and parents are informed about the law. See *Sample Forms, Materials, and Policies* at [http://center.serve.org/nche/ibt/sc\\_eligibility.php](http://center.serve.org/nche/ibt/sc_eligibility.php) or *Appendix 3.A Sample Residency Information Form* at [http://center.serve.org/nche/pr/liaison\\_toolkit.php](http://center.serve.org/nche/pr/liaison_toolkit.php) for sample residency questionnaires.

- Have counselors meet with homeless parents and students during registration to eliminate the need for parents to make additional trips to the school to arrange services for their children.
- Inform families and unaccompanied homeless youth of the right to either remain in the school of origin or to be enrolled immediately in the local school.
- Consult with parents and youth to consider the feasibility factors listed in the U.S. Department of Education's Non-regulatory Guidance (2004) when determining which school is in a student's best interest to attend. For more information about school selection and determining best interest, consult NCHIE's *Guiding the Discussion on School Selection* brief, available for downloading at <http://center.serve.org/nche/briefs.php>.
- Inform families and youth of the student's right to receive transportation to and from the school of origin.
- Make the appropriate arrangements so that students can attend school immediately and receive all necessary services.
- Work with district transportation staff and those of surrounding LEAs to coordinate transportation services.
- Develop clear, understandable forms to use when providing written explanations of school decisions, and explaining the parent's, guardian's, or youth's right to appeal the school's enrollment decision and the process for appeal.
- Keep written notes documenting conversations with students and parents to highlight problem areas and provide background information in case of a dispute. Specify what helped or could have helped to avoid disputes.

## ENROLLMENT REQUIREMENTS

Due to the chaos that can result from unexpected and frequent moves, parents may have difficulty keeping track of their belongings. Therefore, children and youth experiencing homelessness often do not have the documents ordinarily required for school enrollment, such as school and immunization records, and birth certificates. Many students, especially those living doubled-up, will not be able to provide proof of residency. In addition, schools may hesitate to enroll unaccompanied homeless youth because they lack proof of guardianship.

### McKinney-Vento Key Provisions

- SEAs and LEAs must eliminate enrollment delays caused by immunization and medical records requirements; residency requirements; missing birth certificates; school records or other documentation; guardianship issues; or uniform and dress code requirements [42 U.S.C. § 11432 (g)(1) (H)].
- Schools must immediately enroll homeless children and youth, even if they cannot provide records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation [42 U.S.C. § 11432(g)(3)(C)(i)].
- If a student needs to obtain immunizations, or immunization or medical records, the local liaison must help the student to obtain them. While immunizations and/or records are being obtained, the student must be enrolled in school [42 U.S.C. § 11432(g)(3) (C)(iii)].
- If the student is unable to provide school records, the enrolling school must contact the student's previous school to obtain the records. While records are being obtained, the student must be enrolled in school [42 U.S.C. § 11432(g)(3)(C)(ii)].
- Schools must maintain records for homeless students using methods that allow records to

be accessed and transferred promptly when a student enters a new school or district [42 U.S.C. § 11432(g)(3)(D)].

### Strategies for Implementation

Under the direction of the local liaison, school districts should consider the following strategies for the immediate enrollment of homeless children and youth.

- Develop an enrollment protocol and ensure that all enrollment personnel are informed of it.
- Offer alternatives to documentation normally required for enrollment, such as forms to substitute for proof of guardianship and proof of residence. Such forms should be crafted carefully so they do not create further barriers or delay enrollment. NCHE's *Homeless Liaison Toolkit* contains a sample form for missing documents (Appendix 5.A) and a sample caregiver form for unaccompanied homeless youth (Appendix 5.B). Both forms are available for downloading at [http://center.serve.org/nche/pr/liaison\\_toolkit.php](http://center.serve.org/nche/pr/liaison_toolkit.php).
- Accept previous school records directly from families and youth.
- Create procedures for enrolling schools to follow up immediately with the last school attended to obtain relevant records and to refer the parent, guardian, or youth for assistance in obtaining necessary immunizations, or immunization or medical records.
- Establish school-based immunization clinics or other opportunities for on-site immunizations.
- Collaborate with community-based and public agencies to provide homeless students with school uniforms to ensure that an inability to purchase a school uniform does not create an enrollment barrier.
- Utilize online services such as vital records office websites that provide birth certificates.

- Create new school records for students whose records are damaged or missing.
- Establish school- and classroom-level procedures to facilitate incoming and departing student transfers.

### FULL PARTICIPATION IN SCHOOL

If a student lacks academic records, an interview with the student or the student's parent or caregiver can provide adequate information to place the student in a classroom until the records arrive. Ensuring full participation in school includes extra-curricular activities, which offer additional opportunity for school engagement and greater motivation for school retention for students experiencing homelessness. In addition, extra-curricular participation can open doors to higher education opportunities and build skills and relationships that carry over into the students' adult lives.

### McKinney-Vento Key Provisions

- The terms *enroll* and *enrollment* include attending classes and participating fully in school activities [42 U.S.C. § 11434a(1)].
- All homeless students are categorically eligible for Title I, Part A services (U.S. Department of Education, 2004, Question M-1) and free school meals under the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. § 1751).

### Strategies for Implementation

- Contact the previous school for assistance with placement decisions until records are received.
- Devise short educational assessments based on the school's curriculum to facilitate placing students quickly in an appropriate learning environment while awaiting the arrival of complete academic records. For more information about enrolling students with missing academic records, consult NCHE's *Prompt and Proper Placement*:

*Enrolling Students without Records* brief, available for downloading at <http://center.serve.org/nche/briefs.php>.

- During enrollment, inform families and youth of the student's right to receive free school meals and Title I, Part A services.
- Talk to athletic directors, coaches, faculty advisors, and teachers about the importance of full school participation and the potential barriers to participation for students experiencing homelessness.
- Work with athletic associations to ensure that homeless students are not blocked from athletic participation because of their living arrangements.
- Build relationships with school nurses and local health care providers to help students obtain required health insurance and examinations.

## CONCLUSION

Homeless children and youth often have little stability in their lives. School enrollment and participation offer the benefits of a supportive environment with adult guidance, peer interaction, academic support, and regular meals. If there is any doubt about whether to enroll a student experiencing homelessness, the school should enroll the student immediately and direct questions to their State Coordinator for Homeless Education ([http://center.serve.org/nche/states/state\\_resources.php](http://center.serve.org/nche/states/state_resources.php)) or NCHE's homeless education helpline (800-308-2145, [homeless@serve.org](mailto:homeless@serve.org)). Denying or delaying the immediate enrollment of a homeless child or youth not only violates federal law, it may place students in danger of academic failure and many other negative consequences. Immediately enrolling students is critical to ensure that they are provided or referred to the necessary services to attain educational stability and, ultimately, educational success.

## REFERENCES

- Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751 (2012). Retrieved from <http://www.gpo.gov/fdsys/pkg/PLAW-108publ265/pdf/PLAW-108publ265.pdf>
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- U.S. Department of Education. (2004). *Education for Homeless Children and Youth Program non-regulatory guidance*. Retrieved from <http://www2.ed.gov/programs/homeless/guidance.pdf>

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



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

**Local Contact Information:**