MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

Enrolling Children and Youth Experiencing Homelessness in School

This NCHE brief

- describes common enrollment barriers experienced by students in homeless situations,
- summarizes the key school enrollment provisions included in the McKinney-Vento Homeless Assistance Act, and
- suggests strategies for ensuring the immediate school enrollment and full school participation of children and youth experiencing homelessness (CYEH).

INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (Section 721 et seq.; hereafter referred to as the McKinney-Vento Act) guarantees educational rights and supports for CYEH. Due to the uncertain living situations of these students, school may be their only opportunity to benefit from a stable environment, consistent adult attention, positive peer relations, academic support, and access to regular meals. Enrolling CYEH in school immediately and ensuring their ability to participate fully in school provides them with needed stability and continuity during an otherwise difficult and tumultuous time.

This brief explains the key provisions in the McKinney-Vento Act related to the school enrollment of students in homeless situations. It includes sections on enrollment barriers, immediate enrollment, school selection, and full participation in school. Each section also offers strategies for state coordinators for homeless education (hereinafter state

THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT DEFINITION OF *HOMELESS*
(Section 725(2))

The term "homeless children and youths"–

A. means individuals who lack a fixed, regular, and adequate nighttime residence…; and

B. includes–

- **i. 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; or are abandoned in hospitals;**
- **ii. 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…;**
- **iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and**
- **iv. 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).**

coordinators), local homeless education liaisons (hereafter local liaisons), and school personnel to ensure the successful implementation of key provisions, so that students experiencing homelessness are enrolled in school immediately and connected to needed services. For more information on other homeless education topics, visit the National Center for Homeless Education's (NCHE's) topics webpage.

ENROLLMENT BARRIERS

School access for CYEH is a primary focus of the McKinney-Vento Act. Eligible students must be provided equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth (McKinney-Vento Act section 721(1)). To provide equal access, state educational agencies (SEAs) and local educational agencies (LEAs) must remove all barriers that could cause eligible students to miss critical learning opportunities.

KEY MCKINNEY-VENTO PROVISIONS

- The terms "enroll" and "enrollment" include attending classes and participating fully in school activities (McKinney-Vento Act section 725a(1)).
- SEAs and LEAs must review and revise laws, regulations, policies, and practices that may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, CYEH. These barriers must be addressed to ensure that students experiencing homelessness are afforded the same free, appropriate public education that is provided to other children and youth (McKinney-Vento Act section 721(2)).
- SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of CYEH in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences (McKinney-Vento Act section 722(g)(1)(I)).
- SEAs must establish procedures to ensure that CYEH, including those separated from public schools, are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent these youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school (McKinney-Vento Act section 722(g)(1)(F)(ii)).
- Issues of eligibility, enrollment, and school selection may be disputed under the McKinney-Vento Act (Section 722(g)(3)(E)). For more information, consult NCHE's Dispute Resolution brief.

STRATEGIES FOR IMPLEMENTATION

To address enrollment barriers, state coordinators and local liaisons should

- work with their agency attorneys and other relevant stakeholders to review state and local laws, regulations, policies, and practices, and align them with the McKinney-Vento Act;
- build a system of monitoring and accountability that ensures compliance with the law in policy and practice;

- eliminate school enrollment barriers by providing professional development opportunities for LEA staff on the McKinney-Vento Act's enrollment requirements;
- develop a protocol for addressing fees and fines that may constitute an enrollment barrier. Options may include waiving the fees or fines, or covering the fines with allowable LEA funds or private donations;
- establish policies and procedures to ensure that students transferring schools receive appropriate credit for full and partial coursework that they satisfactorily completed at a prior school. For more information, consult NCHE's tip sheet on credit accrual for children and youth experiencing homelessness;
- collaborate with school departments and partner organizations serving out-of-school youth to develop strategies for re-engaging these youth and referring them to school enrollment staff; and
- determine the average length of time it takes between when students attempt to enroll and when they can participate fully in school. Create procedures to shorten this time, if needed.

IMMEDIATE ENROLLMENT

Due to the chaos that can result from unexpected and frequent moves, parents and youth in homeless situations may have difficulty keeping track of their belongings, including documents ordinarily required for school enrollment, such as school records, health records, and birth certificates. Many CYEH, especially those living in doubled-up homeless arrangements, may not be able to provide proof of residence. Furthermore, schools may hesitate to enroll unaccompanied youth (see the Definitions sidebar) because they lack proof of guardianship. In response to barriers created by a lack of documentation, the McKinney-Vento Act requires LEAs to enroll CYEH in school immediately and ensure the prompt transfer of records between previous and enrolling schools.

KEY MCKINNEY-VENTO PROVISIONS

- SEAs must eliminate enrollment delays caused by immunization and other health record requirements; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; or uniform or dress code requirements (McKinney-Vento Act section 722(g)(1)(H)).
- Schools must enroll CYEH immediately and ensure they receive educational and related services for which they are eligible (McKinney-Vento Act section 722(g)(6)(A)(iii)). Schools must enroll CYEH even if they are unable to produce records normally required for enrollment or have missed application or enrollment deadlines during any period of homelessness (McKinney-Vento Act section 722(g)(3)(C)(i)). For timelines on when records normally required for enrollment must be obtained, refer to the SEA's policies.
- Enrolling schools must immediately contact the last school that the student attended to obtain relevant academic and other records (McKinney-Vento Act section 722(g)(3)(C)(ii)).
- If a child or youth experiencing homelessness needs to obtain immunization or other required health records, the enrolling school will immediately refer the parent, guardian, or unaccompanied youth to the local liaison, who will help obtain necessary immunizations or screenings, or

immunization or other required health records (McKinney-Vento Act section 722(g)(3)(C)(iii)). For timelines on when immunization and other health records that are typically required at the time of enrollment must be obtained, refer to the SEA's policies.

STRATEGIES FOR IMPLEMENTATION

Under the direction of the local liaison, LEAs should consider the following strategies concerning immediate enrollment:

- Develop an LEA protocol that ensures the immediate school enrollment of all CYEH, even when they lack documents ordinarily required for enrollment. The protocol should include steps to ensure the immediate enrollment of unaccompanied youth who lack proof of guardianship. For more information, consult NCHE's Supporting the Education of Unaccompanied Students Experiencing Homelessness brief.
- Train all LEA enrollment staff, administrative personnel, school counselors, school social workers, and principals on McKinney-Vento Act enrollment requirements and the LEAs enrollment protocol. Training may take the form of brief updates during regular staff meetings or more intensive workshops that target specific goals or problem areas.
- Include a housing questionnaire with a summary of McKinney-Vento Act eligibility criteria and rights in the LEA school registration packet. This questionnaire will help to screen for McKinney-Vento Act eligibility and ensure that parents and students are informed about the law. Consult NCHE's Determining McKinney-Vento Program Eligibility webpage for sample forms, materials, and policies. In addition, consult Appendix 3: A Sample Housing Information Form in the Homeless Liaison Toolkit.
- Offer alternative options for providing documentation normally required for enrollment, such as forms to substitute for proof of residence and guardianship. Such forms should be carefully crafted to avoid creating further barriers or delaying enrollment.
- Establish a protocol for schools enrolling CYEH to follow up immediately with the previous school attended to request relevant records.
- Accept previous school records directly from families and youth.

Definitions

Local attendance area school
Local attendance area school is defined as "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" (McKinney-Vento Act section 722(g)(3)(A)(ii)).

School of origin
School of origin is defined as "the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool." Furthermore, "when the child or youth completes the final grade level served by the school of origin, the term school of origin shall include the designated receiving school at the next grade level for all feeder schools" (McKinney-Vento Act section 722(g)(3)(I)).

Unaccompanied youth
Unaccompanied youth is defined as "a homeless child or youth not in the physical custody of a parent or guardian" (McKinney-Vento Act section 725a(6)). For an unaccompanied youth to be considered eligible for rights and services under the McKinney-Vento Act, he or she must meet the Act's definition of *homeless child or youth*.

- Establish procedures for referring parents, guardians, and unaccompanied youth to the local liaison for help obtaining necessary immunizations, immunization records, or health records.
- To assist with needed immunizations,
  - establish a protocol for referring students to local low-cost health clinics; and
  - establish school-based immunization clinics or other opportunities for on-site immunizations.
- Use online services, such as vital records office websites, to obtain birth certificates. The Centers for Disease Control and Prevention's National Center for Health Statistics website, Where to Write for Vital Records, contains information on where to obtain records for each state and territory. SchoolHouse Connection's State Laws on Vital Records summarizes current state laws regarding access to vital records for CYEH, including unaccompanied youth. If necessary, LEAs that receive a McKinney-Vento subgrant may use subgrant funding to cover the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll CYEH in school, including birth certificates, immunization or other required health records, academic records, and guardianship records (McKinney-Vento Act section 723(d)(9)).
- Create new school records for students whose records are damaged or missing.
- Collaborate with local public, private, and faith-based partners to provide students experiencing homelessness with school uniforms, ensuring that their inability to purchase a uniform does not create an enrollment barrier.
- Post public notice about the educational rights of CYEH in locations frequented by families and youth experiencing homelessness, including schools, shelters, public libraries, food banks, laundromats, and local community centers. Information should be provided in a manner and form understandable to parents, guardians, and youth (McKinney-Vento Act section 722(g)(6)(A)). Educational rights posters for youth and parents are available on NCHE's Public Awareness Materials webpage.
- Include information on the McKinney-Vento Act in parent handbooks and on the LEA website to ensure that parents and students have access to information about McKinney-Vento Act eligibility criteria and rights, even if they become homeless after school enrollment. Consult NCHE's booklet Supporting Your Child in School: A Guide for Parents, Guardians, and Caregivers.
- Have school counselors meet with McKinney-Vento Act parents and students during registration to discuss available supports. These meetings will eliminate the need for parents and students to make additional trips to the school to arrange services.
- Schools with questions related to enrolling a student experiencing homelessness should enroll the student immediately, then contact the local liaison, the state coordinator, or the NCHE helpline. To locate the local liaison for your school district or state coordinator, visit the Directory of Education of Homeless Children and Youth (EHCY) Programs for State Education Agencies and Territories.

SCHOOL SELECTION

Another area of focus of the McKinney-Vento Act is educational continuity. Students who change schools frequently are at greater risk of school failure and dropping out than those who are stable in school (Institute of Medicine and National Research Council, 2010). For this reason, the McKinney-Vento Act seeks to ensure school stability for students experiencing homelessness.

KEY MCKINNEY-VENTO PROVISIONS

- Students in homeless situations have the right to either continue attending their school of origin or enroll immediately in their local school, according to each student's best interest (McKinney-Vento Act section 722(g)(3)(A); McKinney-Vento Act section 722(g)(1)(J)(iii)). Consult the Definitions sidebar for more information.
- LEAs must presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth (McKinney-Vento Act section 722(g)(3)(B)(i)).
- Local liaisons must help unaccompanied youth select and enroll in school, prioritizing the youth's wishes (McKinney-Vento Act section 722(g)(3)(B)(iv)).
- If it is in the student's best interest to remain in the school of origin, transportation to and from the school of origin must be provided at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison) (McKinney-Vento Act section 722(g)(1)(J)(iii)).
- When it is determined to be in a student's best interest to continue attending the school of origin, the student may remain in the school of origin for the duration of homelessness and for the remainder of the academic year in which the student becomes permanently housed (McKinney-Vento Act section 722(g)(3)(A)(i)). Students who lose housing between academic years may attend the school of origin the following academic year (McKinney-Vento Act section 722(g)(3)(A)).
- If an LEA determines that it is not in a child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, the LEA must provide a written explanation of the reasons for its determination to the parent, guardian, or unaccompanied youth. The explanation must be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The explanation must include information regarding the right to appeal the district's determination (McKinney-Vento Act section 722(g)(3)(B)(iii)).
- In the case of a dispute, the local liaison must ensure the student is enrolled immediately in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals (McKinney-Vento Act section 722(g)(3)(E)(i)).

STRATEGIES FOR IMPLEMENTATION

Under the direction of the local liaison, LEAs should consider the following strategies related to school selection:

- Inform parents, guardians, and unaccompanied youth of the right of CYEH to either remain in the school of origin or enroll immediately in the local school.
- Consult with parents and youth to determine which school is in a student's best interest to attend. For more information about school selection and discussing the issue of best interest with parents and youth, consult NCHE's School Selection and Best Interest Determination brief.
- Inform families and youth of the student's right to receive transportation to and from the school of origin.

- Make transportation and other necessary arrangements promptly so students can attend school immediately and receive all required services.
- Work with your LEA transportation staff and those in surrounding LEAs to coordinate the provision of transportation. For more information, visit NCHE's Transportation webpage.
- Develop clear, understandable forms to use when providing written explanations of school determinations. Be sure to include information about the rights of parents, guardians, or youth to appeal the school's decision, as well as details on the appeal process.
- Keep written notes documenting conversations with parents and students to highlight problem areas and provide background information if a dispute arises. Specify which steps taken were helpful and/or what could have been done differently to achieve a better resolution.

FULL PARTICIPATION IN SCHOOL

Based on the McKinney-Vento Act's definition of enrollment, to be considered enrolled, students experiencing homelessness must not only be included in the school's student roster; they must also be attending classes and participating fully in other school activities. Such participation may include taking part in extracurricular activities, which offer additional opportunities for school engagement and greater motivation to remain in school. Furthermore, extracurricular participation can open doors to higher education opportunities and scholarships or build skills and relationships that carry over into students' adult lives.

KEY MCKINNEY-VENTO PROVISIONS

- The terms *enroll* and *enrollment* include attending classes and participating fully in school activities (McKinney-Vento Act section 725a(1)).
- Children and youth experiencing homelessness who meet the relevant eligibility criteria must not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (McKinney-Vento Act section 722(g)(1)(F)(iii)).
- Students experiencing homelessness are categorically eligible for
    - services under Title I, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) section 1009(c)(2)(E); and
    - free school meals through a streamlined certification process under the Child Nutrition and WIC Reauthorization Act section 1758(b)(5).

STRATEGIES FOR IMPLEMENTATION

Under the direction of the local liaison, LEAs should consider the following strategies related to full school participation:

- When enrolling students experiencing homelessness, contact the previous school immediately to request the transfer of student records. Request information from the previous school to help make

academic placement decisions and understand the student's extracurricular interests until records are received.

- Develop brief educational assessments aligned with the school's curriculum to quickly place students in an appropriate learning environment while awaiting complete academic records. If the assessment indicates the possibility of a need for special education services, contact the LEA's special education program to discuss possible next steps. For more information, consult NCHE's Prompt and Proper Placement: Enrolling Students Without Records brief (McKinney-Vento Toolbox, Appendix 10) and NCHE's Supporting Students Experiencing Homelessness Who Have Disabilities: Federal Provisions to Increase Access and Success brief.
- During enrollment, inform families and youth of the student's right to receive Title I, Part A services and free school meals. For more information, download NCHE's Serving Children and Youth Experiencing Homelessness Under Title I, Part A brief or NCHE's Access to Food for Students Experiencing Homelessness brief.
- Create procedures to ensure that CYEH who meet the relevant eligibility criteria have access to available academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
- Communicate with 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 school athletic associations to establish policies and practices that ensure McKinney-Vento-eligible students are not hindered from athletic participation because of their living arrangements. Visit NCHE's Extra-curricular Participation of Homeless Students webpage for sample state athletic association policies and handbooks, which include specific provisions related to the full participation of CYEH.
- Build relationships with school nurses and local health care providers to help students obtain health insurance and physical examinations that may be required for extracurricular participation.

CONCLUSION

Children and youth experiencing homelessness often have little stability in their lives. School enrollment and participation provide access to a supportive environment, adult guidance, peer interaction, academic support, and regular meals. Denying or delaying the immediate enrollment of CYEH not only violates federal law; it may also put students at risk of academic failure and other negative outcomes. Enrolling CYEH immediately is critical to ensuring they are connected to the necessary services to support their educational stability and success.

REFERENCES

Child Nutrition and WIC Reauthorization Act of 2004, section 1751 et seq. https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-1999-title42-section1751&num=0

Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, section 6301 et seq. https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section6301&num=0&edition=prelim

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The National Center for Homeless Education (NCHE) is the technical assistance (TA) center for the U.S. Department of Education's Education for Homeless Children and Youths (EHCY) Program. NCHE provides training and TA to state coordinators, local liaisons, community partners, parents, students, and other stakeholders to support the education of children and youth experiencing homelessness. NCHE is managed by Team Safal: Safal Partners and Pearl Strategies.

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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 oversee the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website.

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 305-306-8495 or NCHE.helpline@safalpartners.com.

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