



National Center for Homeless Education
Supporting the Education of Children and
Youth Experiencing Homelessness
<http://nche.ed.gov>



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 McKinney-Vento students.

INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter *the McKinney-Vento Act*), guarantees educational rights and supports for students experiencing homelessness. Because of the often 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 children and youth experiencing homelessness 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, including sections on [enrollment barriers](#), [immediate enrollment](#), [school selection](#), and

MCKINNEY-VENTO DEFINITION OF HOMELESS 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

- 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).

[full participation in school](#). Each section also offers strategies for State Coordinators for Homeless Education (hereafter *State 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. Briefs on additional homeless education topics are available at <https://nche.ed.gov/briefs.php>.

ENROLLMENT BARRIERS

A primary focus of the McKinney-Vento Act is school access for children and youth experiencing homelessness. McKinney-Vento 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 [42 U.S.C. § 11431(1)]. In order to provide equal access, State educational agencies (SEAs) and local educational agencies (LEAs) must remove all barriers that could result in McKinney-Vento students missing critical learning opportunities.

KEY MCKINNEY-VENTO PROVISIONS

- The terms “enroll” and “enrollment” include attending classes and participating fully in school activities [42 U.S.C. § 11434a(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, children and youth experiencing homelessness. These barriers must be addressed in order to ensure that students experiencing homelessness are afforded the same free, appropriate public education as provided to other children and youth [42 U.S.C. § 11431(2)].
- SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of children and youth experiencing homelessness in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences [42 U.S.C. § 11432(g)(1)(I)].
- SEAs must establish procedures that ensure that youth experiencing homelessness, 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 [42 U.S.C. § 11432(g)(1)(F)(ii)].

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 bring them into alignment with the McKinney-Vento Act.
- build a system of monitoring and accountability that ensures compliance with the law in both policy and practice.
- eliminate school enrollment barriers by providing professional development opportunities for LEA staff about the enrollment requirements included in the McKinney-Vento Act.
- 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 satisfactorily completed at a prior school. For more information, visit <https://nche.ed.gov/ibt/credit.php>.
- 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.
- determine the average length of time it takes between when students attempt to enroll and when they are able to 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; these may include documents ordinarily required for school enrollment, such as school and health records, and birth certificates. Many McKinney-Vento students, especially those living in homeless doubled-up arrangements, may not be able to provide proof of residence. Further, schools may hesitate to enroll unaccompanied youth (see the [Definitions sidebar](#)) because they lack proof of guardianship. In response to barriers created by lack of documentation, the McKinney-Vento Act requires LEAs to enroll children and youth experiencing homelessness 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 requirements of immunization and other health records; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; or uniform or dress code requirements [42 U.S.C. § 11432(g)(1)(H)].
- Schools must enroll children and youth experiencing homelessness immediately, and ensure they receive educational and related services for which they are eligible [42 U.S.C. § 11432(g)(6)(A)(iii)], even if they are unable to produce records normally required for enrollment, or have missed application or enrollment deadlines during any period of homelessness [42 U.S.C. § 11432(g)(3)(C)(i)].
- Enrolling schools must contact the school last attended by the student immediately to obtain relevant academic and other records [42 U.S.C. § 11432(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 assist in obtaining necessary immunizations or screenings, or immunization or other required health records [42 U.S.C. § 11432(g)(3)(C)(iii)].

STRATEGIES FOR IMPLEMENTATION

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

- Develop an LEA protocol that ensures the immediate school enrollment of all McKinney-Vento students, even when they lack documents ordinarily required for enrollment. The protocol should include steps to take to ensure the immediate enrollment of unaccompanied youth who do not have proof of guardianship. For more information, download NCHE's *Supporting the Education of Unaccompanied Students Experiencing Homelessness* brief at <https://nche.ed.gov/briefs.php>.
- Train all LEA enrollment staff, administrative personnel, school counselors, school social workers, and principals on McKinney-Vento Act enrollment requirements and the LEA's 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 eligibility criteria and rights in the LEA school registration packet. This questionnaire will help to screen for McKinney-Vento eligibility, and ensure that parents and students are informed about the law. See *Sample Forms, Materials, and Policies* at https://nche.ed.gov/ibt/sc_eligibility.php or *Appendix 3.A Sample Residency Information Form* at https://nche.ed.gov/pr/liaison_toolkit.php for sample questionnaires.
- Offer alternatives for providing documentation normally required for enrollment, such as forms to substitute for proof of residence and proof of guardianship. Such forms should be crafted carefully so they do not create further barriers or delay enrollment. Sample forms are available at https://nche.ed.gov/ibt/sc_enroll.php.
- Establish a protocol for schools enrolling McKinney-Vento students 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” [42 U.S.C. § 11432(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”. Further, “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 [42 U.S.C. § 11432(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” [42 U.S.C. § 11434a(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*. (See the [McKinney-Vento Definition of Homeless sidebar](#).)

payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll McKinney-Vento students in school, including birth certificates, immunization or other required health records, academic records, and guardianship records [42 U.S.C. § 11433(d)(9)].

- Establish procedures for referring parents, guardians, and unaccompanied youth to the local liaison for assistance in obtaining necessary immunizations, or immunization or health records.
 - To assist with needed immunizations,
 - establish a protocol for referring students to local low-cost health clinics.
 - establish school-based immunization clinics or other opportunities for on-site immunizations.
 - Utilize online services, such as vital records office websites, to obtain birth certificates. For more information, visit <https://www.cdc.gov/nchs/w2w/index.htm>. If necessary, LEAs that receive a McKinney-Vento subgrant may use subgrant funding to cover the
- 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 to ensure that an inability to purchase a uniform does not create an enrollment barrier.
 - Post public notice about the educational rights of McKinney-Vento students in locations frequented by families and youth experiencing homelessness, including schools, shelters, public libraries, and soup kitchens. Information should be provided in a manner and form understandable to parents, guardians, and youth [42 U.S.C. § 11432(g)(6)(A)]. Educational rights posters are available for downloading or ordering in hard copy from NCHE at https://nche.ed.gov/pr/er_poster.php.
 - 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 eligibility criteria and rights, even if they become homeless after school enrollment.
 - Have school counselors meet with McKinney-Vento parents and students during registration to discuss available supports; this will eliminate the need for parents and students to make additional trips to the school to arrange services.
 - Schools with questions related to the enrollment of a student experiencing homelessness should enroll the student immediately, then contact the State Coordinator (https://nche.ed.gov/states/state_resources.php), local liaison, or National Center for Homeless Education (<https://nche.ed.gov/helpline.php>) for more information.

SCHOOL SELECTION

Another area of focus of the McKinney-Vento Act is educational continuity. 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). 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 either to continue attending the school of origin, or to enroll immediately in the local school, according to each student's best interest [42 U.S.C. § 11432(g)(3)(A); (42 U.S.C. § 11432(g)(1)(J)(iii)]. (See 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 [42 U.S.C. § 11432(g)(3)(B)(i)].
- Local liaisons must help unaccompanied youth select and enroll in school, giving priority to the youth's wishes [42 U.S.C. § 11432(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) [42 U.S.C. § 11432(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 [42 U.S.C. § 11432(g)(3)(A)(i)]. Students who lose housing between academic years may attend the school of origin the following academic year [42 U.S.C. § 11432(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, and must include information regarding the right to appeal the district's determination [42 U.S.C. § 11432(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 [42 U.S.C. § 11432(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 McKinney-Vento students either to remain in the school of origin or to 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, download NCHE's *Guiding the Discussion on School Selection* brief at <https://nche.ed.gov/briefs.php>.
- Inform families and youth of the student's right to receive transportation to and from the school of origin.
- Make transportation and/or other needed arrangements in a timely manner so that students can attend school immediately and receive all needed services.
- Work with your LEA transportation staff and those in surrounding LEAs to coordinate the provision of transportation. For more information, download NCHE's *Transporting Children and Youth Experiencing Homelessness* brief at <https://nche.ed.gov/pr/briefs.php>.

- Develop clear, understandable forms to use when providing written explanations of school determinations. Be sure to include information about the parent’s, guardian’s, or youth’s right to appeal the school’s decision, and the process for appeal.
- Keep written notes documenting conversations with parents and students to highlight problem areas and provide background information should a dispute arise. Specify what steps taken were helpful, and/or what could have been done differently to bring about 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 school’s student roster, but also must be attending classes and participating fully in other school activities. This may include participation in extracurricular activities, which offer additional opportunities for school engagement and greater motivation for school retention. Further, extracurricular participation can open doors to higher education opportunities and scholarships, and build skills and relationships that carry over into 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)].
- 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, on-line learning, and charter school programs [42 U.S.C. § 11432(g)(1)(F)(iii)].
- Students experiencing homelessness are categorically eligible for
 - services under Title I, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act [20 U.S.C. § 6315(c)(2)(E)]; and
 - free school meals through a streamlined

certification process under the Child Nutrition and WIC Reauthorization Act [42 U.S.C. § 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 with making academic placement decisions and understanding the student’s extracurricular interests until records are received.
- Develop brief educational assessments based on the school’s curriculum to facilitate placing students quickly 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, download NCHE’s *Prompt and Proper Placement: Enrolling Students without Records* or *Supporting Homeless Children and Youth with Disabilities* briefs at <https://nche.ed.gov/briefs.php>.
- 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 Students Experiencing Homelessness under Title I, Part A* or *Access to Food for Homeless and Highly Mobile Students* briefs at <https://nche.ed.gov/pr/briefs.php>.
- Create procedures to ensure that McKinney-Vento students 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 that McKinney-Vento students are not hindered from athletic participation because of their living arrangements. Visit https://nche.ed.gov/ibt/extra_curr.php for sample state athletic association policies and handbooks with specific provisions related to the full participation of McKinney-Vento students.
- 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 offer the benefits of a supportive environment with access to adult guidance, peer interaction, academic support, and regular meals. Denying or delaying the immediate enrollment of children and youth experiencing homelessness not only violates federal law, but also may place students in danger of academic failure and other negative outcomes. Enrolling McKinney-Vento students immediately is critical to ensuring that they are connected to the services needed to support their educational stability and success.

REFERENCES

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. § 1751 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter13&edition=prelim>

Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter70&edition=prelim>

Institute of Medicine and National Research Council. (2010). *Student mobility: Exploring the impact of frequent moves on achievement: Summary of a workshop*. Washington, DC: The National Academies Press. Retrieved from <https://www.nap.edu/read/12853/chapter/1>

Subtitle VII-B of the McKinney-Vento Homeless

Assistance Act, 42 U.S.C. § 11431 et seq.

Retrieved from

<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapterchapter6/partB&edition=prelim>

U.S. Department of Education. (2016). *Education for Homeless Children and Youth Program non-regulatory guidance*. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>

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Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in Texas and to obtain contact information for the liaison in your district, please contact:



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