

Enrollment

Who is homeless? (Sec. 725)

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 accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(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).

This document was collaboratively developed by:

National Association for the Education of Homeless Children and Youth (NAEHCY)—512-475-8765—www.naehcy.org

National Center for Homeless Education (NCHE)—800-308-2145—www.serve.org/nche

National Coalition for the Homeless (NCH)—202-737-6444 ext. 18—www.nationalhomeless.org

National Law Center for Homelessness and Poverty (NLCHP)—202-638-2535—www.nlchp.org

National Network for Youth (NN4Y)—202-783-7949—www.NN4Youth.org

The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

Key Provisions

- Parents or guardians of students in homeless situations can keep their children in their schools of origin (to the extent feasible) or enroll them in any public school that students living in the same attendance area are eligible to attend.
- Students have the right to enroll in school immediately, even if they do not have required documents, such as school records, medical records, proof of residency, or other documents.
- The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.
- State Educational Agencies (SEAs) and Local Educational Agencies (LEAs), otherwise known as school districts, must address problems resulting from enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.
 - If a student does not have immunizations or immunization or medical records, the liaison must immediately assist in obtaining them, and the student must be enrolled in school in the interim.
 - Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.
- Schools must maintain records for students who are homeless so they are available quickly.
- LEA liaisons must help unaccompanied youth choose and enroll in a school, after considering the youth's wishes.
- If a student is sent to a school other than that requested by a parent or guardian, the school must provide a written explanation of its decision and the right to appeal.
- SEAs and LEAs must develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

(See Endnotes for the text of the law.)

Children and youth experiencing homelessness often do not have the documents ordinarily required for school enrollment. However, school may be the only opportunity for children and youth to benefit from a stable environment, uninterrupted adult attention, peer relations, academic stimulation, and reliable meals. Immediately enrolling students in homeless situations in school provides stability and avoids separating children from school for days or weeks while documents are located.

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Enrollment (continued)

Strategies for Implementation

- Train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment.
- Review all state laws and regulations and LEA policies and bring them into compliance with federal law.
- Develop affidavits of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted so that they do not create further barriers or delay enrollment.
- Develop caregiver affidavits, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so that they do not create further barriers or delay enrollment.
- Establish school-based immunization clinics or other opportunities for on-site immunizations.
- Collaborate with community-based or public agencies to provide school uniforms, and standardize school uniforms within a district and among neighboring districts.
- Accept school records directly from families and youth.
- Develop short educational assessments to place students immediately while awaiting complete academic records.
- Inform families and youth of their right to attend either their school of origin or local school.
- Inform families and youth of their right to transportation and immediate enrollment.
- Develop clear, understandable forms for written explanations of decisions and the right to appeal.
- Help provide educational continuity by
 - Provide short assessments to determine present academic levels quickly.
 - Contacting the previous school for records and assistance with placement decisions.
 - Expeditiously following up on any special education referrals or services.
 - Providing necessary remediation/tutoring.
 - Having counselors meet with parents and students when registering.
 - Creating an orientation video for parents, service providers, and students.
 - Establishing school-level and classroom-level routines for incoming and departing transfers.
 - Getting to know new students with a "get-to-know-you" questionnaire or journal assignment.

Endnotes

"State Plan—(1) In General—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

- (i) immunization and medical records requirements;*
- (ii) residency requirements;*
- (iii) lack of birth certificates, school records, or other documentation;*
- (iv) guardianship issues; or*
- (v) uniform or dress code requirements;*

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State

(3) Local Educational Agency Requirements—

(A) In General—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

- (i) continue the child's or youth's education in the school of origin ..., or*
- (ii) enroll the child or youth in 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.*

(B) Best Interest—In determining the best interest of the child or youth ... the local educational agency shall

- (i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;*
- (ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent*

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Enrollment (continued)

- Taking time to talk to and welcome students individually.
- Giving a "welcome gift" (e.g. school supplies, school clothes).
- Introducing new students to the class.
- Identifying faculty and peer mentors/buddies.
- Keeping a short, simple written list of classroom rules and procedures.
- Starting a "New Students" club.
- Making sure the students have a chance to have a class job/role and to participate in extracurricular activities.
- Conducting schoolwide acquaintanceship activities.
- Starting files and a portfolio of class work for the students to take when leaving the school.
- Maintaining a relationship when the students leave by providing stamped, self-addressed envelopes and stationery.

Ideas for providing educational continuity were taken from: Virginia Education for Homeless Children and Youth Program, Project HOPE Information Brief No. 2, *What Educators Can Do: Homeless Children and Youth*, available at www.wm.edu/education/HOPE/homeless.html and Policy Analysis for California Education (PACE), *Educational Consequences of Mobility for California Students and Schools*, available at www.gse.Berkeley.edu/research/PACE/pace.html.

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or guardian; and
(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

(C) Enrollment—

- (i) The school selected in accordance with this paragraph shall 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, proof of residency, or other documentation.
- (ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.
- (iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

(D) Records—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

- (i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district."

McKinney-Vento Act Sec. 722(g); 42 U.S.C. 11432(g).

"The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities." McKinney-Vento Act Sec. 725(3); 42 U.S.C. 11435(3).