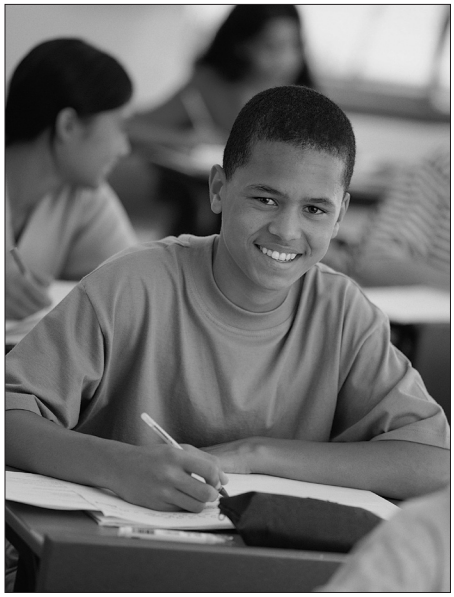
# Enrollment



Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized by Title X, Part C, of the No Child Left Behind Act, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the key provisions in the Act concerning school enrollment and offers strategies for implementing the Act in a school district. Additional briefs on various topics in the law may be found at *http://www.serve.org/nche/briefs.php*.

**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).

## Key Provisions

- 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.
- Children and youth experiencing homelessness have the right to attend either the school of origin, if this is in the student's best interest, or the local attendance area school.
  - *School of origin* is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
  - *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.
- Homeless students have the right to enroll in school immediately, even if lacking documentation normally required for enrollment, such as previous school records, medical or immunization records, proof of residency, birth certificate, proof of guardianship, 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 local homeless education liaison must assist in obtaining them immediately; the student must be enrolled in school in the interim.

  - The enrolling school must contact the student's previous school to obtain school records; the student must be enrolled in school while records are obtained.
- Schools must maintain records for homeless students so that they are available quickly and can be transferred promptly, as necessary.
- Local liaisons must help unaccompanied youth select 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, guardian, or unaccompanied youth, the school must provide a written explanation of its decision to send the student to a different school and the parent's, guardian's, or youth's right to appeal this decision.

*(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 these children and youth to benefit from a stable environment, uninterrupted adult attention, peer relations, academic stimulation, and reliable meals. Enrolling homeless students in school immediately provides them with needed stability and avoids disconnecting them from school for days or weeks while documents are gathered.

### Strategies for Implementation

- Review all state laws and regulations and district policies and bring them into compliance with federal law.
- Train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrolling homeless students.
- Develop affidavits to serve as alternative forms of documentation normally required for enrollment, such as proof of guardianship or proof of residence. Such forms should be crafted carefully so that they do not create further barriers or delay enrollment. Sample affidavits can be found in Appendix D of NCHE's *Local Homeless Education Liaison Toolkit*, which can be downloaded at *http://www.serve.org/nche/downloads/toolkit/app_d.pdf*.
- Establish school-based immunization clinics or other opportunities for on-site immunizations.
- Collaborate with community-based or public agencies to provide homeless students with school uniforms; this will ensure that an inability to purchase a school uniform does not create an enrollment barrier.
- Inform families and youth of the student's right to attend either the school of origin, if this is in the student's best interest, or the local school and to be enrolled immediately.
- Inform families and youth of the student's right to receive transportation to and from the school of origin.
- Develop clear, understandable forms to use when providing written explanations of decisions and explaining the parent's, guardian's, or youth's right to appeal the school's decision.
- Schools can help provide educational continuity by:
  - Providing short educational assessments to place students immediately while awaiting the arrival of complete academic records; for more information on this topic, download *Prompt and Proper Placement: Enrolling Students Without Records* at *http://www.serve.org/nche/downloads/briefs/assessment.pdf*.
  - Accept previous school records directly from families and youth.
  - Contacting the previous school for records and assistance with placement decisions.
  - Following up quickly on any special education referrals or services.

- Providing needed remediation/tutoring.
- Having counselors meet with parents and students when registering.
- Including information on the educational rights guaranteed under the McKinney-Vento Act in parent handbooks so that parents will understand their children's options in the event that they become homeless.
- Establishing school-level and classroom-level routines for incoming and departing student transfers.

Teachers can help support students experiencing homelessness by:

- Getting to know new students with a "get-to-know-you" questionnaire or journal assignment.
- Taking time to talk to and welcome new students individually.
- Giving new students 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 all students have a chance to have a class job/role and to participate in extracurricular activities.
- Starting files and a portfolio of classwork for students to take with them when leaving the school.
- Maintaining a relationship with departing students by providing them with stamped, self-addressed envelopes and stationery.

Ideas for providing educational continuity and teacher support for students experiencing homelessness 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 *http://www.wm.edu/hope/infobrief/ssw2.pdf*.

Policy Analysis for California Education (PACE), *Educational Consequences of Mobility for California Students and Schools*, available at *http://pace.berkeley.edu/pace_publications_full_list.html*.

## Endnotes

*(g) 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 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).*


This brief was developed collaboratively by:

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National Law Center on Homelessness and Poverty
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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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