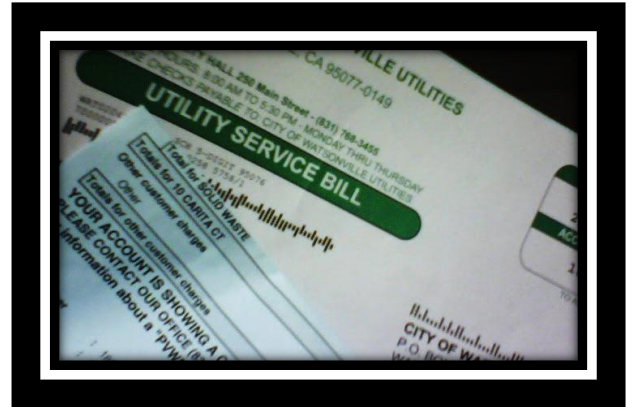
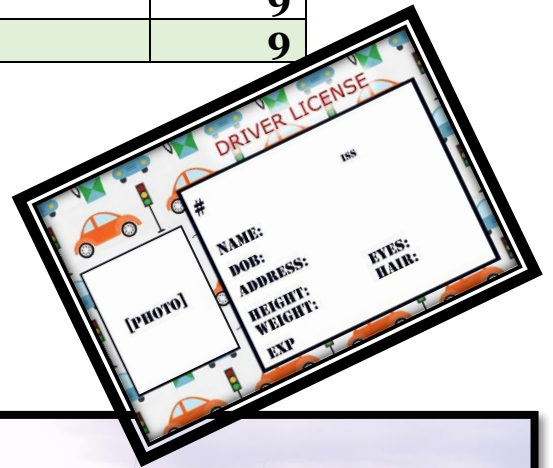




Students in Transition-Frequently Asked Questions



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Frequently Asked Questions



(1) Do local educational agencies (LEAs) have the responsibility to identify children and youth experiencing homelessness?

Yes. Every LEA must designate a liaison for children and youth experiencing homelessness who is able to carry out their duties under the law. The McKinney-Vento Act requires liaisons to ensure that “homeless children and youths are identified by school personnel through outreach and coordination with other entities and agencies.” The purpose of identification is to provide support and offer appropriate services to the family, child and/or youth. Coordination with schools, local social services agencies, and other agencies or entities providing services to homeless children and youth and their families is an essential identification strategy, as are professional development, awareness and training activities within school buildings, LEAs, and the community.

(2) Is there any guidance on what “fixed, regular, and adequate nighttime residence” means?

The McKinney-Vento Act states that children and youth who lack “a fixed, regular, and adequate nighttime residence” will be considered homeless. The Act does not define those terms. However, the following definitions may provide guidance:

- a. Fixed: Securely placed or fastened; not subject to change or fluctuation. (*Merriam-Webster’s Collegiate Dictionary, 1993.*) A fixed residence is one that is stationary, permanent, and not subject to change.
- b. Regular: Normal, standard; constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; recurring, attending, or functioning at fixed or uniform intervals. (*Merriam-Webster’s Collegiate Dictionary, 1993.*) Consistent. (*Ballentine’s Law Dictionary, 1969.*) A regular residence is one which is used on a regular (i.e., nightly) basis.
- c. Adequate: Sufficient for a specific requirement; lawfully and reasonably sufficient. (*Merriam- Webster’s Collegiate Dictionary, 1993.*) Fully sufficient; equal to what is required; lawfully and reasonably sufficient. (*Ballentine’s Law Dictionary, 1969.*) An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

(3) Is there a time limit on how long a child or youth can be considered homeless?



No, there is no specific time limit on homelessness. Due to the extremely limited incomes of most families experiencing homelessness (on average, less than half the federal poverty line) and the severe shortage of affordable housing across the country, experiences of homelessness can sometimes last an extended period of time. In fact, a federal court found that there is no maximum duration of homelessness. Whether a child or youth meets the definition of homelessness depends upon the living situation and the individual circumstances. It is a case-specific inquiry.

It is important to distinguish between questions of eligibility (i.e., does the family or youth meet the legal definition of homelessness?) and questions of school selection (i.e., is it in the child or youth’s best interest to continue attending his or her school of origin?). Due to the extended period of homelessness experienced by some students, best interest factors for school selection may change. It is important to establish eligibility first, then consider best interest in school selection. A good practice for many local McKinney-Vento liaisons is to review the housing status of students and their best interest factors at the beginning of each school year to see if circumstances have changed.

(4) Are children and youth who move in with relatives, friends, or other people covered by the Act?

Children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason are covered by the McKinney-Vento Act. This can include unaccompanied youth who are running away from home, even if their parents state a desire for the youth to return home. It could also include families who move in with others as a result of an emergency related to a job loss, reduction in work hours or pay, unexpected medical bills, natural disaster, or domestic violence. Families who share adequate housing on a long-term basis due to preference or convenience would not be covered by the Act.



Frequently Asked Questions

(5) Can children or youth be considered homeless if their parents sent them to live with other people because the parents are too poor to provide a regular and adequate home? Is the answer the same if the parents do not live in the United States?



Yes and yes. Whether a child meets the definition of homelessness rests upon the child's living situation. A child is eligible for McKinney-Vento services if the child is sharing the housing of others due to loss of housing, economic hardship, or a similar reason. Therefore, a child who has been sent to live with others because his or her parents cannot afford to provide regular, adequate housing may be eligible for the McKinney-Vento Act's protections depending on the nature of the living arrangement. Whether the parents live in the U.S. or elsewhere is irrelevant and not a factor under the law because the question at hand is if the child or youth is. Further, the McKinney-Vento Act specifies that the right to choose between the school of origin and local school remains in effect, "regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere"

(6) In the event that a parent is urgently hospitalized for illness or surgery and the child moves temporarily with a relative in another town, should we consider the child to be homeless?

Possibly. To make a determination in situations like this, the circumstances and state law must be taken into consideration.



If a child or youth is staying with others while a parent is in the hospital for a short term stay of a few days, the student is not considered homeless because the student's legal residence is still with the parent in the parent's home. State law will require that the student attend the school the child or youth attended prior to the parent entering the hospital because that is where the parent and child have a legal residence. In some situations, a parent enters the hospital and it is unclear when or if the parent will be able to return to the home. In this instance, if the child or youth is therefore forced to go live with someone else on an emergency basis, the student would lack fixed, regular, and adequate nighttime residence and should be considered homeless. State law will require that the student attend the school the child or youth attended prior to the parent entering the hospital because that is where the parent and child have a legal residence.

(7) If parents send their children to live with friends or relatives because they want their children to go to another school, do we treat the children as homeless?

No. The McKinney-Vento Act provides rights and services for children and youth lacking fixed, regular, and adequate nighttime residence. If children are sharing housing only to attend a different school, they are not covered under the Act because they do not meet the definition of homeless.

(8) Are transitional housing programs considered a homeless situation?

Yes. The McKinney-Vento Act specifically applies to children and youth living in transitional shelters. This term includes transitional housing programs and transitional living programs. State Coordinators are also required to "coordinate and collaborate with... operators of transitional housing facilities, and providers of transitional living programs for homeless youths." A federal court affirmed that transitional housing programs are covered by the McKinney-Vento Act (Bullock, 2002).

(9) Are students displaced by a disaster covered by the McKinney-Vento Act?

Yes, if they meet the eligibility requirements under the law. Students who lack a fixed, regular and adequate nighttime residence due to a disaster (earthquake, hurricane, tornado, flood, chemical explosion, terrorist attack, etc.) may be considered homeless under the McKinney-Vento Act. They are entitled to the same legal protections and services as other students experiencing homelessness.

(10) What ages does the McKinney-Vento Act cover?

There are no age limits cited in the McKinney-Vento Act. Generally, and youth age 21 and under, consistent with their eligibility for services under state and federal law. State laws vary, but generally provide access to all students until high school graduation or its equivalent, or until age 18 (or over in some states). The McKinney-Vento Act also applies to homeless preschool-aged children and requires liaisons to ensure that they have access to and receive services, if eligible, under LEA-administered preschool programs. For special education students, federal law provides the right to access services until age 22.



Frequently Asked Questions

(11) If a student experiencing homelessness was not identified by the school district as McKinney-Vento eligible until the student found permanent housing, is the student entitled to McKinney-Vento supports and services for the rest of the school year?

Yes. McKinney-Vento provisions are retroactively applicable in cases where a student was not identified as experiencing homelessness until later during the school year, when the student found permanent housing. In this scenario, the school district has an ongoing obligation to identify and collect data on homeless students throughout the year. A homeless family, who later finds permanent housing during the school year, is entitled to stay in that same school until the end of the year – regardless of whether the student was identified later during the year.

Once a school has explained the rights available under the McKinney-Vento Act, families or youth may choose not to take advantage of McKinney-Vento services, at their discretion. The liaison should ensure the families or unaccompanied homeless youth know they may request assistance at a later date, if their decision should change. The LEA should also count all children and youth who have been identified as homeless in their data collection, even if services are not provided.



(12) Is there any procedure in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?

Yes. Every LEA must designate a liaison for students experiencing homelessness who is able to carry out their duties under the law. One of the liaison's duties is to identify children and youth who meet the statutory definition of homelessness. Therefore, the liaison will oversee the identification of homeless students and should refer housed students to other services which they may also need.

LEAs should use due care to ensure that verification policies and other procedures designed to prevent fraud accommodate the unique needs of homeless families and students and do not create barriers to identification or immediate enrollment. For example, requiring a sworn statement from a landlord for school enrollment purposes places an undue burden not only on the homeless parent, guardian, or youth but also on their hosts, who may be reluctant to provide documentation for fear of violating their lease terms. Indeed, requiring the parent, guardian, or youth to obtain such a statement from their host may jeopardize the family's living situation further and create even more instability. In this case, the LEA should develop alternative documentation procedures to ensure homeless students are able to enroll without having their or their host's housing jeopardized.

During this process, LEAs must also enroll students suspected or claiming to be experiencing homelessness immediately. If, after enrollment, it is determined that a student intentionally falsely claimed homelessness, LEAs should follow the policies that are in place within the district or state to address other forms of fraud.

LEAs should note while verifying McKinney-Vento eligibility that information about a homeless child's or youth's living situation must be treated as part of the student's education record and therefore protected by applicable privacy laws. In the instance that a parent, guardian or unaccompanied youth disagrees with the determination made by the liaison, the LEA should provide written notice to the parent, guardian, or youth, that includes information on his or her right to appeal the decision.

School Selection

(13) What is meant by the term "school of origin?"

School of origin is defined as the school the student attended when permanently housed, or the school in which the student was last enrolled, including a preschool and a designated receiving school at the next grade level for a feeder school. The U.S. Department of Education offered the following example of a feeder school: "For example, a student was last enrolled in School A in grade 5, which is the final grade level served by School A. Students at School A are designated to attend School B beginning in the next grade level, grade 6. The school of origin for this student would therefore include School A and the designated receiving school at the next grade level, School B."



(14) What factors should be considered for keeping children at their school of origin?

When choosing the school a child experiencing homelessness should attend, the choice must be made "according to the child's or youth's best interest." Changing schools significantly impedes students' academic and social progress. Many

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studies also have found highly mobile students to have lower test scores and overall academic performance than peers who do not change schools. Therefore, in determining the child's best interest, the LEA "shall 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 child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth."

The best interest determination must be based on a student-centered, individualized analysis of factors related to the "child's or youth's best interest, including but not limited to factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the parent, guardian, or unaccompanied youth." LEAs should also consider the school placement of siblings when making a best interest determination. Factors that may be considered also include: the age of the child or youth; the impact the commute may have on the student's education; personal safety issues; the students' need for special instruction; length of anticipated stay in temporary shelter or other temporary location; and time remaining in the school year. There may be other student-centered factors not enumerated here that will help with the best interest determination. Above all, this determination must take into account the benefits of a school placement based on the individual needs of each student.



(15) How long can a student attend his or her school of origin?

Students have the right to remain in the school of origin for the duration of their homelessness, if it is their best interest, even if the child's homelessness extends over multiple school years. If a student moves into permanent housing during the school year, **the student can finish that academic year in the school of origin.** In addition, homeless students who become permanently housed during the school year continue to be eligible for Title I services and free meals for the remainder of the school year; and LEAs must continue to provide transportation to and from the school of origin for the remainder of the academic year. The decision about which school the child should attend is based on the child's best interest and should be **reevaluated at the beginning of each school year.**

(16) If a student is out of school for an extended period of time, does the student still have the right to go to the school of origin?

Yes. The law applies as in any other situation: the student has the right to remain in the school of origin unless it is contrary to the request of the parent, guardian, or unaccompanied youth or is not in the best interest of the child or youth. Missing a period of schooling should not in itself prohibit the child or youth from attending the school of origin. For example, it may be better for the child to return to a familiar school, teachers and peers, to make up for lost time and to reintegrate smoothly into school. In addition, states and LEAs must review and revise policies to remove barriers to the education of homeless children and youth, "including barriers to enrollment and retention due to outstanding fees or fines, or absences."

(17) If a family with more than one child becomes homeless, and the children would like to attend school in different LEAs (i.e. one child would like to return to the school of origin, and the other child would like to enroll in the local school) does the family have that right?

Yes. Siblings in a family that has lost its housing may attend school in different LEAs, as long as each child is attending the school of origin or another school that other children living in the same attendance area are eligible to attend. Such a situation may be appropriate, for example, when an older student can tolerate a longer commute back to the school of origin than a younger sibling.



Transportation

(18) Under what circumstances must an LEA provide adequate and appropriate transportation to school for students experiencing homelessness?

The McKinney-Vento Act requires LEAs to provide adequate and appropriate transportation for students experiencing homelessness in three situations. First, LEAs must provide adequate and appropriate transportation to the school of origin upon the request of a parent or guardian, or in the case of an unaccompanied youth, upon the request of the McKinney-Vento liaison. That is true regardless of whether the district provides transportation for other students or in other circumstances. Second, for other transportation (as opposed to the school of origin), the McKinney-Vento Act requires districts to provide transportation comparable to that provided to housed students. Therefore, if the district transports housed students to the local school or to a summer enrichment program, it must also transport students experiencing

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homelessness. Finally, LEAs must eliminate barriers to the school enrollment and retention of students experiencing homelessness. For example, if a student is living on or near an extremely busy intersection, in a very dangerous neighborhood, or is otherwise unable to attend school without transportation, the district must eliminate lack of transportation as a barrier to the child attending school.



(19) How far is too far to travel to the school of origin?

The McKinney-Vento Act does not specify any mileage or time limit for travel to the school of origin. The Act requires LEAs to provide transportation to the school of origin at the request of a parent or guardian or, for unaccompanied youth, at the

McKinney-Vento liaison's request. Therefore, whenever a student is attending the school of origin, providing transportation is required. A commute so lengthy as to be harmful to the child's educational achievement will weigh against placement in the school of origin and should be considered as part of the best interest determination. This determination will depend on the student's circumstances. For example, a lengthy commute may be a more acceptable arrangement for an older youth than for a young child. Similarly, in many rural areas, lengthy commutes to schools are common; the commute of a child experiencing homelessness in such an area would need to be evaluated in that context.



(20) Does providing or arranging for transportation mean door-to-door transportation, similar to transportation for students receiving special education services?

Generally, no. The McKinney-Vento Act does not require door-to-door transportation, unless that is the only adequate and appropriate arrangement for a particular student. For example, if a student is living on or near an extremely busy intersection, it may not be adequate or appropriate to expect the child to cross the intersection and walk to a bus stop some distance away. In such a situation, safety may require door-to-door transportation. The mode and details of transportation cannot present a barrier to the child's attendance in school.

(21) Does providing access to public transportation qualify as providing transportation?

Yes, if the public transportation is adequate and appropriate. For example, young children cannot be expected to use public transportation alone. In such cases, LEAs should provide transit passes for an available adult caregiver to escort the child, or provide another form of transportation. Similarly, if traveling to a school of origin on public transit requires an unreasonable length of time, another mode of transportation may be required. The mode and details of transportation cannot present a barrier to the child's attendance in school



(22) If a district does not offer transportation to summer school for any students, does it have to provide summer school transportation for students in homeless situations?

It depends on the nature of the summer school participation. The McKinney-Vento Act requires schools to provide comparable transportation services for students in homeless situations. If the school does not provide transportation to summer school for housed students, then it is generally not required to provide transportation to homeless students.

However, if attendance in summer school is required for the student to pass to the next grade, or, in the case of a high school student, the summer course is required for graduation, the district must provide transportation.

(23) Is transportation required while a dispute is being resolved?

Yes, to the extent it would be required if there were no dispute. While disputes are pending, students must be enrolled in the school in which they are seeking enrollment. If that school is the school of origin, the LEA (s) involved must provide adequate and appropriate transportation. If that school is the local school, transportation must be provided to the extent it is provided to housed students, and to the extent necessary to ensure it is not a barrier to attendance.

These provisions apply whether the dispute is about school enrollment, school selection, or eligibility (i.e. whether the child or youth is homeless under the McKinney-Vento Act).

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Immediate Enrollment



(24) How *immediate* is immediate enrollment?

The McKinney-Vento Act requires schools to enroll students experiencing homelessness immediately, even if the student is unable to provide documents that are typically required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation. Enroll means permitting the student to attend classes and participate fully in school activities. Although the Act is silent on the definition of *immediate*, the standard dictionary definition is *without delay*. Therefore, the student must begin attending classes and participating fully in school activities without delay. Generally, that would mean the same or the following day.



(25) Can schools require verification or proof of residency?

No. Schools may not require verification or proof of residency as a condition of enrollment. Due to their precarious living situations, it frequently will be impossible for families and youth experiencing homelessness to provide such verification.

(26) Can schools or anyone affiliated with the school contact a landlord, leaseholder, housing authority, or anyone else to discuss a student's or family's living situation?



No. Schools must not contact the landlords of host families or any other third party to discuss the student's or family's living situation. Residence information provided by parents, guardians, or youth to schools is part of the student's educational records and protected by federal privacy laws; sharing student and family housing information would be a violation of federal law. Such contact could also lead to the eviction of the host family. However, the Act does not prohibit schools from requiring parents, guardians, or youth to submit emergency contact information.

(27) How can schools verify age for enrollment in kindergarten without a birth certificate?

The McKinney-Vento Act requires immediate enrollment, even if typically required documents cannot be produced. Therefore, the school must enroll the child in kindergarten immediately and work with the family to obtain acceptable proof of age. Many types of documents can be accepted to prove age, including medical records, baptismal certificates, or a simple statement of age signed by the parent or guardian.



(28) If we enroll a student who is homeless without requiring proof of immunizations, aren't we putting the entire school at risk?

The McKinney-Vento Act requires immediate enrollment, even if students are unable to produce immunization or other required health records, recognizing that families and youth who are homeless are frequently unable to obtain and keep copies of records.

The vast majority of homeless students have been enrolled in school before and have had required immunizations. These records should be a part of their school records. Since the enrolling school is required to contact the previous school for records, the information should be available quickly. The enrolling school and the McKinney-Vento liaison should work together to get immunization records as soon as possible. If a student has not had immunizations, initial doses should be administered as soon as possible, unless the student has a philosophical, religious, or medical exemption. It is accepted practice in most states and in the public health community that some children will not be immunized for these reasons. In this instance, liaisons should work with school nurses to verify state requirements for exemptions, including documentation in school records.

It is recognized among public health practitioners that the fact that most students are immunized prevents serious outbreaks from occurring. Should an outbreak of illness occur, the same procedures used to protect unimmunized children can be used to protect students whose immunization records have not yet been obtained.



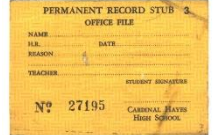
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(29) If we enroll a student who is homeless without requiring school records, how do we know the child was not suspended or expelled from the previous school?



The enrolling school must immediately admit the student and must contact the previous school for records. If the records cannot be transmitted immediately, the enrolling school can speak with staff from the previous school to get basic information about the student. Former teachers, counselors and administrators should be able to provide this information.

(30) Can the previous school transfer records to the new school without a parent's signature?



Yes. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of educational records. Generally, FERPA requires schools to have written permission from a parent before releasing any information from a child's records. However, FERPA allows schools to release records without a parent's permission to schools to which a student is transferring.

(31) Can a previous school refuse to send records due to fees owed for textbooks, etc.?



No. That school would be creating a barrier to the enrollment and retention of the child in school, which violates the McKinney-Vento Act. States and LEAs must review and revise policies to remove barriers to the education of homeless children and youth, "including barriers to enrollment and retention due to outstanding fees or fines, or absences" Additionally, the Act requires that LEAs maintain homeless students' records so that they "are available, in a timely fashion, when a child or youth enters a new school or school district".

(32) How can a school determine what classes or services to provide a student if there are no school records?

The enrolling school must immediately admit the student and must contact the previous school for records. If the records cannot be transmitted immediately, the enrolling school can speak with staff from the previous school to get basic information about the student. Former teachers, counselors, and administrators should be able to provide this information. The enrolling school can also get information regarding class schedules from parents and youth. Quick assessments can be used to evaluate the student's skills. Upon receipt of previous school records, the school can make any necessary adjustments to the student's classes and services. As schools review the student's records, they must also ensure that homeless students receive "appropriate credit for full or partial coursework satisfactorily completed while attending a prior school"

Attendance



(33) If a state or LEA has zero tolerance rules for absences (for example, requiring students with 10 absences to be referred to juvenile court, or to fail classes automatically), how do those rules apply to students in homeless situations?

The McKinney-Vento Act requires states and LEAs to review and revise policies to remove barriers to the education of homeless children and youth, "including barriers to enrollment and retention due to outstanding fees or fines, or absences." Zero tolerance rules for absenteeism can create such barriers, particularly when they result in class failures, exclusion from school, or court involvement. Frequently, students in homeless situations will miss school due to their living situations. Absences caused by homelessness **must not be counted** against students, as this would create a barrier to enrollment and retention in school.



In addition, where laws, regulations, policies, or practices may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, SEAs and LEAs must undertake steps to revise such laws, regulations, policies, or practices to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. The process of reviewing and revising policies should include a review of school discipline policies that disproportionately impact homeless students.

Frequently Asked Questions

- (34) If a student in a homeless situation seeks enrollment in a magnet or alternative school, but the enrollment deadline for that school has passed, what may the McKinney-Vento liaison do to ensure that the student receives appropriate services?**



Youth in homeless situations are entitled to immediate enrollment in the school of origin or any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend. Therefore, if the magnet or alternative school serves other youth living in the same attendance area, and the youth meets the attendance criteria for the alternative school, she must be allowed to enroll. Furthermore, an LEA must immediately enroll a homeless child or youth, even if the child or youth “has missed application or enrollment deadlines during any period of homelessness”. Limits on enrollment timing conflict with the immediate enrollment requirement of the McKinney-Vento Act and are superseded by the Act. States and LEAs must also remove barriers to the enrollment and retention of homeless children and youth in schools. Enrollment schedules present a barrier to the enrollment and retention of homeless children and youth in school and should be revised to accommodate McKinney-Vento eligible students who otherwise meet enrollment criteria, but request enrollment outside of the normally scheduled periods. Additionally, states must have procedures that ensure that homeless students “who meet the eligibility criteria do 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, if such programs are available at the State and local levels.” The U.S. Department of Education urges LEAs to “anticipate and accommodate the needs of McKinney-Vento-eligible students to enter... magnet schools, and other schools, programs and activities....” **These procedures may include giving students experiencing homelessness priority if there is a waiting list for these schools, programs and activities.**

Issues Facing Youth



- (35) How does the McKinney-Vento Act define “unaccompanied youth”? Is there an age range?**

Unaccompanied youth is defined as a homeless child or youth not in the physical custody of a parent or guardian. The Act does not provide an age range. Thus a student whose parent retains legal custody of a youth, but not physical custody, is considered an unaccompanied youth.

- (36) Is there an age limit on serving secondary students?**

Since the McKinney-Vento Act does not include any age limits for serving students, it applies to children and youth age 21 and under, consistent with their eligibility for public education services under state and federal law. State laws vary, but generally provide access to all students until high school graduation or equivalent, or until age 18 (or older in some states). For special education students, federal law provides the right to access services until age 22.

- (37) Must schools enroll youth in school without proof of guardianship?**

guardian

Yes. Lack of a legal guardian or guardianship documents cannot delay or prevent the enrollment of an unaccompanied youth. States and LEAs have established various procedures for enrolling youth. Many permit the youth to enroll himself or herself; some have the McKinney-Vento liaison handle enrollment; others use caregiver forms to allow adult caregivers, when present, to enroll youth. Whatever procedures are used, they must ensure immediate enrollment, as the McKinney-Vento Act requires states and LEAs to eliminate barriers to identification, enrollment and retention and to enroll unaccompanied youth in school immediately. LEAs may adopt their own policies to meet these mandates.

Supporting Academic Success



- (38) Does the requirement for immediate enrollment include enrollment in optional enrichment programs, gifted programs, extended-day programs, and other supplemental services?**

Yes. Enrollment is defined to include attending classes and participating fully in school activities. Enrichment programs and other supplemental services are school activities. Furthermore, McKinney-Vento state plans are required to describe procedures to ensure that “homeless children and youths who meet the relevant eligibility criteria do not face barriers to

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accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.” Finally, McKinney-Vento liaisons are required to ensure that children and youth in homeless situations have a full and fair opportunity to succeed in school. Enrichment programs clearly support that requirement. To the extent that individual students experiencing homelessness can benefit from such programs, they must be provided access to the programs.

(39) Should students in homeless situations be exempt from residency and attendance rules for participating in school sports (for example rules requiring school residency or attendance for a semester before being eligible for sports at that school)?



The McKinney-Vento Act requires states and LEAs to eliminate barriers to school enrollment and retention for children and youth experiencing. Enrollment is defined as attending school and participating fully in school activities. Sports, including at the varsity level, are school activities. Many courts, including the Supreme Court of the United States, have determined that school athletic associations are considered to be state actors, due to their close relationship with the state (Brentwood Academy, 2001). Therefore, athletic associations must comply with the McKinney Vento Act’s



requirement to remove barriers, by exempting homeless students from sports participation rules that students cannot meet due to their homelessness and mobility, such as residency and attendance rules. Athletes experiencing homelessness have won hearings on this issue against several state athletic associations. In addition, some athletic associations have changed their policies to facilitate compliance with the McKinney-Vento Act.

(40) What if children experiencing homelessness cannot pay fees associated with extracurricular activities, such as club dues, sports uniforms, etc.?

Barriers to full participation in school must be eliminated, including barriers “due to outstanding fees or fines....” Fees for extracurricular activities should be waived or paid with donations or district funds.

(41) If a youth has not been in a school and tries to enroll mid-semester, what obligation does the school have to enroll the student and give him/her credit for the work they do in the remainder of the semester? If the youth has been attending another school, what obligation does the enrolling school have to give him/her credit for partial coursework completed at the prior school?

The McKinney-Vento Act requires the school to enroll the student immediately. The Act also requires the LEA to remove barriers to the student’s retention in school, including barriers “due to... absences.” Since the inability to earn any credit is a disincentive to remaining in school (and therefore a barrier to retention), the school must address that problem.



Every state must have procedures in place to ensure that all McKinney-Vento students, including those who have been out of school, can receive “appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state, local, and school policies.” Liaisons must make particular efforts to ensure those procedures are implemented for unaccompanied youth. The school must work with the prior school to calculate, award and receive partial credits, as well as make any necessary adjustments to the student’s schedule to permit the student to complete courses started elsewhere and to participate in credit recovery opportunities.

(42) Is there any obligation to provide education services to a student who is homeless and is expelled from school due to behavior?

Student discipline and expulsion rules apply to students in homeless situations in the same way they apply to housed students. However, schools must be careful not to discipline or penalize students for behavior related to their homelessness. For example, an LEA policy that issues suspensions for multiple absences must excuse absences caused by homelessness.

The failure to provide such exemptions would create a barrier to the retention in school of students experiencing homelessness, in violation of the McKinney-Vento Act.

Frequently Asked Questions

The U.S. Department of Education further urges that “[r]emoving students from school (e.g. by suspending a student) should be used only as a last resort; this is particularly important due to the high mobility of homeless students and the lack of access to food and other services that out of school suspension or expulsion may cause.” The Department suggests many

strategies to promote supportive discipline for students experiencing homelessness, including instituting trauma-informed practices and implementing discipline alternatives to suspensions or separating homeless children and youths from their peers.

(43) Can students who are homeless receive free school meals without documenting income? What about students with an outstanding balance of unpaid school meal fees?

Yes and yes. The Child Nutrition and WIC Reauthorization Act of 2004 made any child or youth identified as homeless by a McKinney-Vento liaison or shelter director automatically eligible for free school meals. They do not have to complete an application. When a liaison or a shelter director provides a child’s name to the local school food service office, free school meals should commence immediately. States also may have established policies to support this federal law.



Children identified as homeless by a McKinney-Vento liaison or shelter director are entitled to receive those meals immediately, regardless of unpaid fees. Unpaid fees may be waived or paid from other funds, but they cannot delay or prevent the student’s access to free meals. To the extent unpaid fees constitute a barrier to the enrollment of homeless children and youth (including attending classes and participating fully in school activities), states and LEAs have an ongoing obligation to review and revise their policies to remove such barrier.

(44) To what extent should services for dental, medical, and other such needs be provided for children experiencing homelessness?

To the extent that such services are available at school, children experiencing homelessness must have access to them. Outside of school, McKinney-Vento liaisons are required to provide **referrals** for health, mental health, dental, substance abuse, housing and other appropriate services in the community. “Other appropriate services” may include job training, public assistance, food and nutrition, transportation assistance, and legal services.



Frequently Asked Questions

My Questions

