

Eligibility - Who is Covered?

Children who **lack a fixed, regular, and adequate nighttime residence**—

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason
- Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Awaiting foster care placement
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, bus or train stations, etc.
- Migratory living in circumstances described above

School Stability—Key Provisions

- Children and youth experiencing homelessness can stay in their school of origin or enroll in any public school that students living in the same attendance area are eligible to attend, according to their best interest.
- School of origin—school attended when permanently housed or in which last enrolled.
- Best interest—keep students who are homeless in their school of origin, to the extent feasible, unless against the parents' or guardians' wishes.
- Students can stay in their school of origin the entire time they are homeless, and until the end of any academic year in which they move into permanent housing.
- If a student is sent to a school other than that requested by a parent or guardian, the district must provide a written explanation to the parent or guardian of its decision and the right to appeal.

Enrollment—Key Provisions

- Children and youth in homeless situations can stay in their school of origin (to the extent feasible) or enroll in any public school that students living in the same attendance area are eligible to attend.
- The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.
- Children and youth 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.
- 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 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.
- Federal law supercedes state and local laws where there is a conflict. [U.S. Constitution, Article VI]
- SEAs and LEAs must develop, review, and revise policies to remove barriers to enrollment and retention of children and youth in homeless situations.

Access to Services

- Students who experience homelessness must have access to educational services for which they are eligible, including special education, programs for English learners, gifted and talented programs, voc./tech. programs, and school nutrition programs.
- Undocumented children and youth have the same right to attend public school as U.S. citizens and are covered by the McKinney-Vento Act to the same extent as other children and youth. [Plyler v. Doe]
- USDA policy permits liaisons and shelter directors to obtain free school meals for students by providing a list of names of students experiencing homelessness with effective dates.
- The 2004 reauthorization of IDEA includes amendments that reinforce timely assessment, inclusion, and continuity of services for children and youth who are homeless and have disabilities.