



Education Law Center

How to Enroll a Child who is Homeless

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IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

Dear Parent, Student, or Advocate:

Children who are homeless have special rights which are guaranteed by a federal law called the **McKinney-Vento Act**. They can usually stay in the same school if they move, they can start school without records, and more.

By following these simple steps, children who are homeless can enroll in school quickly.

NOTE: See Top Ten Questions for more information

Step 1: Is the Child Homeless?

A child is “homeless” if any one of the following is true:

- The child does not have a regular place to stay at night.
 - The child lives with a friend or relative because the family lost its home or can't afford housing.
 - The child lives in a motel, hotel, trailer park, camping grounds or a space not usually used as a home (such as a car or abandoned building).
 - The child has run away, been kicked out, or has no regular place to stay and receives no support from her family.
 - The child is in the child welfare system and is not in a permanent placement.
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Step 2: How to Enroll

Go to the central registration office in the school district where the child is living. Tell them that you want to enroll a child who is homeless. If the school asks for documents that you do not have, tell them that the child is homeless and you do not have to provide that information until AFTER the child starts school.

A child who is homeless has a right to:

- Stay in the same school, with necessary transportation, even if the child has moved to another school district or school attendance area unless it is in the child's best interest to change schools.
- Get help from a person called a school district "liaison" to enroll in school, get records, and explain the child's special legal rights.

If you tell the school district that the child is homeless, the school district should enroll the child immediately — even if the school district does not agree with you.

Step 3: What Happens if the School District Does Not Agree that the Student is Homeless, That the Child Needs Transportation to the Current School, or About Where the Child Should Go to School?

The school district must give you something in writing that says that you have a right to appeal the school's decision. If the student doesn't have an adult to help, the explanation should be given to the student. The school district's liaison should help you with the appeal.

While the review procedure takes place, the school must:

- Immediately enroll the child in the school where the parent wants the child to go (or, where the student wants to go if the student has no adult to help).
- Provide transportation to attend that school. The old and new school districts can work out how to pay for the transportation or can split the cost.

Use Tool 1 (attached to this packet) to file a complaint with your McKinney-Vento Regional Coordinator. You can fill out the complaint form and mail it to your regional coordinator or you can call and ask for help. The information on how to contact your regional coordinator is listed on the back of Tool 1.

If you don't hear back from the regional coordinator in three days and your child is still out of school, call Sheldon Winnick at the Pennsylvania Department of Education at (717) 783-6468 and send your complaint (Tool 1) to him.

If the Pennsylvania Department of Education doesn't call you back within 2 days and the child is out of school, call us at the Education Law Center at (215) 238-6970.

Step 4: Is there Anything Else You Should Know Before the Child Starts School?

Ask the school whether “Title I funds” are available for children who are homeless for things like school supplies, uniform vouchers, class dues, and field trips, or extra help like after-school programs and summer school. Fill out an application for the “Title I” funds if necessary.

Tell the school if the child needs tutoring, wants to be in a vocational program, or is interested in participating in sports or another “extracurricular” activity. Find out what credits the school needs for the student to graduate. Make sure that the school is giving the student credit for ALL the courses she has already taken. The school counselor is probably the place to start.

Give the school any education records you have, especially the most recent IEP if the child has been receiving special education services. The school must follow the IEP until the student has a new IEP Team meeting. If the child doesn’t have an adult to help with the IEP, ask the school to appoint a “surrogate parent” and be sure to tell the school if there is someone who the child would like to make special education decisions for her.

Top Ten Questions About Enrolling a Child who is Homeless

1) Can a child in the custody of the child welfare system be “homeless” and entitled to these rights?

A child who receives services from a child welfare agency and is living in a shelter, emergency, respite or interim foster care, kinship care or in an evaluation or diagnostic center is “homeless.” The school district and the child welfare agency can decide that other children in the child welfare system are also homeless on a case-by-case basis.

2) If the child continues to go to school in the same school even though she has moved, who must provide transportation to the old school?

The school district where the child lives and the school district where the child attends school must make sure that the child gets transportation to and from the old school. The school district where the child goes to school should take the lead in arranging transportation with the school district in which the child is now living. If the school districts cannot decide how to share the transportation costs, it must be split evenly between them.

3) Can school districts educate children who are homeless in a separate school or program that is only for children who are homeless such as a shelter school?

No.

4) Can children who are homeless enroll in preschool programs including Head Start?

Yes. Young children who are homeless must have equal access to preschool and must be prioritized for Head Start.

5) Can children in preschool or kindergarten receive transportation from the school district?

Homeless children can get transportation to public preschool programs or kindergarten if the school district provides transportation to other children who are in preschool programs or kindergarten.

6) What happens if a child is no longer homeless at some point during the school year?

The child has the right to stay in the same school for the rest of the school year.

7) Do school districts have to help children who are homeless enroll in school?

Yes. EVERY school district must have a staff person who will help identify children who are homeless, help them enroll in school, and help the school and family communicate with each other once the child is enrolled in school. You should ask someone at the school who is the school district's "McKinney-Vento Liaison." This person must listen to what the parent and child want to do. This person must also help the child get immunized and, if needed, get the child's immunization records if the child does not have them.

8) Are children who are homeless entitled to the same free public education available to other students?

Yes!

9) Can a student or family appeal a school district's decision not to enroll a child, not to let the child stay in the same school, or not to provide transportation?

Yes. You can file a complaint with a Regional Coordinator and the State. See Tool #1.

10) What are the most important things to remember about the education of children who are homeless?

Children who are homeless have special legal rights. They can enroll in school immediately without records and they can stay in the same school (with transportation) even if they move out of the school district or attendance area. A child who is homeless should NOT change schools unless a change is in her best interest. Schools must have special staff to help these children enroll and receive services.

*The information in this packet was prepared by the Education Law Center
www.elc-pa.org*