

Immediate Enrollment and Attendance for Homeless Students

A. What does immediate enrollment mean?

The McKinney-Vento Act requires school districts to immediately enroll students in temporary housing, even if the student is unable to provide documents typically required for enrollment, such as school records, medical records including immunization records, proof of residency, guardianship papers, birth certificate, or other documents normally needed. School districts are also required to enroll students in temporary housing even if they missed application or enrollment deadlines during a period of homelessness.

B. Who is responsible for getting the documents for students in temporary housing if they wish to enroll in school?

The enrolling school must request the student's records from the student's former school. Within five days of receiving a records request, the previous district in which the student was last enrolled must send all records to the new school. Students have the right to attend classes while the new school waits for the student's records.

C. Can a previous public-school district refuse to send records because a student in temporary housing owes fines or fees to the school?

No. Under the McKinney-Vento Act school districts must remove barriers to students in temporary housing who want to enroll in school, including barriers due to outstanding fees, fines, or absences.

D. Can a previous school still transfer records to the new school, even without a parent's signature?

Yes. The Family Educational Rights and Privacy Act (FERPA) allows schools to send records to a new school district to which a student is transferring without formal permission from the parent. FERPA protects the privacy of educational records and generally requires schools to have written permission from a parent before releasing any other information from a child's records to any other party. Please note that under recent changes to the McKinney-Vento Act, schools must treat information about a homeless child's or youth's living situation as a student education record, subject to all the protections of the Family Educational Rights and Privacy Act.

E. Are students in temporary housing allowed to enroll in after-school programs?

Yes. Districts must make sure that students in temporary housing have the same access to programs and services that are available to permanently housed students. This includes before- and after-school programs, as well as educational programs for children with disabilities, educational programs for English learners, programs in career and technical education, programs for gifted and talented students, and school nutrition programs.

F. Can a district refuse to enroll undocumented immigrants, i.e. immigrants who are in this country without legal permission and who are temporarily housed?

Undocumented students have the same right to attend public schools as U.S. citizens. If an undocumented student is designated as homeless, the student has the same rights and protections under the McKinney-Vento Act as would a U.S. citizen. Plyler v. Doe, 457 U.S. 202 (1982).

G. Can a student be held accountable for absences caused by homelessness?

No. If a student missed school because of homelessness, those absences should not count against the student. For example, if a family is evicted from their home and is waiting for transportation assistance after moving from one household to another, or if students are required to be present at the time a family applies for shelter, the student may miss school. These absences should be treated as excused absences