
MEMORANDUM

TO: Superintendents, Principals, School Nurses, Registrars
FROM: Heather Bouchey, Ph.D., Interim Secretary of Education
SUBJECT: Immediate Enrollment of McKinney-Vento Eligible Students
DATE: April 12, 2024

Background

As a result of increased housing-related challenges in the state, as well as impacts of the flooding of 2023, many schools and districts are experiencing a significant increase in the number of students experiencing homelessness. Additionally, Vermont continues to welcome refugees, immigrants, and New Americans to the state through a variety of pathways. Many of these families and individuals are being placed in temporary living situations, some of which may meet the definition of homeless under the McKinney-Vento Act.

Schools are a place of safety and stability, where children and youth can reliably receive healthy food, access to caring adults, and services that can help mitigate the effects of trauma and homelessness. Immediate enrollment and full participation in school activities are critical for student success.

This memo provides information on the definition of “homeless” under the McKinney-Vento Act, as well as the requirements for immediate enrollment for students whose living situations meet this definition.

McKinney-Vento Definition of Homeless

The McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. §11434a(2)) defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The definition includes 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 adequate accommodations.
- Are living in emergency or transitional shelters.
- Are abandoned in hospitals.



- Have a primary nighttime residence that is a public or private place not normally used as a regular sleeping accommodation for human beings.
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Are migratory and qualify as homeless because they are living in circumstances described in the above situations.

Some students who may appear to have housing (e.g., “a roof over their heads”) will qualify and are entitled to educational rights and services under the McKinney-Vento Act. A family or student may not and does not need to use the word “homeless” to describe their living conditions in order to meet the McKinney-Vento definition of homelessness.

Removing Barriers to Immediate Enrollment

The McKinney-Vento Act requires that students experiencing homelessness be enrolled in school immediately, even if they are unable to provide documentation that is normally required for enrollment (42 U.S.C. §11432g(1)(H)). This includes the right for unaccompanied homeless youth (youth experiencing homelessness who are not in the physical custody of a parent/guardian) to be immediately enrolled, even if lacking proof of guardianship. Under the McKinney-Vento Act, “enroll” and “enrollment” include attending classes and participating fully in school activities (42 U.S.C. §11434a(1)).

For McKinney-Vento eligible students, school enrollment may not be held up due to:

- Inability to prove residency.
- Lack of school records.
- Lack of immunization records or other health records.
- Lack of proof of guardianship.
- Lack of birth certificates.
- Lack of any other normally required paperwork for enrollment.
- Inability to access or navigate an online registration system.
- Perceived impending moves.

Additionally, immigration (or citizenship or “documentation”) status does not affect McKinney-Vento eligibility or a child’s ability to enroll and participate fully in public school. Schools may not bar a child from enrollment if they are unable or unwilling to provide a social security number, nor may a school ask for a child’s citizenship or immigration status to establish residency. No child may be denied public school enrollment based on their immigration status or nationality (*Plyler v. Doe*, 457 U.S. 202 1982).

When a family is unable to provide proof of residency during the registration process or provides information that indicates their living situation may meet the definition of

homeless under the McKinney-Vento Act, school staff must follow their internal procedures to make a referral to the school or district Homeless (McKinney-Vento) Liaison. The Homeless Liaison has the responsibility and authority to determine if a student is eligible for services and support under the McKinney-Vento Act.

Resources and Contact Information

Vermont Resources

[Vermont Homeless Liaison Contact List](#)

[Guidelines for Enrolling Refugee Students](#)

US Department of Education and US Department of Justice Resources

[Information on the Rights of All Children to Enroll in School: Questions for States, School Districts, and Parents](#)

[Dear Colleague Letter on School Enrollment and Citizenship](#)

[Dear Colleague Letter on English Learners and Limited Proficient English Parents](#)

[Fact Sheet: Information on the Rights of All Students to Enroll in School](#)

Additional Resources

[Enrolling Children & Youth Experiencing Homelessness](#) (National Center for Homeless Education)

[Supporting the Education of Immigrant and Refugee Students Experiencing Homelessness](#) (National Center for Homeless Education)

[Immigrant Students: How Schools Can Help](#) (SchoolHouse Connection)

Contact Information

- For questions related to students experiencing homelessness, contact Katy Preston: katy.preston@vermont.gov
- For questions related to English Learners (ELs), contact Stephanie Vogel: stephanie.vogel@vermont.gov
- For questions related to migrant students, contact Megan Kinlock: megan.kinlock@vermont.gov
- For questions regarding refugee resettlement, contact Tracy Dolan at the State Refugee Office (AHS): tracy.dolan@vermont.gov