

Federal Education Protections for Children and Youth Experiencing Homelessness

Executive Orders do not supersede federal laws. The following federal laws and court rulings are in place to ensure educational access and opportunity for children and youth experiencing homelessness.

[The McKinney-Vento Act's Education for Homeless Children and Youth Program](#) 42 U.S.C. § 11431 et seq.

- State and local educational agencies must ensure that homeless children and youth:
 - Can stay in their school of origin if in their best interest, and receive transportation
 - Be immediately enrolled in school while records are obtained
- A liaison must be designated in every local educational agency (LEA) to identify and support children and youth experiencing homelessness. (See the [legal duties of homeless liaisons](#)).
- State educational agencies (SEAs) and LEAs must review and revise barriers to the identification, enrollment and retention of children and youth experiencing homelessness.

[Title I Part A of the Elementary and Secondary Act](#) 20 US Code 6301 et seq.

- All LEAs that receive Title I Part A funds must reserve funds to support homeless students; these funds may be used for services not ordinarily provided by Title I, including local liaisons and transportation to the school of origin
- State and local Title I plans must describe how homeless children and youth will be supported, including identification, enrollment, attendance, and success
- State report cards must include disaggregated information on the graduation rates and academic achievement of homeless children and youth.

[Individuals with Disabilities Act](#) (IDEA) 20 U.S.C. 1400 et seq

- Any state receiving IDEA funds must ensure that the requirements of the McKinney-Vento Act are met for all children with disabilities who are homeless.
- States must ensure that all children who are homeless and have disabilities are identified, located, and evaluated.
- LEAs must assign a surrogate parent for an unaccompanied youth experiencing homelessness within 30 days. In the interim, a temporary surrogate parent must be assigned. Homeless liaisons and homeless service providers may serve as temporary surrogates.
- States must ensure the meaningful involvement of families experiencing homelessness in the planning and implementation of the Early Intervention (IDEA Part C) for infants and toddlers.

[Family Educational Rights and Privacy Act](#) (FERPA) 20 U.S.C. § 1232g

- Information about a homeless student's living situation is fully protected as an education record under FERPA.
- Under FERPA, "privacy" generally means that schools must have specific, written consent to release any information from a student's education record.

[Plyler v. Doe, 457 U.S. 202 \(1982\)](#)

- All children living in the U.S., regardless of their immigration status, have the right to equal access to education. It is unlawful to discriminate against undocumented children and youth by denying them access to free public education.