

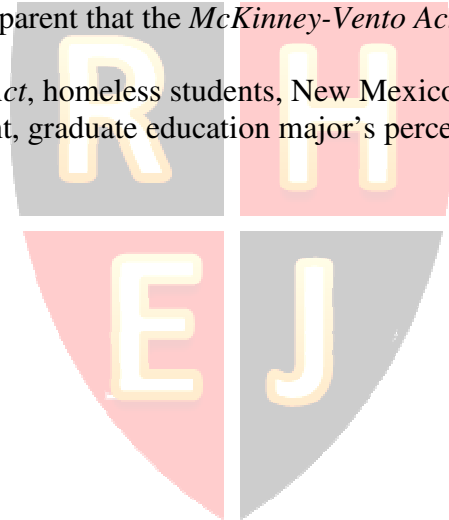
## Homeless: Graduate students' and principals' reactions to the *McKinney-Vento Act*

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### ABSTRACT

School administrators face many decisions that require a degree of legal knowledge. The *McKinney-Vento Act* requires schools to enroll students that are experiencing homelessness immediately, even if the student is unable to provide any documentation that is typically required by states and school districts before students can be properly enrolled. The law includes even students that can produce no records of immunization or any other medical records. The immediate enrollment includes all students from kindergarten to twelfth grade. Immediate enrollment means that the students must begin attending classes and participating in school activities, if not that very day, then certainly the next. Based on the responses of a sampling of twenty New Mexico administrators and twenty currently enrolled graduate students that are aspiring administrators, it is apparent that the *McKinney-Vento Act* is not well understood.

Keywords: *McKinney-Vento Act*, homeless students, New Mexico administrators response for dealing with a homeless student, graduate education major's perceptions of admitting homeless students



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## INTRODUCTION

Thankfully, very few principals suffer from misopedia to the extent that comedian W. C. Fields did as he made a career out of such humorous statements as “I love children. Yes, if properly cooked.”

There may be occasions, however, when principals display a misopedic attitude when dealing with certain children. Being a public school principal has always been a very difficult place to be in the educational power structure, and with the pressures of NCLB and these incendiary financial times in which schools find themselves, the pressures on the principal have exponentially accelerated. Authorities on the role of the principal in school leadership agree as to the complex nature of the position. Grubb and Flessa (2006) have noted:

The job of the school principal has become increasingly complex. He or she is responsible for hiring and perhaps firing teachers, coordinating bus schedules, mollifying angry parents, disciplining children, overseeing the cafeteria, supervising special education and other categorical programs and responding to all the stuff that walks in the door.

Fully acknowledging the responsibilities of the principal, it may be said that through a lack of legal understanding or perhaps insensitivity to those with exceptionalities, principals on occasion do a disservice to those they stand in *loco parentis* for. Matthews and Crow (2010) note that the “principal as advocate” is one of the major roles of a building principal. Race, ethnicity, immigration, language, special education, poverty and homelessness are some of the issues that reflect the diversity of schools and confront the principal in all corners of the nation.

The National Center on Family Homelessness counted 2.5 million homeless kids (one in thirty) across the country in 2009 (*Education of Homeless Children*, 2009). The same study found that one out of 50 American children is homeless in any given year. The Association for Supervision and Curriculum (ASCD) states that one million homeless children and youth were enrolled in U.S. schools in 2009, with an estimate that half a million more went uncounted because they were not enrolled in schools (*Creating a Welcoming Classroom*, 2010).

The Institute for Children and Poverty estimates that 1.35 million children are likely to experience homelessness over the course of a year. This number represents two percent of all children in the United States, and ten percent of all poor children in the United States (*U.S. Bureau of the Census*, 2009)..

Children represent a disproportionate share of the poor in the nation and while not always the case, homeless children are typically poor. Children represent about twenty-five percent of the total population, but represent thirty-five percent of the total poor. The U.S. Bureau of Census reported that nineteen percent of all children lived in poverty in 2008 (*Ibid.*)

The Heritage Foundation has stated that there are at least six million children served by Individuals with Disabilities Education Act (IDEA) in the nation, which represents twelve percent of all students attending public schools (Kafler, 2002). Half of all special education students are learning disabled with an estimated eighty to ninety percent having reading problems. Because homeless children are often mobile and are forced to change schools more often than their peers, it could be expected that these students would experience reading difficulties.

Clearly, there is ample opportunity for the principal leader to assume a role as a principal advocate for all children. Leadership is about serving others. All of the children coming to the school house door, whether they are homeless, handicapped, or mired in abject poverty must be treated and educated just as the children of a school board member would be. The principal

should be an advocate for all children, no matter the nature of their diversity. The role of principal as a student advocate has come more to the forefront as school populations are becoming more diversified and as accountability trends and demands have intensified. The emphasis of the current century is education for all children, no matter in what circumstances the children may find themselves.

The contested term social justice may not have a specific place in this paper; however, I think that the concept of social justice is implicit in the understanding of the principal's role as advocate for all children. The three components of social justice as identified by Dantley and Tillman (2006) are first, that social justice does not ignore the rights of any individual student. Secondly, social justice demands that the principal be change-oriented in that the adverse condition in which the child may find themselves be changed. And thirdly, this advocacy on the part of the principal is deliberate and conscious. To quote Matthews and Crow (2010):

A principal as advocate means that you are actively involved in eliminating oppression and marginalization that prevent all students from learning and from participating actively.

There are several groups of students in our public schools that create issues for the principal in determining proper placement, or whether or not the student should even be allowed to attend the school. This paper will focus on a child that may possess several of these attributes that call for the principal to become an advocate.

## **PURPOSE OF THE STUDY**

The purpose of the study was not to demonstrate any ignorance about a federal act which is obscure to many. The qualitative study is meant to demonstrate some knowledge of the *McKinney-Vento Act* from a group of aspiring principals in a graduate class and their administrators. The issue is based on the scenario of a grandparent bringing a student to the office with no documentation. All graduate students and principals are located in the state of New Mexico,

## **QUALITATIVE METHODS**

Methods include an in-depth scenario, and a review of the answers for types and themes. This is a subjective study as a problem described from the point of view of those who may experience it. Unstructured or semi-structured responses were expected.

## **WALKS IN THE DOOR**

With a million and one-half homeless students in this nation I think that it is important for aspiring principals to be aware of the problem. I asked my graduate students in school law class, all of whom are practicing teachers, to assume that they are the principal of the building in which the following scenario "walks in the door" one Monday morning.

"An older gentleman, saying that he is the young boy's grandpa, brings the child to your office on Monday morning wanting to enroll the child in your elementary building. The grandpa explains to you that the boy was dropped "into his lap" over the weekend and is the product of a divorce and abusive home. Grandpa says that the boy is seven years old and should be in the first grade, he thinks. Grandpa has no paperwork on the boy from any previous schooling and grandpa does not know anything about immunizations."

The student's response to the scenario was to be done in two parts. First, the students assuming the role of the principal were to determine to the best of their ability what they are going to do with this child now. "Now" is the operative word that causes panic. The second part of the assignment was for the graduate student to go to their building principal and ask the practicing building principal what would happen under the exact circumstances of the scenario.

Principals are called upon to make numerous decisions during the course of a school day, many of which need to be made in a timely manner. This does not give the administrator very much time for reflection. Many of the decisions are routine and policy driven and can be handled without a jaw-dropping, head scratching dilemma. Then there occasionally comes along a situation that has not been encountered before or often enough for anyone to remember how to exactly handle the situation. Having a knowledgeable secretary is important as Graduate Student T suggests, however, there are a plethora of reasons why the principal needs a fundamental grasp of school law and federal statutes.

The following responses were given by the graduate students and their principals. There are some consistencies to be noted in the responses to the scenario, by both the students and the principals. As always with folks in all walks of life, opinions on exactly how to handle the situation vary. Unfortunately, there are a few audacious answers bordering on foolhardy.

Graduate Student A – We provide the proper paperwork that the grandpa should fill out. Grandpa must show verification that he actually is the student's legal guardian. This would be accomplished by a 'power of attorney' record. I do not think that I would register the student until the school has verification of this. The fact that the student is from Mexico is really a concern.

Student's Principal Response – In talking to my principal he explained that Homeland Security has very strict policies regarding the registration of a student into a public school. The guardian must have a valid original birth certificate for the student. The guardian must show valid verification of legal guardianship. Up-to-date shot records must be provided for the student before registration can be attained. Finally, any other school records such as disciplinary, grades, holds, suspensions, etc., must be provided.

Graduate Student B – Before I register the child, I need the grandpa to fill out the enrollment forms. Proof of address must be provided. I understand that grandpa has no paperwork, but a shot record is an absolute must. The school nurse may need to be contacted. I also would like to see some ID from the grandpa and would have my attendance secretary check to see that the phone number was legitimate for the grandpa before he leaves.

While grandpa is working on the paperwork, I would have a casual conversation with the child, if he speaks English, to try and get some background information. If the child does not speak any English I get a bilingual teacher. Does he know how old he is? Can he tell me about the last school that he attended? Can he tell me where he lived and with whom? As far as I know, I would need to admit the child dependent upon the legitimacy of grandpa's address. I would assign him to a first grade teacher and ask that teacher to make detailed observations about his ability compared to grade peers.

Student's Principal Response – I was under the impression that I legally had to enroll the child. My principal set me straight. She says that no paperwork, absolutely no enrollment. I need to find out from the grandfather what school the child formally attended and where. Grandfather must fill out a request for records. Our secretary can call and verify that the child was enrolled at the school and they can mail or fax the records. The child cannot be enrolled without the records from the previous school, vaccination records, and proof of guardianship by the grandpa.

Graduate Student C – First, I would make sure that introductions make the grandpa and the child feel comfortable. I would seek to gain as much information as possible through casual conversation. How old are you? What school did you come to us from and what grade were you in? After making sure to get as much information as possible, I would make sure and have all the personal information from the grandfather as needed in order to contact him as soon as I had more information from the previous school. I do not think that I would enroll the student without any paperwork to prove identity or proof of guardianship. I would make sure that the grandfather knew that I would begin researching the student's last school and then move forward from there, so that the child could begin to receive an education in a timely manner.

Student's Principal Response – After obtaining all of the preliminary information from the grandpa, the child would not be allowed to enroll without confirmation of guardianship and obtaining some information from the previous school. Getting paperwork from the previous school in Juarez may be a problem and it can only be obtained by the legal guardian. We have no way to obtain it without grandpa going through the guardianship process or having mother return to the state.

The principal also noted that because they were such a small school district (under 200 students K-12) the principal is allowed more opportunities to make these types of contacts herself and not have to rely on secretaries as heavily as she would have to in a larger district or school. The principal further noted that this type of situation occurs very frequently, and can typically be resolved with the student being allowed to enroll within the week.

Graduate Student D – As the principal, I would welcome the child and grandpa to the school. I would then give them a tour of the school spending some time in a first grade classroom. At the completion of the tour, I would explain to the grandpa that the school district policy states that the necessary paperwork is needed prior to admitting the child as a student in the school. I would provide him with a packet and explain the contents thereof. The information would include the need for immunization records, a request for records from the previous school, emergency contact number, a birth certificate, and proof of address within the district. To conclude, I would assure the family that, upon receipt of the information requested in the packet, the child would be admitted as a student and placed in the appropriate classroom. I would then thank the family for the time spent with them and tell them that I looked forward to welcoming the child as a student in the school (in the future).

Student's Principal Response – My principal confirmed that I was correct in the approach that I took in this situation. His response was that a school cannot accept a new student and place him in a classroom without records from the previous school. At issue would be to ascertain whether the child had received special services through an IEP. The failure to follow an IEP or provide special services would place the district out of compliance.

The issue of legal guardianship must be verified through appropriate documentation. The guardian would also need to provide a birth certificate for the child. The principal's concluding statement to me was that any legitimate guardian would be happy to comply with a request for information contained in the packet out of a desire for a safe environment and proper placement for the child. The principal also expressed concern whether or not Homeland Security should be notified.

Graduate Student E – When faced with this situation I would have the grandpa fill out all of the paperwork that he was able to complete. I would then attempt to make contact with the student's previous school. Regardless of my success with obtaining prior school records, I feel obligated to inform the grandpa that the proper paperwork, including a birth certificate,



immunization records, and proof of address would be required before the student would be able to enter a classroom. I would not allow the student to enroll without all the required documentation. My reasoning would include the amount of liability that is placed on the school given the lack of documentation.

Student's Principal Response – My principal gave a similar response. She said she would not enroll any student without his/her birth certificate and immunization records. Her reasoning was simply that we have a policy; therefore, we will follow what it says. She also said that she would direct further questions that the grandpa might have to the administration at the central office.

Graduate Student F – I would not enroll the student because the grandfather does not have the necessary paperwork. I would take down the grandfather's name, address and telephone number and provide him with all of our school's forms and necessary paperwork. I would inform him that we will not enroll the child without all of the required information being completed.

Student's Principal Response – The student will not be allowed to attend class without the proper paperwork in place. Students from Mexico have been enrolled in the district many times, but the proper paperwork was always in place prior to registration.

Graduate Student G – As a principal, there is nothing that I can do with the child today. Without shot records a child is not allowed to enter school. I will get grandpa's name and phone number, the name of the child and the school that he last attended. I also need proof of residency such as a copy of an electric bill. Grandpa must also provide power of attorney documentation. In the meantime, we will contact the child's former school to attain the paperwork needed so that the child can register for school.

Student's Principal Response – My principal told me this is what we need to register the child; a birth certificate, immunization records, and complete records from the previous school. Grandpa must provide guardianship papers so that he can sign to obtain the records. We also need to take grandpa's name and phone number to check up on whether or not we are looking at an illegal situation.

Graduate Student H- This is obviously a “red flag” situation. The first thing to do is try to ensure the safety, health and well being of the child. This means buying some time by keeping both the grandpa and the child at school while you do some quick research and get some more details. The most important information is to accurately identify the child and his health status, and to determine if he resides within the school district. The child will not be allowed to enroll into the school without all valid documentation in place. I would have established the following checklist for a situation such as this:

Be friendly and helpful. Get another member of the staff, counselor or nurse involved, both as a witness and as an observer to the situation to pick up something that I might miss. Find out if grandpa drove to the school and send someone to record the license plate of his car.

Ask the gentleman for some form of identification. Have the gentleman fill out the basic paperwork that is necessary to enroll a student in school. His reaction to providing the necessary information may tip you off on what your next step should be. If he does not cooperate, or wants to leave quickly, the next step would be to call the police.

If grandpa cooperates and I get some key information, I would call the phone number that he gives and make sure he resides within the school district. I would check the names with child protective services, the local police and social services.

Student's Principal Response – My principal agreed with my approach but added that he would ask the grandpa to wait while the child is taken to another office for preliminary testing for class placement. He explained that this would buy some time to get details about the child without the grandpa present. A private discussion with the child, through an interpreter if necessary, may provide some important details. If the nurse could view the child, the nurse could assess the appearance of the child as to the child's physical condition. At this time a picture could be taken of the child.

Graduate Student I – This scenario really made me think. My first thought was that the child would be placed in a class no matter what. I thought that a child could not be turned away from a public school. My second thought was that if this child did not have any paperwork or health records, could this child really be the man's grandson and where were this child's parents?

Student's Principal Response – After talking with my principal I became more aware of what the principal and the front office do when a situation like this happens. The child cannot be admitted until several forms are completed. A request for records form must be filled out by the legal guardian. If the grandpa has nothing to prove legal guardianship then it is the responsibility of the grandpa to procure the necessary paperwork.

Before the student is admitted we must have in hand the student's birth certificate; social security card; complete immunization record verified by a physician; proof of residency; photo identification of the adult registering the student; most recent report card of the student; and documentation of any educational program that the student has participated in. The school will not admit any student with only partially completed packets.

Graduate Student J – As a principal I would probably go ahead and send the child to the first grade classroom. Meanwhile, I would ask the grandpa about any and all specifics, including paperwork for previous schools attended, birth certificate, shot record, and guardianship information. I would continue to monitor the student in the classroom until all the paperwork was completed, giving the grandpa a few days to gather the material.

Student's Principal Response – After talking to my principal, his first thought was that he could not enroll the student without all of the proper paperwork completed. Then after further thought, he said you could make a mock schedule for the student and send him to class, however, he said that he would really "grill" the granddad about the issue of guardianship.

Graduate Student K – Without shot records, birth certificate and maybe guardian and/or custody papers a student cannot be enrolled in public school. Does Mexico even require immunizations?

Student's Principal Response – My principal said basically the same thing. Students cannot be enrolled on the day that they "show up" unless they have paperwork in place. If there is a previous school and the individual could provide the name, number, city and state, then we could try to obtain those documents necessary to enroll the child by contacting them by phone and then have the information faxed to us. Until we obtain the documentation the child cannot be enrolled.

Graduate Student L – I am just speculating, but I would ask the child or grandpa about the child's age and then place that child in the grade level in which his age level matched the criteria. I would get as much information as I could from the grandfather and then try to confirm the information during the school day. I would check on the child periodically throughout the day and ask his teacher how the child is doing/

Student's Principal Response – I discussed this scenario with my principal and she told me that until the school had in their possession a copy of the child's birth certificate and updated shot record, the child will not be allowed to attend school. Not even for one second.

Graduate Student M – I think that I would admit the child to the first grade.

Student's Principal Response – A birth certificate and shot record are necessary before the child can be enrolled. The necessary paperwork would be provided to the grandfather to fill out. If he does not have legal guardianship of the child then we would need to find out who does and contact that individual. Regardless of who has guardianship, we would call the police department, child protective services, and any other agency that could give us the answers that we need. We would do this to verify that the child had not been abducted or kidnapped.

With respect to the child being a first-grader, it might be hard to obtain any school history or shot record from Mexico, as obviously the child has been through some abnormal living conditions. If we could not get a birth certificate or shot record, we would put everything on hold until we could obtain them.

Graduate Student N – I would have grandpa produce proof of residency and a picture ID, and I would make a copy of them. Next, I would have grandpa fill out the necessary paperwork and take a picture of the child. If grandpa could tell me where the child previously attended school I would immediately have the secretaries begin the process of getting the paperwork faxed to us. If I could not obtain any previous information, I would ask a first grade teacher to test the student based on ability. Then I would inform the grandpa that the child could not be registered or attend school without the necessary paperwork in place. Also, grandpa would have to present proof of guardianship.

Student's Principal Response – The child will not be registered without the proper paperwork.

Graduate Student O – This actually happened to me in the fall of 2003 when I enrolled my grandchildren in \_\_\_ public schools. The children were left in my care for the summer and I could not find their parents when school started. I needed to get the kids into school. I contacted the elementary school principal and he invited my wife and me into his office along with my grandchildren. After an initial interview to determine the correct schools and ages for the kids we started the admissions process for the children.

A professional staff member (counselor) was brought into the office to begin the admissions process and determine who belonged in what school. The principal gave specific authority to the counselor to move through the admissions process and instructed my wife and I of the specific documentation needed to complete this process.

The kids were admitted conditionally to the various schools and grades that very day. My wife and I provided the documentations needed about two weeks after the students were enrolled. The parents of my grandchildren have retained guardian status. The children only reside with us.

Student's Principal Response – Students are not allowed to attend class until all of the proper paperwork is provided. A birth certificate and immunization records are an absolute must and in this case I wonder if they even exist.

(NOTE – The principal responding was not the principal of the building in 2003 when the graduate student's grandchildren were "conditionally" admitted without any paperwork. Graduate Student O is white, while the implication of the scenario seems to be Hispanic by implication and the child is from Mexico. Also, the principal in 2003 may have been impressed



with the fact that there was a “grandmother” present as well as the grandfather at the initial attempt to register the children.)

Graduate Student P – I would not register the student without the proper records. I would also explain to the grandfather that the school would need the proper guardianship records, and more importantly, shot records. I would explain that we would be happy to register the student as soon as they brought back the paperwork.

Student’s Principal Response – The principal confirmed my opinion.

Graduate Student Q – I would be very hesitant to accept the grandfather at his word. Without any paperwork or proof of guardianship, this could be a case of kidnap. I would ask the grandfather to obtain the necessary paperwork and when he has it all available, both he and the boy should return to the school to be registered.

Student’s Principal Response – Inform the grandpa that you need all required documentation in place before the child can be registered for school. If the grandfather’s actions begin to raise suspicion that this situation maybe isn’t what it appears to be, I would call the police and give the grandpa and child a tour of the building until the police arrive.

Graduate Student R – In this scenario, I would try to follow the following steps to matriculate the child brought in by his grandfather. First, I would question the guardianship issue and prior school attendance. If someone other than the grandfather has legal guardianship, then that person would need to sign the educational guardianship document giving him/her the ability to make educational decisions for the child. This documentation must be signed each semester.

Next, I would request the necessary documents for registration including birth certificate, immunization records, and proof of residency. These are needed prior to the initial registration of a child in the district.

If no documentation is available, I would go ahead with having grandpa fill out the registration form and begin the process of educating the child while working with the grandfather to ensure that as many of the requested documents are provided as possible.

For the first time this year I had one student this past semester registered by a homeless parent who did not have all of the necessary documentation. When I contacted the district office, I was told that the district does not penalize the child and we will register them and let them begin classes. Our school health center will work with them toward immunization compliance.

Student’s Principal Response – My principal said that she would ask for the necessary documentation and based on what the grandpa had, take it from there. For example, she would first request immunization records. The students must be up-to-date on all immunizations. If the child is not current, he could be accepted with the stipulation that by a particular date, all immunization would become current. Failure to do so would result in disenrollment.

To verify that the grandfather resides within the school district, she would ask for proof of residency such utility bills. The principal further stated that there is nothing that states that the school must take the child on the same day that they come in. The school can make requests and work with the family in order to meet the necessary paperwork requirements; however, ultimately we will not deny a child their educational opportunity.

Graduate Student S – As the principal after giving a brief interview to both the child and the grandpa, I would send the gentleman and child away to bring back the necessary paperwork establishing proper identity and the required admission forms. I might be inclined to give a tour of the school after the interview. I would not invite the grandpa or the child to stay past an interview and tour for the safety of my other students and staff. After they had left the building, I

would notify the district about this enrollment attempt without any documentation. The situation is particularly problematical because the student is likely an illegal alien.

Student's Principal Response – I must say that this scenario stumped my principal. He has only been principal for two years. He told me that he would interview the gentleman and the child to establish guardianship. Health records would have to be produced. The grandpa would have to establish recent history of residence in the district. After that he would send the pair home not to return until grandpa had the necessary records.

The principal, after further thought, declared that he really did not know what to do and proceeded to call the district office while I was in his office. The district office verified that the principal was not to enroll a child without health records and proof of guardianship.

Graduate Student T – As a new principal there are many things to take into account such as the regulations that need to be followed to enroll a new student. The first thing I would do is to ask my secretary what the procedures are for enrolling a new out-of-district student. If my secretary does not know, I would call fellow principals in the district to find out what the procedures are. If no useful information could be provided, I would then call the central office and ask the HR department what needs to be done.

Student's Principal Response – My principal gave me valuable information as to how she would take care of the situation. She said that having a knowledgeable secretary is the key to the principal's success. The secretary would call the previous school from where the child is coming to obtain the records. Because the child came with grandpa, records would be needed indicating who the legal guardian is. It is important to make sure the emergency contact information is up-to-date so that grandpa can take care of emergency situations. The principal also said that she would make a phone call to the previous principal and gather information such as the child's reason for living with grandpa so that she would have insight into handling future situations that could arise with the child, such as discipline problems.

## **THE HOMELESS CHILD**

The responses provided to the proposed scenario by the twenty graduate students and their principals were similar in many regards. Before a child can be enrolled in a public school there is a need for the proper "paperwork" to be provided. It is accurate to say that generally the student's birth certificate, a social security card, immunization records, proof of residency and documentation and educational records from the previously attended school are commonplace requirements and within the scope of state and federal laws and school district policies. While districts are free to impose other regulations concerning school enrollment, the only requirement mandated by New Mexico State Statute is proof of immunizations.

Before the responses of the students and the principals are conceptualized, let us revisit the scenario that was presented to the students for consideration.

"An older gentleman, saying that he is the young boy's grandpa, brings the child to your office on Monday morning wanting to enroll the child in your elementary building. The grandpa explains to you that the boy was dropped "into his lap" over the weekend and is the product of a divorce and abusive home environment. The child's mother resides in Juarez, Mexico, and has returned home. Grandpa says that the boy is seven years old and should be in the first grade, he thinks. Grandpa has no paperwork on the boy from any previous schooling and grandpa does not know anything about immunizations.

The six graduate students (B,J,L,M,O,R) that indicated that they would enroll the child on the day that grandpa came to school, all stated that the paperwork needed to be provided in due time. Two practicing principals (J, R) seemed to agree to allow the child to be enrolled immediately, but also indicated that paperwork was needed. None of the graduate students or practicing principals noted that anything in the scenario might indicate that the child was indeed “homeless.”

If the child is “dropped into the lap” of grandpa, is the child homeless? The answer is a resounding “yes” according to *Title VII-B of the McKinney- Vento Homeless Assistance Act* as amended by the *No Child Left Behind Act of 2001*. Neither any of the graduate students or their practicing building principals mentioned anything about this child perhaps needing to be considered “homeless” in their analysis of the scenario. Prospective principals in training (graduate students) cannot be faulted for not knowing what they may not have been exposed to. Practicing school principals, however, should have had an understanding of the *McKinney-Vento Act* through their district superintendent or school board policy and recognized the situation.

The *McKinney-Vento Act* defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children who are sharing the housing of other persons due to loss of housing. The child in question was “dropped off” by the mother who then returned to Mexico. Even though the child was delivered unexpectedly to the grandpa, the boy has lost his fixed and regular nighttime residence with the mother in Mexico. For all purposes, the child is homeless.

Some might argue that the child in the scenario was not “homeless,” as he was staying with his grandpa. Whether or not to immediately enroll the child does not depend on what the principal’s definition of “homeless” might be. The child has lost his normal permanent home (likely in Juarez, Mexico) and is living in an emergency situation with his grandfather. The child was “dropped into the lap” of the grandfather by the mother. This would seem to be a definition of homeless consistent with the *McKinney-Vento Act*.

It may also be true that the status of the child may change from that of homeless at some point in the future, as grandpa may decide to file for legal guardianship of his grandson, or he may just continue to be the custodial caretaker and allow the child to live with him. The school district has the right to seek clarification of status from the grandfather periodically, such as the beginning of each semester.

The Act also stipulates that the local education agency (LEA) must immediately enroll the child to the school in which enrollment is sought by the parent or guardian. The citizenship status of the child or parent, in this case the grandfather, is not of concern. Congress has made it quite clear that every LEA shall ensure that each child that is homeless has equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youth. The law makes federal funds available to each state to create an office for the implementation and supervision of the policy. Funds are made available to local school districts to implement the Act, and also to gather data that is to be reported every two years to the state coordinator, who in turn reports to the secretary of health and welfare. This law was first enacted in 1987 and has been amended on several occasions, including NCLB. A 2004 law case in New York said that a homeless child could sue a school district to enforce educational services.

When grandpa brings the child to school the LEA must immediately enroll the child, even if the grandfather is unable to produce the records normally required for enrollment by the district. The enrolling school after enrolling the student must then immediately contact the school last attended by the child or youth to obtain relevant academic and other records. In the scenario,

the implication was that the child was from Juarez, Mexico; there it is likely that his previous school could be contacted after the grandfather did some checking with his family.

Both graduate students and practitioners alike make much of the fact that the grandpa in the scenario must obtain proof of guardianship before the child may be enrolled. The thinking behind this position is reasonable. The media may overly concentrate on the problem of stereotypical kidnappings of children making the actual number of 115 children under the age of eighteen kidnapped by someone the child does not know or someone of slight acquaintance, a very random event, there is still reason that principals should be wary of situations that do not feel right. There were 202,900 children abducted by family and 58,200 children abducted by non-family members in 2009 according to The Missing Kids Network.

Discounting the birth certificate and immunization records for the child, if grandpa were legitimate it should not have presented a problem to show his identification, along with proof of residence in the school district. If grandpa's information checked and the principal having had a working understanding of *McKinney-Vento*, the child would have been admitted to school immediately. The other required "paperwork" can wait.

Whether or not the grandfather has legal guardianship or legal custody of this child is not germane under *McKinney-Vento*. The Act of Congress has taken this question off the table as an issue of immediate school enrollment.

Perhaps unknown to many LEAs is the fact that whether or not the district has homeless children or whether they receive a *McKinney-Vento* sub grant to which they are entitled, they must designate a local liaison for homeless children and youth. The local liaison serves as one of the primary contacts between homeless children and the school personnel. The coordinator ensures that the homeless child is enrolled in school and has the opportunity to succeed academically. It is the responsibility of the local liaison to ensure in part that the homeless child and their family receive educational services for which they may be eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services. It is also the responsibility of the local liaison, as appointed by the LEA, to assure that public notification of the educational rights of homeless students is disseminated to locations throughout the district.

The National Coalition for the Homeless states that homeless preschoolers face special difficulty in accessing public preschool education. Less than 16% of the eligible preschool aged homeless children are enrolled in preschool programs according to the U.S. Department of Education statistics for 2004. According to a survey conducted by the National Law Center on Homelessness and Poverty in 1997, 80% of all preschools had waiting lists from less than thirty days to more than twelve months.

The law makes it quite clear that a homeless child must be admitted to a preschool program even if the program has a waiting list. The LEA liaison must work with the preschool program staff to remind them how important their services are for homeless children and inform them of how waiting lists often create barriers for homeless children and their guardians or custodians who wish to enroll their children. Many preschool programs keep slots often specifically for homeless children.

As we have seen from the scenario, homeless children are difficult to identify and often go unnoticed by school personnel. In order to identify homeless children, the LEA liaison can coordinate with community service agencies to begin to develop a relationship on issues such as the school enrollment process, transportation, special education services, and other student services. The child in this scenario, although residing with grandpa, is in a situation that not

being in school will significantly impede his academic and social growth. The literature on highly mobile students indicates that it can take a student four to six months to recover academically after changing schools. Highly mobile students have also been found to have lower test scores and overall academic performance than peers who do not change schools.

## THE PRINCIPAL'S RESPONSE

Principals have unique opportunities as the gatekeepers to their respective buildings to do what is best for the students. All great principals understand that they are to be leaders rather than just managers as Ramsey and many others have noted (Ramsey, 2006). Standing behind the curtain of “just following policy” or making statements such as “the paperwork must be completed first,” when the situation calls for something more is inexcusable. It is true, that the role of the building principal is figuratively like walking in the mine field of legal issues. The *McKinney-Vento Homeless Assistance Act* is not a legal trap, but simply a way to make sure that homeless children do not fall through the educational cracks.

As a professor it is interesting that when I present the same scenario of the grandpa and the child after discussing *McKinney-Vento*, most principals in training immediately understand that to demand all sorts of paperwork from the grandfather is not appropriate. Although there is always at least one student that after reading the law is adamant that homeless does not mean coming to live with cousins, aunts and uncles, or grandparents. Perhaps in certain cases the student may have a point, but when a child is “dumped” and the home is not the regular residence, then you are faced with a homeless child. Being homeless is often not so obvious as a parent or guardian listing the address as a 1995 Buick when attempting to enroll the child. The federal statute clearly states that “homeless” is defined in part as children or youth who are sharing housing due to loss of housing. When the grandpa of the scenario shows up with the child and provides no paperwork it would behoove the principal not to try to interpret the law, but immediately enroll the child and let the process play out. This assumes that the principal is familiar with *McKinney-Vento*.

## ACTION STEPS

It seems elementary, but the very first thing that a principal needs to know is that the *McKinney-Vento Act* exists and that federal and state websites are replete with ways to understand the nuances of the law. Very little knowledge is intuitive; therefore, it is necessary that somewhere in the principal preparation program that candidates are exposed to the Act and the ways that the law should be implemented.

A principal in a school building, whether just beginning or in place for some time must check with the superintendent to make certain that there is a school board policy in place that specifically addresses the Act and homeless children in general. Policies vary and typically the school board association in each state supplies districts with sample policies on all topics related to education. I am willing to lay odds that all of the twenty practicing principals in this study have policies in place related to homeless children. Either the acting principals failed to recognize the situation for what it was, or were unaware of their district policies.

Board of education policies can be found online for many school districts. Typically, for all other school districts (and even for most that have policies online) the Board Policy Manual will consist of a binder or several that can be found in the district central office. A copy should



also be in each individual building in the district. While the policies may be disseminated and available to most constituents, these traditional forms of providing the information are often times inadequate, particularly for poor and minority subsets of the district.

A good approach to information dissemination would be to post information concerning the *McKinney-Vento Act* in locations where the community at large and particularly the community that comes into direct contact with the homeless can view the information. Post the information in shelter, post offices, human services offices, doctor and dentist offices, laundromats, churches, as well as the local Wal-Mart.

Another excellent idea would be to place notification in the school handbooks about services for the homeless. The Las Cruces Public Schools in Las Cruces, New Mexico, family and student handbooks contain a section entitled "Child Find." This section states:

In accordance with federal regulations, Las Cruces Public Schools assumes the responsibility for the location, identification and referral of all children requiring special education and/or 504 related services from birth through age 21, including students who are in private schools, in religiously affiliated schools, migrant children, HOMELESS CHILDREN (*emphasis mine*), and those who are in need of special education even though they are advancing from grade to grade.

The handbook goes on to identify the coordinator of the program, which happens to be the special education director. The telephone number is provided. The handbook also urges that the building principal be contacted for further information in assistance to finding information and policies and procedures.

The Prince George's County Public Schools and an excellent one-page brochure is specifically targeted to information on the *McKinney-Vento Act*, which is disseminated throughout the community. This type of informational brochure is readily available online and many are very creative in their approach. There is little reason for a beginning principal, or any principal, to invent the proverbial wheel all over again when excellent ideas and suggestions abound. Once the principal becomes alert to the necessity of proclaiming the availability of the information to his or her public, all that is left is the tailoring of the presentation to a specific community.

The law requires that all school districts must have in place a liaison for homeless children and youth who are properly trained on the liaison's duties as set for by the Act. In smaller districts this may be the principal or the counselor. Whomever, the liaison must ensure that:

Homeless children and youth are sensitively identified by school personnel, whether currently enrolled or not yet attending school and, if appropriate, aid such children or youth in assessing the appropriate school.

Homeless children and youth have a full opportunity to succeed in the district's schools and that homeless families' children and youth receive all educational services for which they are eligible, including Head Start, Even Start, preschool and referrals for healthcare, dental care, mental health and other appropriate services.

Parents and guardians of homeless children and youth are informed about the district's educational services and opportunities and are given meaningful chances to participate in their child's education.

Public notice of the educational rights of homeless children and youth is disseminated at locations where homeless families and children may be served such as schools, shelters, soup kitchens, public aid offices, city hall, food pantries, public libraries, court houses, police stations, and doctors' offices.

Parents or guardians of a homeless child or youth (and any unaccompanied youths) are fully informed of all transportation services, and in accessing transportation to the school that is appropriately selected.

Staff coordinate and collaborate with, among others, school personnel responsible for the provision of related services to homeless children and youth (such coordination and collaboration may include, for example, the development of training programs on rights of homeless children and youth and their families under the applicable law.)

Ensure that special attention is given to locating and enrolling homeless children and youth not currently in school (*McKinney-Vento Act*).

After the homeless child has been immediately enrolled in school and placed in the proper classroom, disagreements may occur soon thereafter between the school and perhaps the superintendent and the school board over whether or not the child qualifies as homeless. Or perhaps, the central office and the guardian have a dispute regarding, among other things, transportation issues or the special needs of the child. As soon as such a disagreement arises, the school district liaison must follow a dispute procedure that includes these steps:

Immediately enroll the student and arrange for transportation and other services as appropriate.

Attempt to discuss the issues with all the parties involved in the dispute and determine if more information can clear up the issue(s). Failing to accomplish that:

Issue a letter to the guardian or youth explaining, with a degree of specificity, the district's position as to the homelessness-related dispute. In this letter, the district must also include referrals to free/reduced cost legal help and an outline of the dispute resolution procedure. The district must copy on such letter the applicable state coordinator for the education of homeless children and youth.

Each state has an appointed ombudsperson whose responsibility it is to advocate for the homeless child. The ombudsperson will convene a meeting to allow for a complete presentation of relevant facts by all parties involved in the dispute. The ombudsperson renders a decision within a specified timeframe and the process goes forward through the state board of education to the final determination.

Being a principal leader means that the principal removes all of the barriers toward an education for each and every student in the building. Any manager can say "no" and hide behind policy or paperwork, no matter how much in error the principal or the lack of policy may be. Leaders are prepared to think their way through the issues once they become aware of them. A principal leader should not assume that the central office is aware of all that they should be. A principal leader maintains involvement with the profession and is diligent in re-education him or herself on the issues of the day. A constant craving to know more than one knows about the principalship and all that it entails is an absolute job requirement until the day the person retires.

On a topic as important and timely as homeless students, I would implore that the prudent principal organize an in-service for all school staff to ensure sensitivity to needs of the homeless.

No one in the building or district must stigmatize children in homeless situations. We should not think of them as homeless children, but rather as children who are temporarily displaced due to a complex set of circumstances beyond their control and often, their understanding. These children need sensitivity, understanding, and the recognition of their rights to a free and appropriate education. We maintain high expectations for their success.

## CONCLUSION

This brief study sought to highlight the *McKinney-Vento Act* for graduate students and to uncover the extent of knowledge that practicing educators and their principals have about the scenario of allowing a student to enter school with zero paperwork available. Respondents to the question were students in a master's course in education administration and the principals of their buildings. The principal responses for the most part may indicate that educational administration programs are not practical enough.

## REFERENCES

- Association for Supervision and Curriculum. (June 2010). *Creating a Welcoming Classroom for Homeless Students*. Volume 52: number 6. 1.
- Education for Homeless Children and Youth Programs, (2004). Title VII of the *McKinney-Vento Homeless Assistance Act*, as amended by the *No Child Left Behind Act* of 2001. Washington, DC: United States Department of Education.
- Grubb, W.N. and J.J. Flessa (2009). A Job Too Big for One: Multiple Principals and Other Non-Traditional Approaches to School leadership. *Distributed Leadership According to the Evidence*. Edited by K. Leithwood, B. Mascall, and T. Strauss. New York: Rutledge, p. 137.
- Hubert, C. (2009). *Number of Homeless Children on the Rise*. Retrieved from the Heritage Foundation at: <http://www.mcclatchyde.com/2009/03/10/62622/number-of-homeless-children-on.html>
- Kafer, K. (2002). Retrieved from: <http://www.heritage.org/Research/Reports/2002/11/Special-Education-101>
- Las Cruces Public Schools Family and Student Handbook (2009-2010). Retrieved at: <http://lcp.s.k12.nm.us/Committees/Policies/index.shtml>
- Matthews, L.J. and G. M. Crow (2010). *The Principals: New Roles in a Professional Learning Community*. Boston: Allyn & Bacon, pp. 107-108.
- McKinney-Vento Homeless Assistance Act* (2016). Retrieved from: <http://nche.ed.gov>
- Missing Kids Network (2010). *How Many Children Are Kidnapped in the U.S. Every Year?* Retrieved from: [http://missingkids/servlet/PageServlet?LanguageCountry=en\\_USA&PageId=2810#1](http://missingkids/servlet/PageServlet?LanguageCountry=en_USA&PageId=2810#1)
- National Coalition for the Homeless (September, 2009). *Education of Homeless Children and Youth*. Retrieved at: <http://www.nationalhomeless.org/factsheets/education.html>
- Prince George's County Public Schools (2010). *Homeless Children and Youth Have Rights Under Federal and State Law (the McKinney Act)*. A brochure retrieved from: [www.pgcps.org](http://www.pgcps.org)

Ramsey, Robert D. *Lead, Follow or Get Out of the Way* (2006). Corwin Press, pp. 37-38.  
U.S. Bureau of the Census (2009). *Income, Poverty, and Health Insurance Coverage in the United States*. Report P60, n. 236, Table B-2, 50-55.

