

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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Department of Education Announces New Guidance to Help Homeless Students

Washington, D.C. - The U.S. Department of Education launched important [new guidance](#) to help schools implement the [Every Student Succeeds Act's](#) (ESSA) mandate for ensuring homeless students have equal access to education.

“We are pleased that the Administration has clarified and strengthened the rights of students experiencing homelessness so they can stay in school and get the support they need to reach their potential,” said Janet Hostetler, Deputy Director of the National Law Center on Homelessness & Poverty.

This guidance builds on the amendments that the ESSA, passed in December 2015, provided to the Education for Homeless Children and Youths Program, originally passed in the [McKinney-Vento Homeless Assistance Act in 1987](#).

The guidance largely tracks comments and recommendations that the National Law Center on Homelessness & Poverty drafted and submitted to the Department of Education on behalf of its Lawyers’ Education Access Resource Network (Project LEARN), a national group of legal providers and advocates working to ensure access to education for homeless children and youth.

Of particular importance to children and families experiencing homelessness, the guidance

- Clarifies that while there is a dispute pending between the school and family, the child’s rights under federal law must be guaranteed and services provided;

- Requires schools to ensure school discipline policies do not interfere with homeless students' access to education by, e.g., punishing students for their homelessness instead of assisting them;
- Advises schools to coordinate with state and local legislatures to ensure local laws and policies, particularly status offense laws and other laws that serve to criminalize homelessness, are not interfering with homeless students' ability to get to school and learn; and
- Clarifies that unaccompanied homeless students hold the education rights that would otherwise be held by their parents or guardians.

“Since 1987, homeless students have been guaranteed stable education under federal law, explained Michael Santos, attorney at the Law Center. “The clarifications in this guidance are vital to seeing that promise finally come to fruition.”

Alongside the guidance, the Department of Education also released the statutorily-required [notice of rights](#) and protections for homeless children and youth under the McKinney-Vento Act to all Federal agencies and their local grant recipients that serve homeless children and youth. Additionally, the Department released a [fact sheet](#) for school staff, teachers, and principals, on the impacts of homelessness, key rights of homeless students under the McKinney-Vento Act, and tips for how school staff can support the homeless students and families they serve.

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The National Law Center on Homelessness & Poverty (www.nlchp.org) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.