



EDUCATION LAW NOTES

Federal and Virginia Developments in School Law

LayToya Croxton, Attorney at Sands Anderson

A VASSP Bimonthly Publication • September, 2026 • Vol. 8, No. 1 • www.vassp.org

SUPPORTING STUDENTS EXPERIENCING HOMELESSNESS: A PRINCIPAL'S GUIDE TO McKINNEY-VENTO

Every student deserves a stable education even when their housing is anything but stable. That's the promise behind the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*) (the "Act"), a federal law most recently reauthorized by The Every Student Succeeds Act. The Act guarantees children and youth experiencing homelessness the same access to public education as their permanently housed peers. With housing instability continuing to rise across Virginia, principals are often the first school staff in a position to make that promise real. Many of the Act's key protections kick in at the school level which makes your awareness and action critical.

Federal guidance makes clear that divisions have a responsibility to actively identify eligible students through outreach and coordination with community agencies. School divisions cannot wait for families and students to come forward and self-identify. As principals, you can support this process by training staff to recognize the signs and ask the right questions.

Who Qualifies Under the Act

What qualifies as "homelessness" under the Act is much broader than many expect. Specifically, the Act defines homeless children and youth as those who lack "a fixed, regular, and adequate nighttime residence." The definition includes students who are sharing housing with others due to economic hardship ("doubled up"); living in motels or campgrounds; staying in shelters or transitional housing; sleeping in cars or parks; or

are unaccompanied youth not in the physical custody of a parent or guardian. Given this broad definition, under-identification is one of the biggest challenges schools face. When in doubt, connect the family with your McKinney-Vento liaison right away.

Immediate Enrollment

Students qualifying under the Act are entitled to certain rights and protections. A critical, and frequently misunderstood, requirement is the right to immediate enrollment. Importantly, "enrollment" under the Act means attending classes and participating fully in school activities – not simply being placed on a roster

and not being conditionally enrolled while the school waits for records. A student experiencing homelessness must be enrolled in school and attending classes immediately, even if the student lacks the documentation normally

required for enrollment, including proof of residency, immunization records, birth certificates, prior academic records, or guardianship documents. Ensure that your registrar understands the obligation to contact the student's prior school for records *while* the student attends class because delaying enrollment based on missing paperwork violates federal law. An important rule of thumb is: enroll first, collect records later.

School of Origin and Transportation Rights

The Act also gives students experiencing homelessness the right to stay in their school of origin for the duration of their homelessness,

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and through the end of the academic year in which they become permanently housed. The “school of origin” is defined as the school the student attended when permanently housed, or the school in which the student was last enrolled, including designated feeder schools.

If a student or parent requests to remain in the school of origin, your division must provide or arrange transportation to that school – even if the student’s temporary housing is outside your division’s boundaries, and even if the division doesn’t normally transport other students on that route.

When a student’s temporary housing falls within another division, the two impacted divisions are expected to work out a cost-sharing arrangement. If they cannot agree, federal law requires the divisions to split the costs equally. There is no blanket mileage or time limit for school-of-origin transportation under the Act, and any state or local policies imposing such limits are overridden by federal law.

McKinney-Vento Liaison

Every Virginia school division must designate a local homeless education liaison. This liaison is one of the most important partners in McKinney-Vento

compliance. The liaison’s duties include identifying homeless students, ensuring immediate enrollment, facilitating access to services, coordinating transportation, informing parents and unaccompanied youth of their rights, mediating enrollment disputes, and providing professional development to school staff. As principals, you should know who your division’s liaison is and how to make prompt referrals.

Dispute Resolution

Disputes related to a student’s eligibility, school selection, or enrollment will inevitably occur. When they do, there is a required dispute-resolution process. As emphasized above, the student must be immediately enrolled in the requested school, and transportation must continue pending the outcome of the dispute. Once the process of dispute resolution is complete, the school division must provide the

parent or unaccompanied youth with a written explanation of its determination and the right to appeal.

Action Items

Virginia principals and school registrars are often the first point of contact for families in housing transition. The following steps will help ensure compliance:

- Train front-office staff annually on McKinney-Vento enrollment rights. An eligible student who arrives without records should be enrolled and attending class immediately.
- Do not require proof of residency, guardianship, or immunization records as a condition of enrollment for a student who may be experiencing homelessness. Obtain records after enrollment.
- Know your division’s McKinney-Vento liaison and refer families immediately. The liaison can help with eligibility determinations and coordination of transportation and services.
- Coordinate with your transportation office when a student requests to remain in your school as the “school of origin” but is living outside your attendance zone or division boundaries.
- Provide written notice of rights to any family involved in a dispute over eligibility or school placement, and ensure the student remains enrolled pending resolution.

Every school transition costs a homeless student something – academic momentum, friendships, and a sense of belonging. Research shows that students who change schools multiple times fall significantly behind their peers both academically and socially. When you recognize a student who may be experiencing housing instability, acting quickly can set the right protections in motion: immediate enrollment, transportation to the school or origin, and access to critical support services. Compliance matters – but what matters most is keeping the student in school and on track to thrive.