



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 14, 2023
To: Local Educational Agency Leads
Route To: LEA, Charter School and Renaissance School Project Registrars, Homeless Liaisons, Principals, Nurses, Other Staff with Enrollment Responsibilities
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Reminder: Enrollment of Children and Youths Experiencing Homelessness

Annually, the New Jersey Department of Education (NJDOE) provides guidance to assist local educational agencies (LEAs) with fulfilling federal and state requirements regarding the enrollment of students who are experiencing homelessness, including unaccompanied youth. The [McKinney-Vento Homeless Assistance Act](#) (Act) requires state and LEAs to remove barriers to school enrollment for children and youths experiencing homelessness ([42 U.S.C. §11432\(g\)\(1\)\(I\)](#)). New Jersey LEAs must undertake steps to revise practices and/or policies that may act as barriers to the identification, enrollment, attendance, or success of students experiencing homelessness.

A child or youth may be eligible for protections and supports if they meet the [Act's definition of homelessness](#). The Act defines "homeless children and youths" as "individuals who lack a fixed, regular, and adequate nighttime residence." This includes children and youth who share housing with other persons due to the loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up"). An unaccompanied youth is a student who is not in the physical custody of their parent or legal guardian. This includes young people who have run away from home, have been kicked out of their homes, or have been abandoned by parents. There is no age limit for unaccompanied youth, but these students are most often in their teens. Two conditions must be present for a child or youth to be considered an unaccompanied youth under the Act: 1) The child's or youth's living arrangement meets the Act's definition of homeless; and 2) The child or youth is not in the physical custody of a parent or guardian. The Act requires schools to immediately enroll children experiencing homelessness, including unaccompanied children and youths who are awaiting immigration proceedings while residing in local communities with a family member, or other appropriate adult sponsor.

Children and youths experiencing homelessness often do not have the documents ordinarily required for enrollment (i.e., proof of residency, school/immunization records, and/or birth certificates). Many students, especially those living in "doubled-up" situations (i.e., shared living arrangements, some of which may be considered homeless), may not be able to provide proof of residency. Though proof of residency affidavits may be intended to ensure that only eligible students are able to enroll in a LEA, the use of such forms as a requirement for enrollment, or continued enrollment, constitutes an educational barrier for students who do not reside in permanent living situations. The right to enroll immediately in school, even without documents normally required for enrollment, is one of the core protections of the Act ([42 U.S.C. §11432\(g\)\(3\)\(C\)](#)). Additionally, proof of guardianship is not necessary to immediately enroll an unaccompanied child or youth.

Proof of Residency in the LEA

Under state law, school officials may request proof that the adult enrolling the child lives within the boundaries of the LEA. LEAs typically accept a variety of documents for this purpose, such as copies of phone and water bills, lease agreements, affidavits, or other documents.

A LEA's requirements to establish residency must be applied in the same way for all children, including unaccompanied youths. The LEA must immediately enroll or continue to enroll students while the LEA reviews

the parent's and/or student's residency claims. An LEA cannot deny an unaccompanied child or youth enrollment because he or she cannot provide the required documents to establish residency.

If the LEA disputes a claim of homelessness, it must continue the student's enrollment for the duration of the dispute resolution process, as described at [N.J.A.C. 6A:17-2.7](#). The requirement for immediate enrollment also applies to unaccompanied youth experiencing homelessness who lack proof of guardianship.

NJ SMART Reporting Responsibilities

It is important to note that if a student becomes homeless at any time during the year, the NJDOE's NJ Standards Measurement and Resource for Teaching (NJ SMART) system data fields must be completed. NJ SMART's homeless status is an indication of whether a student is or has experienced homelessness at least one day during the school year. Students who meet the definition of the Act should be coded as follows:

- Y1 = Yes, student was homeless at any time during the school year and has been in the physical custody of a parent or legal guardian; or
- Y2 = Yes, student was homeless at any time during the school year and was NOT in the physical custody of a parent or legal guardian (unaccompanied); or,
- N = No, student was not homeless "Y1" or "Y2."

If you have questions or need further clarification, please visit the NJDOE's McKinney-Vento Education for Homeless Children and Youth [webpage](#) or email McKinney.Vento@doe.nj.gov.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group