

Ensuring Full Participation in Extra-Curricular Activities for Students Experiencing Homelessness

Introduction

Extra-curricular school activities, such as sports, music, theater, debate, and clubs, are often a key to engaging children and youth in school. They can provide students with a sense of belonging, stability, pride, and responsibility and strengthen a student's applications for higher education admission and scholarships.

Homelessness, however, can create barriers to participation in extra-curricular activities. Homeless students who change schools during the school year may not meet residency requirements related to sports or may enter school in the middle of the season. They may lack birth certificates, physical examinations, and other documents normally required prior to participation and may not be able to pay for equipment or fees. The McKinney-Vento Act provides legal rights and support to help ensure that students experiencing homelessness can participate fully in extra-curricular school activities. This brief is designed to help local homeless education liaisons and school district administrators ensure that children and youth experiencing homelessness can overcome the barriers they often encounter to full extra-curricular participation.

School District Responsibilities Under the Law

The McKinney-Vento Act requires schools to enroll children and youth experiencing homelessness immediately.¹ The Act defines "enroll" specifically as "attending classes and participating fully in school activities."² Therefore, homeless students must be allowed to enroll and participate immediately in classes and other academic activities, and extra-curricular school activities, such as sports, music, and clubs.

In addition, the McKinney-Vento Act requires state and local educational agencies to develop, review, and revise policies to "remove barriers to the enrollment and retention of homeless children and youths in schools."³ By enacting policies to eliminate barriers before they create problems, states and school districts can ensure seamless, full participation in extra-curricular activities and provide an added sense of school engagement and additional motivation for school retention for students experiencing



Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
 3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

¹ 42 U.S.C. 11432(g)(3)(C).

² 42 U.S.C. 11434a(1).

³ 42 U.S.C. 11432(g)(1)(I).

homelessness.

Generally, students' participation in competitive extra-curricular activities is regulated by state high school athletic/activity associations. Many court cases have held that federal education laws apply to these associations, and hearing officers in at least two states have applied the McKinney-Vento Act's requirements for immediate enrollment and barrier removal specifically to athletic/activity associations.⁴

Strategies for Ensuring Full Participation

1. Build awareness about homelessness in your district. Local liaisons can talk to coaches, faculty activity advisors, and teachers about homelessness, the educational and other barriers homeless students face, and the importance of ensuring full school participation for students experiencing homelessness.
2. Educate the school community about the specific definition of homelessness. Local liaisons have the legal responsibility to identify children and youth in the school district who meet the McKinney-Vento Act's definition of homeless. Other members of the school community may not be aware of the definition or how to apply it. Local liaisons can share this information with athletic/activity association administrators, coaches, teachers, faculty activity advisors, principals, and other school staff.
3. Advocate for state or local policies to expedite full participation in extra-curricular activities for students experiencing homelessness. It is often helpful to have state or local policies and procedures in place

⁴ Court cases cited in this endnote determined that high school athletic/activity associations are "state actors." Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass'n, 531 U.S. 288, 297 (2001). See also Griffen High School v. Illinois High School Assn., 822 F.2d 671, 674 (7th Cir. 1987); Clark v. Arizona Interscholastic Assn., 695 F.2d 1126, 1128 (9th Cir. 1982), cert. denied, 464 U.S. 818 (1983); In re United States ex rel Missouri State High School Activities Assn., 682 F.2d 147, 151 (8th Cir. 1982); Louisiana High School Athletic Assn. v. St. Augustine High School, 396 F.2d 224, 227-228 (5th Cir. 1968); Oklahoma High School Athletic Assn. v. Bray, 321 F.2d 269, 272-273 (10th Cir. 1963); Indiana High School Athletic Assn. v. Carlberg, 694 N.E.2d 222, 229 (Ind. 1997); Mississippi High Sch. Activities Ass'n v. Coleman, 631 So.2d 768, 774-775 (Miss. 1994); Kleczek v. Rhode Island Interscholastic League, Inc., 612 A.2d 734, 736 (R.I. 1992); see also Moreland v. Western Penn. Interscholastic Athletic League, 572 F.2d 121, 125 (3rd Cir. 1978) (state action conceded).

Immediate Enrollment

The McKinney-Vento Act requires homeless students to be enrolled immediately; enrolled means "attending classes and participating fully in school activities."



to implement the McKinney-Vento Act's requirements. For example, Delaware's Interscholastic Athletic Association has adopted a policy for homeless students.⁵

4. Develop resources to pay for equipment and fees. Some ways school districts ensure that costs do not prevent students from participating in activities include:
 - Waiving fees;
 - Using funds and strategies for homeless students comparable to those used to allow other low-income students to participate;
 - Paying for equipment and fees with school district funds or appropriate federal funds, such as McKinney-Vento grant funds;
 - Seeking sponsorships from the PTA, civic organizations, and local businesses; and
 - Using donations or holding fundraisers.
5. Employ strategies to obtain documents such as birth certificates. Since the McKinney-Vento Act mandates immediate enrollment, students must be allowed to participate fully in school activities while necessary documents are gathered. Various online services exist to obtain birth certificates; and most vital records offices have websites. Many documents will be part of the student's educational records, which must be requested immediately by the enrolling school and forwarded in a timely fashion by the previous school.⁶
6. Build relationships with local health care

⁵ For more information, see pages 28, 30, 57 and 60 of the *Official Handbook* at http://www.doe.k12.de.us/infosuites/Students_family/diaa/files/diaa_handbook.pdf.

⁶ 42 U.S.C. 11432(g)(3)(C)(ii) and (g)(3)(D).

Enrolling Unaccompanied Homeless Youth

Youth who are homeless and not in the physical custody of a parent or guardian are considered “unaccompanied homeless youth” under the McKinney-Vento Act and have the same right to enroll in school immediately as other children and youth experiencing homelessness. Since the McKinney-Vento Act does not mandate a particular enrollment procedure, states and school districts have adopted a variety of policies for enrolling unaccompanied youth, including: allowing youth to enroll themselves; having caregivers, when present, enroll youth; or, having local liaisons or other district or school staff assist with enrollment.



In practice, whoever enrolls the youth in school is likely the best candidate to sign for the youth’s participation in activities, as well. Alternate procedures that school districts use include pursuing the consent of a parent or guardian, if feasible, even if the youth is not in their care or custody; or contacting child protective services for assistance, after consulting with the youth. The McKinney-Vento Act requires that whatever procedure is used provides for the youth’s immediate, full participation.

To address concerns about potential liability associated with enrolling unaccompanied youth, school districts exercise reasonable care in their treatment of the youth. Some examples of reasonable care might include: Having the youth visit the school nurse; contacting the youth’s prior school to ask about previous participation in activities and any health or other concerns that may have arisen; supporting youth and caregivers in developing a health care plan; calling 911 immediately in case of emergency; and complying fully with the McKinney-Vento Act.

providers to help youth obtain required health insurance and examinations. Most children and youth experiencing homelessness will be eligible for their state’s free child health insurance program (SCHIP). School nurses may be able to assist with administering physical examinations and coordinating necessary health services.⁷

7. Contact colleagues and the national partners in homeless education (see back page) for help. Many local homeless education liaisons and state coordinators for homeless education have worked successfully to ensure that students experiencing homelessness can participate fully in extra-curricular activities. They can provide strategies, creative thinking, sample forms, and other supports to their colleagues. Experienced colleagues have shared their advice on this issue in the Winter 2008 and Spring 2009 issues of *The Beam*, the newsletter of the National Association for the Education of Homeless Children and Youth, available at http://www.naehcy.org/beam/beam_arch.html. The national organizations listed at the end of this brief can connect local liaisons and state coordinators with more experienced peers and provide technical assistance to support states, school districts, and youth in addressing this issue.

Conclusion

In addition to meeting the legal requirements for immediate school enrollment, ensuring the full participation in extra-curricular activities of students experiencing homelessness provides children and youth with a world of opportunity. Participation in these activities is critical in keeping youth engaged and successful in school, and in opening doors to higher education and instilling an outlook on leadership and teamwork that carries on into their adult lives. By using the strategies listed in this brief, school districts can ensure that they are complying with federal law and are affording valuable opportunities to students especially in need of the stability and sense of belonging that full participation in school can provide.

⁷ 42 U.S.C. 11432(g)(6)(A)(iii).

This brief was developed by:

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<http://www.serve.org/nche>

Spring 2010

NCHE is supported by the U.S. Department of Education Student Achievement and School Accountability Programs.

National Partners in Homeless Education

National Center for Homeless Education (NCHE)
<http://www.serve.org/nche>

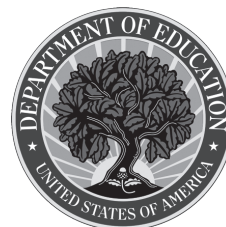
National Association for the Education of Homeless Children and Youth (NAEHCY)
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National Law Center on Homelessness and Poverty (NLCHP)
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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://www.serve.org/nche/states/state_resources.php.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.



Local Contact Information: