
A BILL FOR AN ACT

RELATING TO UNACCOMPANIED HOMELESS YOUTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the McKinney-Vento
2 Homeless Assistance Act of 1987 (McKinney-Vento Act) is the
3 primary federal law ensuring educational access and stability
4 for children and youth experiencing homelessness. The McKinney-
5 Vento Act is intended to remove barriers to school enrollment,
6 attendance, and academic success that arise as a result of
7 housing instability.

8 The legislature further finds that under the McKinney-Vento
9 Act, students who lack a fixed, regular, and adequate nighttime
10 residence are entitled to immediate enrollment in school, even
11 in the absence of typical documentation such as proof of
12 residency, immunization records, or guardianship papers. The
13 McKinney-Vento Act further guarantees a student's right to
14 remain in the school of origin when in the student's best
15 interest and requires school districts to provide transportation
16 when necessary to maintain educational stability.



1 The legislature additionally finds that the McKinney-Vento
2 Act requires every state and school district to designate
3 homeless liaisons responsible for identifying eligible students,
4 safeguarding their educational rights, coordinating services,
5 and connecting families to community resources. Eligible
6 students must be provided equal access to all educational
7 programs and services, including preschool, special education,
8 gifted programs, extracurricular activities, and free school
9 meals.

10 The legislature recognizes that in Hawaii, the department
11 of education has made substantial strides in implementing the
12 McKinney-Vento Act through its statewide education for homeless
13 children and youth program, including the designation of a state
14 coordinator and complex-area community liaisons who work
15 collaboratively to reduce barriers and support educational
16 continuity for students experiencing homelessness.

17 However, the legislature notes that one significant barrier
18 remains: the prevention of runaway students from accessing
19 education. Under the McKinney-Vento Act, runaway youth who are
20 not in the physical custody of a parent or guardian constitute
21 unaccompanied homeless youth. As such, they are entitled to the



1 protections afforded by the McKinney-Vento Act. These
2 protections include the right to immediate enrollment, full
3 participation in school and extracurricular activities, access
4 to transportation, and connection to supportive services without
5 the requirement of parental presence or traditional
6 documentation.

7 The legislature believes that addressing barriers faced by
8 unaccompanied homeless youth is essential to ensuring that all
9 vulnerable students in Hawaii have equitable access to
10 education, stability, and the opportunity to succeed
11 academically.

12 Accordingly, the purpose of this Act is to align department
13 of education policies with the McKinney-Vento Homeless
14 Assistance Act of 1987 to ensure that unaccompanied homeless
15 youth are afforded all rights guaranteed under federal law and
16 to establish a student-centered, safety-first protocol when such
17 youth seek to enroll in or attend school.

18 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
19 amended by adding a new subpart to part II to be appropriately
20 designated and to read as follows:

21 " . Unaccompanied Homeless Youth Enrollment



§302A-A Definitions. As used in this subpart:

"Unaccompanied homeless youth" means a child or youth who meets the definition of homelessness under the McKinney-Vento Homeless Assistance Act of 1987 and is not in the physical custody of a parent or legal guardian. "Unaccompanied homeless youth" includes runaway youth.

§302A-B Unaccompanied homeless youth; enrollment; participation rights. (a) Any unaccompanied homeless youth shall be entitled to:

- (1) Immediate enrollment in school, regardless of the availability of documentation;
- (2) Full participation in all academic, extracurricular, athletic, and school-related activities; and
- (3) Access to transportation, meals, supplies, and educational services equivalent to those provided to other students.

(b) The lack of parental presence, guardianship documentation, or housing stability shall not be used to deny or delay enrollment or participation in school for any unaccompanied homeless youth.



1 **§302A-C Student-centered notification protocol.** (a) When
2 an unaccompanied homeless youth enrolls in or is actively
3 attending school, school administrators shall not be required to
4 notify law enforcement or the student's parent or guardian
5 solely on the basis of the student's unaccompanied homeless
6 youth status.

7 (b) In lieu of such notification as provided in subsection
8 (a), the school shall promptly notify:

9 (1) The office of youth services; and

10 (2) The schools assigned complex area homeless liaison,
11 to ensure a student-centered, trauma-informed, and confidential
12 response that prioritizes the youth's safety and well-being.

13 **§302A-D Student safety assessment; supportive**
14 **intervention.** (a) Upon receiving a notification pursuant to
15 section 302A-C(b), the complex area homeless liaison shall
16 collaborate with the school to:

17 (1) Engage the student in a safe, private, and non-
18 punitive setting;

19 (2) Assess whether the student has fled an unsafe,
20 abusive, neglectful, or otherwise unhealthy home
21 environment; and



1 (3) Connect the student to appropriate supports and
2 services.

3 (b) If it is determined that the student is fleeing from
4 an unsafe or dangerous environment, the appropriate law
5 enforcement, child welfare, or protective agencies shall be
6 notified in accordance with applicable state law.

7 (c) If it is determined that the student is not fleeing
8 from an unsafe or unhealthy home environment, reasonable efforts
9 shall be made to support family reconnection in a manner that
10 prioritizes the student's physical and emotional safety.

11 **§302A-E Unaccompanied homeless youth; continuity of**
12 **education.** Notwithstanding any determination regarding a
13 student's home environment or family reconnection efforts, an
14 unaccompanied homeless youth shall retain the right to continue
15 attending school and fully participate in all school-related
16 activities without interruption during the process for
17 enrollment in school as described in this subpart.

18 **§302A-F Rules.** The department, in collaboration with the
19 office of youth services, shall adopt rules pursuant to chapter
20 91 necessary to carry out this subpart."



1 SECTION 3. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Department of Education; Office of Youth Services; Unaccompanied Homeless Youth; Enrollment

Description:

Entitles unaccompanied homeless youth, including runaway youth, with the rights, as provided by the federal McKinney-Vento Homeless Assistance Act of 1987, to immediate enrollment in school, full participation in school activities, and access to comparable school and educational services provided to other students. Establishes a student-centered, safety-first protocol for unaccompanied homeless youth enrolling in or attending school. Effective 7/1/3000. (HD1)

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