
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 Act to ensure that
14 unaccompanied homeless youth are afforded all rights guaranteed
15 under federal law and to establish a student-centered, safety-
16 first protocol when such youth seek to enroll in or attend
17 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



1 **§302A-A Definitions.** As used in this subpart:

2 "Unaccompanied homeless youth" means a child or youth who:

3 (1) Is not in the physical custody of a parent or legal

4 guardian; and

5 (2) Lacks a fixed, regular, and adequate nighttime

6 residence.

7 "Unaccompanied homeless youth" includes:

8 (1) Children and youths who are sharing the housing of

9 other persons due to loss of housing, economic

10 hardship, or a similar reason; are living in motels,

11 hotels, trailer parks, or camping grounds due to the

12 lack of alternative adequate accommodations; are

13 living in emergency or transitional shelters; or are

14 abandoned in hospitals;

15 (2) Children and youths who have a primary nighttime

16 residence that is a public or private place not

17 designed for or ordinarily used as a regular sleeping

18 accommodation for human beings;

19 (3) Children and youths who are living in cars, parks,

20 public spaces, abandoned buildings, substandard



1 housing, bus or train stations, or similar settings;
2 and

3 (4) Children and youths who, within the preceding thirty-
4 six months, made a move due to economic necessity,
5 either as a migratory agricultural worker or migratory
6 fisher, or with or to join a parent or spouse who is
7 such a worker, and whose move was from one residence
8 to another and from one school district to another;
9 and

10 (5) Runaway children and youths.

11 **§302A-B Unaccompanied homeless youth; enrollment;**

12 **participation rights.** (a) Any unaccompanied homeless youth
13 shall be entitled to:

14 (1) Immediate enrollment in school, regardless of the
15 availability of documentation;

16 (2) Full participation in all academic, extracurricular,
17 athletic, and school-related activities; and

18 (3) Access to transportation, meals, supplies, and
19 educational services equivalent to those provided to
20 other students.



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

5 (c) If immunization records are unavailable, the
6 unaccompanied homeless youth shall be permitted to attend
7 provisionally in accordance with section 302A-1155, while the
8 school's assigned complex area homeless liaison works with the
9 department of health to satisfy the requirements of section
10 302A-1155.

11 **§302A-C Student-centered notification protocol.** (a) When
12 an unaccompanied homeless youth enrolls in or is actively
13 attending school, school administrators shall not be required to
14 notify law enforcement or the student's parent or guardian
15 solely on the basis of the student's unaccompanied homeless
16 youth status.

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

19 (1) The school's assigned complex area homeless liaison to
20 ensure a student-centered, trauma-informed, and



1 confidential response that prioritizes the youth's
2 safety and well-being; and
3 (2) The office of youth services in cases involving
4 students who are runaway youth.

5 **§302A-D Student safety assessment; supportive**

6 **intervention.** (a) Upon receiving a notification pursuant to
7 section 302A-C(b), the complex area homeless liaison shall
8 collaborate with the school to:

- 9 (1) Engage the student in a safe, private, and non-
10 punitive setting;
11 (2) Assess whether the student has fled an unsafe,
12 abusive, neglectful, or otherwise unhealthy home
13 environment; and
14 (3) Connect the student to appropriate supports and
15 services.

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

20 (c) If it is determined that the student is not fleeing
21 from an unsafe or unhealthy home environment, reasonable efforts



1 shall be made to support family reconnection in a manner that
2 prioritizes the student's physical and emotional safety.

3 **§302A-E Unaccompanied homeless youth; continuity of**
4 **education.** Notwithstanding any determination regarding a
5 student's home environment or family reconnection efforts, an
6 unaccompanied homeless youth shall retain the right to continue
7 attending school and fully participate in all school-related
8 activities without interruption during the process for
9 enrollment in school as described in this subpart.

10 **§302A-F Rules.** The department, in collaboration with the
11 office of youth services, shall adopt rules pursuant to chapter
12 91 necessary to carry out this subpart."

13 SECTION 3. Section 302A-1155, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) A child may attend school provisionally upon
16 submitting written documentation from a licensed physician,
17 physician assistant, advanced practice registered nurse, or an
18 authorized representative of the department of health stating
19 that the child is in the process of receiving the required
20 immunizations. Further documentation showing that the required
21 immunizations have been completed shall be submitted to the



1 appropriate school official no later than three months after the
2 child first attends the school. If all of the required
3 immunizations cannot be completed within three months due to the
4 length of the minimum intervals between doses of a particular
5 vaccine required by the department of health, provisional
6 attendance may be extended so long as the child's parent or
7 guardian provides documentation that appointments for required
8 immunizations have been made and that progress toward completing
9 the immunizations continues in accordance with the requirements
10 of the department of health. Unaccompanied homeless youth who
11 are enrolled under section 302A-B may attend school
12 provisionally in accordance with this section."

13 SECTION 4. In codifying the new sections added by section
14 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

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

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. Permits unaccompanied homeless youth to provisionally enroll in school without providing immunization records. Effective 7/1/3000. (HD2)

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