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# 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 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) Youths who are sharing the housing of other persons  
9             due to loss of housing, economic hardship, or a  
10            similar reason; are living in motels, hotels, trailer  
11            parks, or camping grounds due to the lack of

12            alternative adequate accommodations; are living in  
13            emergency or transitional shelters; or are abandoned  
14            in hospitals;

15       (2) Youths who have a primary nighttime residence that is  
16            a public or private place not designed for or  
17            ordinarily used as a regular sleeping accommodation  
18            for human beings;

19       (3) Youths who are living in cars, parks, public spaces,  
20            abandoned buildings, substandard housing, bus or train  
21            stations, or similar settings;



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

7 (5) Runaway youths.

8 **§302A-B Unaccompanied homeless youth; enrollment;**

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

11 (1) Immediate enrollment in school, regardless of the  
12 availability of documentation;

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

15 (3) Access to transportation, meals, supplies, and  
16 educational services equivalent to those provided to  
17 other students.

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



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

7 **§302A-C Student-centered notification protocol.** (a) When  
8 an unaccompanied homeless youth enrolls in or is actively  
9 attending school, school administrators shall not be required to  
10 notify law enforcement or the student's parent or guardian  
11 solely on the basis of the student's unaccompanied homeless  
12 youth status.

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

15 (1) The school's assigned complex area homeless liaison to  
16 ensure a student-centered, trauma-informed, and  
17 confidential response that prioritizes the youth's  
18 safety and well-being; and

19 (2) The office of youth services in cases involving  
20 students who are runaway youth.



1           **§302A-D Student safety assessment; supportive**

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

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

7           (2) Assess whether the student has fled an unsafe,  
8           abusive, neglectful, or otherwise unhealthy home  
9           environment; and

10          (3) Connect the student to appropriate supports and  
11          services.

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

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

20           **§302A-E Unaccompanied homeless youth; continuity of**

21 **education.** Notwithstanding any determination regarding a



1 student's home environment or family reconnection efforts, an  
2 unaccompanied homeless youth shall retain the right to continue  
3 attending school and fully participate in all school-related  
4 activities without interruption during the process for  
5 enrollment in school as described in this subpart.

6 **§302A-F Rules.** The department, in collaboration with the  
7 office of youth services, shall adopt rules pursuant to chapter  
8 91 necessary to carry out this subpart."

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

11 "(a) A child may attend school provisionally upon  
12 submitting written documentation from a licensed physician,  
13 physician assistant, advanced practice registered nurse, or an  
14 authorized representative of the department of health stating  
15 that the child is in the process of receiving the required  
16 immunizations. Further documentation showing that the required  
17 immunizations have been completed shall be submitted to the  
18 appropriate school official no later than three months after the  
19 child first attends the school. If all of the required  
20 immunizations cannot be completed within three months due to the  
21 length of the minimum intervals between doses of a particular



1 vaccine required by the department of health, provisional  
2 attendance may be extended so long as the child's parent or  
3 guardian provides documentation that appointments for required  
4 immunizations have been made and that progress toward completing  
5 the immunizations continues in accordance with the requirements  
6 of the department of health. Unaccompanied homeless youth who  
7 are enrolled under section 302A-B may attend school  
8 provisionally in accordance with this section."

9 SECTION 4. In codifying the new sections added by section  
10 2 of this Act, the revisor of statutes shall substitute  
11 appropriate section numbers for the letters used in designating  
12 the new sections in this Act.

13 SECTION 5. New statutory material is underscored.

14 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. (HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

