

Notes:

Caregiver end date: New Caregiver on file: Yes ___ No ___

CAREGIVER AUTHORIZATION FORM

This form is valid for current school year only and may be ended early. Please note end date at bottom of the page and notify building secretary of any changes to caregiver information.

This form is intended to address the McKinney-Vento Homeless Assistance Act {p_.L. 107-110) requirement that homeless children have access to education and other services for which they are eligible. The McKinney-Vento Homeless Assistance Act states specifically that barriers to enrollment must be removed. In some cases, a child or youth who is homeless may not be able to reside with his/her parent or guardian; however, this fact does not nullify the child's/youth's right to receive a free, appropriate public education.

The following taken from: "MCKINNEY-VENTO 2001 - LAW INTO PRACTICE: When Legal Guardians Are Not Present: Enrolling Students on Their Own."

In most LEAs (local education agencies or school districts), enrollment procedures are predicated on the expectation that children are living with their parents or legal guardians. Requiring parents or legal guardians to sign forms upon enrolling children provides schools with protection from certain types of liability and with contact information for situations in which additional permissions or consultations are needed. In a number of instances, however, children and youth who are enrolling in a school may not be living with their parents or legal guardians. Frequently, children in families experiencing homelessness are sent to live temporarily with friends or relatives. This type of living arrangement has been especially prevalent in families displaced by the 2005 Gulf Coast hurricanes. In other situations, youth have been forced to leave home due to abusive environments or are on their own for other reasons. These children and youth, in most cases, fit the definition of homeless, unaccompanied youth in the McKinney-Vento Act: a youth not in the physical custody of a parent or guardian [42 U.S.C. §11434A(6)] and eligible for immediate school enrollment.

The McKinney-Vento Act requires school districts to enroll homeless children and youth in school immediately, even if they lack required enrollment documents [42 U.S.C. §§11432(g)(3)(C), (g)(1)(H)(iv), (g)(1)(F)(ii)]. ("Enroll" and "enrollment" are defined as "attending classes and participating fully in school activities" [42 U.S.C. §11434A(1)].) The Act further requires states to review and revise any policy that may act as a barrier to the enrollment of homeless children and youth and requires states to give particular attention to guardianship issues [42 U.S.C. §§11432(g)(7)].

Therefore, schools may not condition school enrollment upon the receipt of proof of legal guardianship by caregivers of homeless, unaccompanied youth; nor may they require caregivers to become legal guardians within a certain period of time after the child enrolls in school. The decision to seek legal guardianship is a serious decision that affects significantly the legal rights of the parent and caregiver well beyond the education arena. Although that step may be appropriate in some cases, it will not be in others.

In addition, it is important to note that the absence of an available caregiver must not impede enrollment. Unaccompanied, homeless youth who are on their own completely must be enrolled in school immediately. Under the McKinney-Vento Act, every school district must designate a local homeless education liaison [42 U.S.C. §11432(g)(1)(J)(ii)]. The local liaison plays a key role in identifying and supporting unaccompanied, homeless youth and is required to help them choose and enroll in school after considering their wishes; inform them of their right to transportation; assist them in accessing transportation; provide them with notice of their right to appeal school or school-district decisions; and ensure that they are enrolled in school immediately, pending resolution of disputes [42 U.S.C. §11432(g)(6)(A)].