

McKinney-Vento Homeless Assistance Act At a Glance

Who is homeless?

Who is homeless? (Sec. 725) The term “homeless children and youth”— (A) means individuals who lack a fixed, regular, and adequate nighttime residence ...; and (B) includes— (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a 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; (ii) 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 ... (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses

Definitions*

The McKinney-Vento Homeless Assistance Act includes a definition of who is considered homeless for the purposes of this subtitle of the Act and, therefore, eligible for the rights and protections it provides.

The guiding phrase of the definition states that children and youth who “lack a fixed, regular, and adequate nighttime residence” are considered homeless. The definition then specifies some living arrangements that would be considered a homeless situation due to not meeting the fixed, regular, and adequate standard. Examples include children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; children and youth who are staying in a motel or hotel due to lack of adequate alternative accommodations; children and youth who are living in an emergency or transitional shelter; and many other situations (see panel at left for full definition).

Academic Achievement

- States must describe in their state McKinney-Vento plan how students in homeless situations are or will be given the opportunity to meet the same challenging state academic achievement standards all students are expected to meet.
- Students in homeless situations must have access to the educational and other services they need to ensure that they have an opportunity to meet the same challenging state student academic achievement standards to which all students are held.

School Selection*

- Local Educational Agencies (LEAs), otherwise known as school districts, must, to the extent feasible, keep students in homeless situations in their school of origin (defined as the school the student attended when permanently housed or the school in which the student was last enrolled), unless it is against the parent’s or guardian’s wishes. (See Transportation, this page, for information on transportation to the school of origin.)
- Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they move into permanent housing.
- Students may also choose to enroll in any public school that students living in the same attendance area are eligible to attend. (See Enrollment, this page.)
- If a student is sent to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal. (See Dispute Resolution, this page.)
- Local homeless education liaisons must help unaccompanied youth (youth who are not in the physical custody of a parent or guardian) choose and enroll in a school, after considering the youth’s wishes, and must provide the youth with notice of his/her right to appeal an enrollment choice that goes against his/her wishes. (See Local Liaisons, next

page, for the appointment and duties of the local liaison.)

Enrollment*

- LEAs must enroll students in homeless situations immediately, even if they do not have documents normally required for enrollment, such as previous school records, medical or immunization records, proof of residency, birth certificate, proof of guardianship, or other documents. The term “enroll” is defined by the McKinney-Vento Act as “attending classes and participating fully in school activities”.
- Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.
- If a student does not have immunizations or immunization or medical records, the liaison must immediately assist in obtaining them, and the student must be enrolled in school in the interim.
- Schools must maintain records for students experiencing homelessness so that they can be transferred promptly to future schools, as needed.
- States must address barriers resulting from enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.
- States and LEAs must develop, review, and revise their policies to remove barriers to the school enrollment and retention of children and youth in homeless situations.

Dispute Resolution*

- Every state must establish procedures to resolve disputes regarding the educational placement of homeless students promptly.
- Whenever a dispute arises, the student must be admitted immediately to the requested school while the dispute is being resolved.
- If a student is sent to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal. (See Dispute Resolution, this page.)
- The school must refer the student, parent, or guardian to the local liaison to carry out the dispute resolution process as expeditiously as possible. (See Local Liaisons, next page, for the duties of local liaisons.)
- Local liaisons must ensure that the same access to the dispute resolution process is provided to unaccompanied youth.

Transportation*

- At a parent or guardian’s request, homeless students must be provided with transportation to and from their school of origin.
- For unaccompanied youth, transportation to and from the school of origin must be provided at the local liaison’s request.
- If the student’s temporary residence and the school of origin are in the same LEA, that LEA must provide transportation. If the student is living outside the school of origin’s LEA, the LEA where the student is living and the school

of origin’s LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

- In addition to providing transportation to the school of origin, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students.

Segregation*

- Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- States that receive McKinney-Vento funds are prohibited from segregating homeless students in separate schools, separate programs within schools, or separate settings within schools.
- If McKinney-Vento services are provided on school grounds, schools must not provide services in settings within a school that segregate homeless children and youth from other children and youth, except as is necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services.
- SEAs and LEAs must adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized on the basis of their status as homeless.
- Services provided with McKinney-Vento Act funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the school’s regular academic program.