

## McKinney-Vento Education for Homeless Children and Youth

The McKinney-Vento program is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, State educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth should have access to the educational and other services that they need to enable them to meet the same challenging State student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth.

### What is meant by the term “homeless children and youth”?

The McKinney-Vento Act defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The term Includes:

- Children and youth who are:
  - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as *doubled-up*);
  - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
  - living in emergency or transitional shelters;
  - abandoned in hospitals; or
  - awaiting foster care placement;
- Children and youth 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;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

## SCHOOL PLACEMENT, ENROLLMENT, AND ELIGIBILITY FOR SERVICES

### **On what basis does an LEA make school placement determinations for homeless children and youth?**

Homeless children and youth frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations on the basis of the “best interest” of the homeless child or youth. Using this standard, an LEA must:

- (a) Continue the child’s or youth’s education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year; or
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

### **How does an LEA determine the child’s or youth’s “best interest”?**

In determining a child’s or youth’s best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the “school of origin” unless doing so is contrary to the wishes of the child or youth’s parent or guardian. If an LEA wishes to send a homeless child or youth to a school other than the school of origin or a school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision.

### **Why is it so important to maintain a stable education environment for homeless children and youth?**

Changing schools significantly impedes a student’s academic and social growth. The literature on highly mobile students indicates that it can take a student four to six months to recover academically after changing schools. Highly mobile students have also been found to have lower test scores and overall academic performance than peers who do not change schools. Therefore, the McKinney-Vento Act calls for LEAs to maintain students in their school of origin to the extent feasible.

### **What should a school district consider when determining the extent to which it is feasible to educate a homeless child or youth in his or her school of origin?**

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the

impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and the time remaining in the school year.

**What procedures must an LEA follow if a dispute arises between a school and a parent or guardian regarding placement of a homeless child or youth?**

If a dispute arises over school selection or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute. Similar provisions apply to placement of unaccompanied youth. Inter-district enrollment disputes should be resolved at the SEA level.

Homeless families and youth may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written statement of the school placement decision and the appeal rights. The LEA must refer the unaccompanied youth, parent, or guardian to the LEA liaison, who must expeditiously carry out the dispute resolution process.

When enrollment disputes arise, it is critical that students not be kept out of school. Interruption in education can severely disrupt the student's academic progress.

To avoid such disruptions, LEAs need an established process for resolving school placement disputes. Permitting students to enroll immediately in the school of choice pending resolution of disputes helps provide needed stability.

LEA homeless liaisons help ensure that disputes are resolved objectively and expeditiously. Written notice protects both students and schools by outlining the specific reasons for the school's decision. It facilitates dispute resolution by providing decision-makers with documents to guide their determinations.

**In providing special services to homeless children and youth, how does a school or district avoid stigmatizing those children?**

As stated above, a district or school may not segregate homeless children and youth from the mainstream school environment. Homeless children and youth are entitled to receive all of the services that are provided to their non-homeless counterparts and in the same setting as their non-homeless peers.

In some circumstances, it may be appropriate to provide additional services to homeless children and youth in a separate setting. In doing so, a district should be careful not to stigmatize these students. If a district does implement a supplemental program exclusively for homeless children, such as a shelter-based evening tutoring program, it should not be called “the homeless tutoring program” or the “shelter tutoring program.” Instead, the district should use a name such as “Discovery Club” or “Homework Club” to avoid stigmatization.

### **What are a school’s responsibilities for enrolling homeless children and youth?**

A school selected on the basis of a “best interest determination” must immediately enroll the homeless child or youth, even if the child or youth is unable to produce the records normally required for enrollment (such as previous academic records, medical records, proof of residency, birth certificates, or other documentation). The enrolling school must immediately contact the school last attended by the child or youth to obtain relevant academic or other records.

If a child or youth needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian to the LEA homeless liaison, who must assist in obtaining the immunizations or records. The records must be maintained so that they are available in a timely fashion when the child enters a new school or school district. To facilitate immediate enrollment, timely transfer of records from school to school should also take into account procedures for State-to-State record transfers.

The McKinney-Vento statute provides a broad mandate to States and districts to change policies or practices that act as a barrier to the enrollment, attendance, and school success of homeless children. It is important for them to review policies and practices on an on-going basis, so that new barriers do not prevent children from receiving the free, appropriate public education to which they are entitled.

### **What are some steps that LEAs can take to ensure immediate enrollment?**

Homeless children and youth often do not have the documents ordinarily required for school enrollment. Enrolling them in school immediately provides these children and youth needed stability and also is a legal requirement.

To facilitate immediate enrollment, LEAs should consider the following practices:

- Train all school enrollment staff, secretaries, guidance counselors, school social workers, and principals on the legal requirements regarding immediate enrollment;
- Review all regulations and policies to ensure that they comply with the McKinney-Vento requirements;

- Develop affidavits of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted so that they do not create further barriers or delay enrollment;
- Develop caregiver affidavits, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so they do not create further barriers or delay enrollment;
- Establish school-based immunization clinics or other opportunities for on-site immunizations;
- Collaborate with community-based or public agencies to provide school uniforms within a district and among neighboring districts;
- Accept school records directly from families and youth;
- Contact the previous school for records and assistance with placement decisions;
- Develop short educational assessments to place students immediately while awaiting complete academic records;
- Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to attend either their school of origin or local school;
- Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to transportation and immediate enrollment;
- Develop clear, understandable, and accessible forms for written explanations of decisions and the right to appeal; and
- Expediently follow up on any special education and language assistance referrals or services.

**Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?**

Yes, children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services.

Children who are already in foster care, on the other hand, are not considered homeless. LEA liaisons should confer and coordinate with local public social service agency providers in determining how best to assist homeless children and youth who are awaiting foster care placement.

**Are children displaced from their housing by naturally occurring disasters eligible for services under the McKinney-Vento Act?**

When children and their families are displaced from their housing as a result of a natural disaster, there is often a period of instability in which various private organizations and local, State, and Federal agencies provide assistance. SEAs and LEAs should determine such children's eligibility for McKinney-Vento services on a case-by-case basis. In making this determination, they should take into consideration the services that are available through these other sources.

Following a disaster, one of the LEA's first priorities is to re-open impacted schools as soon as possible and take steps to normalize school routines. LEAs should then proceed to examine whether children who have been displaced by the natural disaster are eligible for McKinney-Vento services on a case-by-case basis. In such circumstances, the Department would provide technical assistance and other assistance, as available, to help the LEA.

**What responsibilities do SEAs and LEAs have regarding providing transportation services to homeless children and youth?**

SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies that may act as barriers to the enrollment and retention of homeless children and youth in schools in the State. Under the McKinney-Vento Act, homeless children and youth are entitled to receive the transportation and other services that are available to non-homeless students.

SEAs and LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the "school of origin" (*see* definition in Appendix A) in accordance with the following requirements:

- If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin.
- If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

**How can LEAs ensure that the education of homeless students is not disrupted during inter-district transfers?**

LEAs should have in place inter-district (and inter-State, where appropriate) agreements that address potential transportation issues that may arise as homeless students transfer from one district to another.

**Is an LEA required to transport homeless students to and from their school of origin, if needed, while enrollment disputes are being resolved?**

Yes. The McKinney-Vento Act's transportation requirements apply while disputes are being resolved. Therefore, at the request of the parent or guardian (or in the case of an unaccompanied youth, the

liaison), the LEA must provide or arrange for transportation to and from the school of origin. Inter-district transportation disputes should be resolved at the SEA level.

**If an LEA does not provide transportation to non-homeless students, is it required to transport homeless students?**

Yes. As discussed above, the statute not only requires an LEA to provide comparable services, including transportation services, to homeless students, it also requires an LEA, at the request of a parent or guardian, to provide or arrange for transportation to and from the school of origin.

**Do LEA transportation responsibilities apply to all LEAs in the State or only to those LEAs that receive a McKinney-Vento subgrant?**

This requirement applies to all LEAs in the State.

**Does McKinney-Vento require an LEA to provide transportation services to homeless children attending preschool?**

To the extent an LEA offers a public preschool education, McKinney-Vento requires that homeless children have equal access to that preschool education as provided to non-homeless children. Furthermore, the statute requires that the services provided to homeless children be comparable to those provided to non-homeless children. Thus, if an LEA provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

The above information was taken from:

*Education for Homeless Children and Youth Program Title VII-B of the McKinney-Vento Homeless Assistance Act, as Amended By The No Child Left Behind Act of 2001 Non-Regulatory Guidance*