

The Educational Rights of Students in Homeless Situations: What Service Providers Should Know



Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized by Title X, Part C, of the No Child Left Behind Act, ensures educational rights and protections for children and youth experiencing homelessness. This brief gives community service providers basic information about the Act and contact information for agencies that can supply more information. Additional briefs on various topics in the law may be found at <http://www.serve.org/nche/briefs.php>.

Eligibility

Under the McKinney-Vento Act, various living arrangements are considered homeless, thereby qualifying the child or youth as eligible for services under the Act. If a child or youth does not have a fixed, regular, and adequate place to sleep at night, he or she is eligible for services. For examples of what kinds of living arrangements are considered homeless under the Act, see the sidebar to the left or visit http://www.serve.org/nche/ibt/sc_eligibility.php.

It is important for service providers to pay specific attention to the McKinney-Vento education subtitle's definition of homeless, as this definition includes certain types of living arrangements that other federal laws omit. For instance, families living doubled-up or in motels or hotels are considered eligible for services under the Act, while these same populations are not considered eligible under some other federal laws dealing with the issue of homelessness.

Rights and Services

Students experiencing homelessness have the right to:

- Go to school, no matter where they live or how long they have lived there.
- Get help enrolling and succeeding in school from the local homeless education liaison. Every school district must have a local liaison; the school district's central office can put families and youth in contact with this person. Local liaisons have a special responsibility to help youth who are living on their own (unaccompanied youth).
- Attend one of two schools: the *school of origin* or the *local school*.
 - The school of origin: Students experiencing homelessness can continue attending the school they went to before becoming homeless or the school in which they were last enrolled. This school is called the *school of origin*. Students

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 (i) through (iii).

The Educational Rights of Students in Homeless Situations: What Service Providers Should Know (continued)

can attend the school of origin even if they move outside of the school's residential zone, if this is feasible. Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year during which they find permanent housing.

- The local school: Children and youth experiencing homelessness can attend any public school that housed students living in the same attendance area as the homeless student are eligible to attend.
- Be enrolled in school immediately, even if lacking paperwork normally required for enrollment, such as proof of residency, proof of guardianship, immunization or other medical records, previous school records, or birth certificate. Unaccompanied youth (youth not in the physical custody of a parent or guardian) must be enrolled in school immediately, even if they do not have a parent or guardian to enroll them. Once immediate enrollment has occurred, the enrolling school must contact the student's previous school for records. The local liaison must help students get needed immunizations or immunization and medical records. The McKinney-Vento Act defines *enroll* and *enrollment* as "attending classes and participating fully in school activities".
- Receive transportation to and from their school of origin. If the student's school of origin and temporary residence are in the same school district, this transportation is to be provided or arranged by the school district of origin. If the student is residing in one district and attending the school of origin in another, this transportation is to be provided or arranged as a joint effort between school districts.
- Receive a written explanation from the school district if the district disputes that it is in the student's best interest to attend the school that the student has requested. In this instance, the local liaison must help to settle such disagreements using the district's

dispute resolution policy.

- Have disputes settled quickly. Homeless students can attend the requested school and receive all services for which they are eligible while disagreements are settled.
- Receive preschool services, free school meals, services for English language learners, special education, Title I services, vocational/technical education, gifted and talented services, and before- and after-school care, as needed.
- Go to school with children who are not homeless. Students cannot be separated from the regular school program because they are homeless.
- Get information and referrals from local liaisons, including information about all available educational programs; information for parents on how they can support their children's education; and referrals to health, mental health, dental, and other services.
- Have the opportunity to meet the same high academic achievement standards as all students.

If a state or local school district has laws or policies that conflict with the McKinney-Vento Act, the Act overrules those laws or policies because it is a federal law. If a school does not follow the McKinney-Vento Act's requirements, you should:

- Call your local homeless education liaison or State Coordinator for the Education of Homeless Children and Youth. Contact information is available at http://www.serve.org/nche/states/state_resources.php.
- Contact the U.S. Department of Education. Contact information is available at <http://www.ed.gov/programs/homeless/contacts.html>.
- Call for legal assistance. To find legal aid groups in your area, check <http://www.lsc.gov>.

The full text of the McKinney-Vento Act can be found at <http://www.serve.org/nche/m-v.php>.

This brief was developed collaboratively by:

National Center for Homeless Education
800-308-2145 (Toll-free Helpline)
<http://www.serve.org/nche>

National Association for the Education of Children and Youth
<http://www.naehcy.org>

National Law Center on Homelessness and Poverty
<http://www.nlchp.org>

Updated Winter 2008

NCHE is supported by the U.S. Department of Education Student Achievement and School Accountability Programs.

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the

NCHE website at http://www.serve.org/nche/states/state_resources.php.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.



Local Contact Information: