The Educational Rights of Students in Homeless Situations: What LEA Administrators Must Know

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).

This document was collaboratively developed by:

National Association for the Education of Homeless Children and Youth (NAEHCY)–512-475-8765–*www.naehcy.org*

National Center for Homeless Education (NCHE)–800-308-2145–*www.serve.org/nche*

National Coalition for the Homeless (NCH)–202-737-6444 ext. 18–*www.nationalhomeless.org*

National Law Center for Homelessness and Poverty (NLCHP)–202-638-2535 –*www.nlchp.org*

National Network for Youth (NN4Y)–202-783-7949–*www.NN4Youth.org*

The McKinney-Vento Homeless Assistance Act (Subtitle B–Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

Children and Youth in Many Different Living Situations Are Considered Homeless Under Federal Law

Homelessness is a lack of permanent housing resulting from extreme poverty or from the lack of a safe and stable living arrangement. Children and youth in homeless situations often do not fit society's stereotypical images of homelessness. Therefore, educators may not realize the breadth of students who are considered homeless under the McKinney-Vento Act and as such qualify for its protections and services. The McKinney-Vento Act contains a specific definition of homelessness that includes a broad array of inadequate living situations (see panel at left for full definition).

Federal Law Requires Districts to Provide Educational Stability for Homeless Students

Changing schools greatly impedes students' academic and social growth. Highly mobile students, including students who are homeless, 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:

- ❒ Requires Local Educational Agencies (LEAs), otherwise known as school districts, to keep homeless students in their schools of origin, to the extent feasible, unless it is against the parent or guardian's wishes. Students are also permitted to remain in their schools of origin for the duration of their homelessness and until the end of any academic year in which they move into permanent housing.
- ❒ Requires LEAs to provide transportation to the school of origin, at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the district's homeless liaison.
- ❒ Requires that states and LEAs develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

The educational stability resulting from implementation of these provisions will enhance students' academic and social growth, while permitting schools to benefit from the increased test scores and achievement shown to result from student continuity.

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Federal Law Requires Districts to Provide Immediate School Access for Homeless Students

Parents or guardians who are homeless may choose to enroll their children (or, unaccompanied youth may choose to enroll) in the public school in the attendance area where they are living. However, families and youth experiencing homelessness often do not have the documents ordinarily required for school enrollment. Immediately enrolling students in homeless situations in school provides stability and avoids separating children from school for days or weeks while documents are located. Therefore, the McKinney-Vento Act:

- ❒ Requires LEAs to immediately enroll students in homeless situations, even if they do not have required documents, such as school records, medical records, proof of residency, or other documents. The term "enroll" is defined as attending classes and participating fully in school activities.
- ❒ Requires enrolling schools to obtain school records from the previous school. Students must be enrolled in school while records are obtained.
- ❒ Requires the district's homeless liaison to immediately assist in obtaining immunizations or immunization or medical records for those students who do not have them. Students must be enrolled in school in the interim.
- ❒ Requires a school to provide a written explanation of its decision and the right to appeal if a student is sent to a school other than that requested by a parent or guardian.

Federal Law Requires Districts to Appoint a Liaison for Homeless Students

Liaisons are LEA staff members responsible for ensuring the identification, school enrollment, attendance, and opportunities for academic success of students in homeless situations. Some of these activities may be accomplished by the liaison himself or herself, while others are accomplished by coordinating the efforts of other staff people. By linking students and their families to school and community services, liaisons play a critical role in stabilizing students and promoting academic achievement at the individual, school, and district level. Therefore, the McKinney-Vento Act:

- ❒ Requires LEAs to designate an appropriate staff person as a local educational agency liaison for students in homeless situations. This person may also be a coordinator for other federal programs.
- ❒ Requires liaisons to ensure that homeless children and youth are identified; that they enroll in, and have full and equal opportunity to succeed in, the schools of the LEA; and that they and their families receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered by the LEA, as well as referrals to health, mental health, dental, and other appropriate services.

- ❒ Requires liaisons to ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
- ❒ Also requires liaisons to ensure that parents or guardians are informed of educational and related opportunities available to their children, are provided with meaningful opportunities to participate in the education of their children, and are informed of and assisted in accessing all transportation services, including to the school of origin.

Federal Law Requires Districts to Serve Homeless Students with Title I Funds

Title I, Part A, targets those students most at risk of failing in school. Among those most at risk are students in homeless situations. While many students in homeless situations benefit from services and programs that are designed for children whose academic progress is impeded by the effects of persistent and pervasive poverty, students experiencing homelessness have specific needs with respect to school enrollment, attendance, and the supports that make academic achievement possible. Therefore, under the recently reauthorized Title I statute:

- ❒ A child or youth who is homeless and is attending any school in the district is automatically eligible for Title I services, regardless of their current academic performance.
- ❒ LEAs must reserve (or set aside) funds as are necessary to provide services comparable to those provided to children in Title I, Part A,-funded schools to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children experiencing homelessness may live.
- ❒ An LEA may receive funding under Title I, Part A, only if the LEA has on file with the State Educational Agency a plan, approved by the state Educational Agency that is coordinated with the McKinney-Vento Homeless Assistance Act.
- ❒ Each LEA Title I plan must include a description of the services that will be provided to homeless children, including services provided with funds from the Reservation of Funds set-aside.
- ❒ Any state desiring to receive funding under Title I, Part A, must submit a plan to the Secretary that is coordinated with the McKinney-Vento Homeless Assistance Act.

The complete text of the McKinney-Vento Education of Homeless Children and Youth Program may be found on the websites of the organizations listed on the front page of this brief.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. 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 *www.serve.org/nche*.

National Center for Homeless Education at SERVE

For further 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: