

The Educational Rights of Students in Homeless Situations: What District Administrators 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 outlines key provisions of the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found at <http://www.serve.org/nche/briefs.php>.

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 stable and adequate living arrangement. Children and youth in homeless situations often do not fit society's stereotypical images of homelessness; therefore, educators may not realize when a student would be considered homeless under the McKinney-Vento Act and, therefore, eligible for the protections and services the Act provides. The McKinney-Vento Act contains a specific definition of homelessness that includes a broad range of inadequate living situations (see the panel to the left for the full definition).

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).

Districts Must 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's or guardian's wishes. Students are also permitted to continue attending their schools of origin for the duration of their homeless experience and until the end of any academic year in which they move into permanent housing. *School of origin* is defined as:
 - the school that the child or youth attended when permanently housed; or
 - the school in which the child or youth was last enrolled
- 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

The Educational Rights of Students in Homeless Situations: What District Administrators Should Know (continued)

local homeless education liaison.

- Requires that states and LEAs develop, review, and revise their policies to remove barriers to the school enrollment and retention of children and youth in homeless situations.

The educational stability resulting from the 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 a student's educational continuity.

Districts Must 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. Enrolling students in homeless situations in school immediately provides stability and avoids separating children from school for days or weeks while documents are gathered. Therefore, the McKinney-Vento Act:

- Requires LEAs to enroll students in homeless situations in school immediately, even if they do not have documents normally required for enrollment, such as previous school records, medical or immunization records, proof of residency, proof of guardianship, a birth certificate, or other documents. The McKinney-Vento Act defines the term *enroll* as "attending classes and participating fully in school activities."
- Requires enrolling schools to obtain school records from the student's previous school. Students must be enrolled in school while records are obtained.
- Requires the district's local liaison to 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.

Districts Must Appoint a Local Homeless Education Liaison

Local 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 local liaison himself or herself; others are accomplished by coordinating efforts with other staff people. By linking students and their families to school and community services, local 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 homeless education liaison. This person may also be a coordinator for other federal programs.
- Requires local 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 preschool programs administered by the LEA, as well as referrals to health, mental health, dental, and other appropriate services.
- Requires local liaisons to ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services, such as at schools, family shelters, and soup kitchens.
- Requires local liaisons to ensure that parents or guardians in homeless situations are informed of educational and related opportunities available to their children; are

The Educational Rights of Students in Homeless Situations: What District Administrators Should Know *(continued)*

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.

Districts Must Serve Homeless Students with Title I Funds

Title I, Part A, of the No Child Left Behind Act 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, according to Title I, Part A, of the No Child Left Behind Act:

- A child or youth who is homeless and is attending any school in the district is automatically eligible for Title I services.
- 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 U.S. Department of Education's Secretary of Education that is coordinated with the McKinney-Vento Homeless Assistance Act.

The complete text of the McKinney-Vento Homeless Assistance Act can be found at <http://www.serve.org/nche/m-v.php>. For more information on collaboration between homeless education and Title I, Part A, including legislative excerpts, see NCHE's *Title I* brief at <http://www.serve.org/nche/downloads/briefs/titlei.pdf>.

This brief was developed collaboratively by:

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800-308-2145 (Toll-free Helpline)
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National Association for the Education of Children and Youth
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National Law Center on Homelessness and Poverty
<http://www.nlchp.org>

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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: