

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

Who is homeless? (Sec.25)

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.servve.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 summary introduces the basic concepts in the legislation.

The McKinney Vento Act protects the educational rights of students experiencing homelessness. It provides grants and legal protections so children and youth in homeless situations can enroll in, attend, and succeed in school and preschool programs. The Act defines homelessness very broadly, as quoted.

Students in homeless situations 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 school district’s liaison for the Education of Homeless Children and Youth. Every school district must have a liaison, and the school district’s central office can put families and youth in touch with the liaison. Liaisons have a special responsibility to help youth who are on their own.
- Stay in the school they went to before becoming homeless or whatever school they were enrolled in last (called “school of origin”), even if they move out of the district, if that is feasible. Students can stay in their school of origin the entire time they are homeless. Students can also finish the school year in their school if they find permanent housing during the year.
- Get transportation to their school of origin, provided or arranged by the school district, or a joint effort among school districts.
- Go to the local school in the area where they are living. The school must immediately let students enroll, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them or documents such as proof of residency, immunization records, other medical records, school records, or other documents. Once students are enrolled, the school must get records from the last school, and the liaison must help students get immunizations or immunization and medical records.
- Get a written explanation from the school district if the district refuses to send students to the school they choose, and have the liaison settle such disagreements.
- Have disagreements settled quickly and go to the school they choose while disagreements are settled.
- Get preschool services, free or reduced 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.

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

- 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 liaisons, including information about all available educational programs and how parents can participate, public notice about their rights, 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. If a school does not follow the McKinney-Vento Act's requirements, you should:

- Call your local homeless liaison or State Coordinator for the Education of Homeless Children and Youth.
- Call the U.S. Department of Education's Education of Homeless Children and Youth Program at 202-401-0113.
- Call for legal assistance. To find legal aid groups in your area, check www.lsc.gov/fundprog.htm or www.ptla.org/links.htm#services, or call your state bar association.

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.

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: