



National Center for Homeless Education  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
[www.serve.org/nche](http://www.serve.org/nche)



## MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

# The Educational Rights of Children and Youth Experiencing Homelessness: What Service Providers Need to Know

### INTRODUCTION

Children and youth who experience homelessness face many barriers to education, yet school can be a source of stability, affirmation, and hope during a time of chaos and trauma when a young person loses his or her housing. Community service providers play a key role in linking homeless children and youth to schools and providing wraparound services that can bolster their attendance and educational success.

This brief provides important information to service providers on Subtitle VII-B of the McKinney-Vento Homeless Assistance Act [42 U.S.C. §§ 11431-11435], reauthorized in 2001 by Title X, Part C of the No Child Left Behind Act<sup>1</sup> (subsequently referred to in this brief as the McKinney-Vento Act). The McKinney-Vento Act ensures educational rights and protections for homeless children and youth. This brief will enable service providers to understand

<sup>1</sup> See note at the bottom of the sidebar to the right for more information on the reauthorization of Subtitle VII-B of the McKinney-Vento Act.

### McKinney-Vento Definition of *Homeless*\* 42 U.S.C. § 11434a(2)

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 adequate 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).

*\*In December 2015, the President signed into law the Every Student Succeeds Act (ESSA). ESSA reauthorizes the Elementary and Secondary Education Act and will take effect in July 2016. Among other changes, ESSA amends the McKinney-Vento definition of homeless. Visit <http://center.serve.org/nche/legis/essa.php> for more information.*

- which children are eligible under the definition in the law,
- what rights and services school districts provide,
- how the law is implemented in school districts, and
- how community agencies and school districts can coordinate services for homeless children and youth more effectively.

## ELIGIBILITY

Various living arrangements meet the McKinney-Vento definition of homeless, thereby qualifying the child or youth as eligible for services under the Act. Students who do not have a fixed, regular, and adequate place to sleep at night are eligible for services. For examples of living arrangements that are considered homeless under the Act, see the *McKinney-Vento Definition of Homeless* sidebar.

A full understanding of the definition of homeless in the McKinney-Vento Act is important because the definition varies among federal agencies. The McKinney-Vento Act's definition which is broader than some other federal definitions includes children and youth who are sharing the housing of others due to loss of housing.

## RIGHTS AND SERVICES

In order to remove educational barriers for homeless children and youth, the McKinney-Vento Act mandates:

- immediate school enrollment and full participation in all school activities for eligible children, even when records normally required for enrollment are not available [42 U.S.C. § 11432 (g)(3)(C)];
- the right of children and youth experiencing homelessness to remain in their school of origin (the school the student attended when

permanently housed or the school in which the student was last enrolled), when feasible and in the child's or youth's best interest to do so [42 U.S.C. § 11432 (g)(3)(A)];

- transportation to and from the school of origin [42 U.S.C. § 11432 (g)(1)(J)(iii)];
- access to programs and services, including special education services, preschool services, free school meals, Title I services, services for English language learners, vocational/technical education, gifted and talented services, and before- and after-school care [42 U.S.C. § 11432 (g)(4)];
- rights and protections specifically for unaccompanied youth (youth who are not in the physical custody of a parent or guardian) who are experiencing homelessness [42 U.S.C. § 11432 (g)(3)(B)(iii)], including allowing them to be immediately enrolled without proof of guardianship [42 U.S.C. § 11432 (g)(1)(H)(iii)];
- the right to dispute an enrollment decision and for a child or youth to be admitted to the school in which enrollment is sought, pending the resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(i)]; and
- the appointment of a local homeless education liaison in every school district or local education agency (LEA) to ensure that homeless children and youth are identified and given full and equal access to all educational services for which they are eligible in order to succeed in school [42 U.S.C. § 11432 (g)(6)(A)].

## ROLE OF THE LOCAL HOMELESS EDUCATION LIAISON IN THE IMPLEMENTATION OF THE MCKINNEY-VENTO ACT

The local homeless education liaison (subsequently referred to as the local liaison) plays a key role in the implementation of the McKinney-Vento Act in the school district. The local liaison ensures that school staff members understand the homeless definition,

the rights of homeless children and youth, and the procedures for enrolling these students immediately and linking them to services. The local liaison also makes sure that homeless parents and unaccompanied homeless youth are informed of the educational protections in the law by displaying posters in each school and in community agencies and other locations where homeless families and youth are likely to go.

The local liaison reviews a family's or youth's circumstances, makes an eligibility determination, and helps the children and youth enroll in school and receive services, including tutoring, school supplies, and free meals. If a parent, guardian, or unaccompanied youth disagrees with the school district over enrollment, the local liaison provides written notice of the school district's decision and information on how the decision may be appealed.

The local liaison collaborates with community agencies. This collaboration ranges from providing information and posters to increase awareness of the McKinney-Vento Act to coordinating joint activities to bring a full range of services to homeless children, youth, and their families.

### WAYS TO COORDINATE SERVICES

Following are strategies to ensure that the homeless children and youth you serve are linked to educational supports:

- Contact the local liaison in the school district to discuss procedures for referring children and youth for services under the McKinney-Vento Act. (Keep in mind, that the local liaison will make the determination of eligibility based on each child or youth's living situation.)
- Invite the local liaison to offer a training on the McKinney-Vento Act to your staff; offer to provide training to school district staff on ways your agency serves homeless children, youth, and families.

- Display posters on educational rights under the McKinney-Vento Act. The local liaison may provide these posters upon request, or you may order free posters from the National Center for Homeless Education ([http://center.serve.org/nche/online\\_order.php](http://center.serve.org/nche/online_order.php)).
- When working with homeless families and youth, reinforce the importance of education and regular school attendance; assist them with contacting the local school if they are new to the area.
- Meet with the local liaison periodically to review data on the homeless children, youth, and families you serve to identify needs and barriers and to strategize ways that your agency and the school district can meet these needs and overcome any barriers.
- Develop a memorandum of understanding with the school district that articulates procedures for coordinating services.
- Invite the local liaison to serve on task forces and advisory boards to represent the educational needs of homeless children and youth.

### STATE INFORMATION FOR THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

Every state has a State Coordinator for the Education for Homeless Children and Youth (EHCY) program. The State Coordinator oversees the implementation of the McKinney-Vento Act in the school districts.

From NCHE's website, you can access a profile page for each state that provides contact information for your State Coordinator, data on homeless children and youth enrolled in your state, a link to the state's homeless education website, and a link to a list of local liaisons (for those states that post this information): [http://center.serve.org/nche/states/state\\_resources.php](http://center.serve.org/nche/states/state_resources.php).

## NATIONAL ORGANIZATIONS AND AGENCIES

- National Center for Homeless Education: <http://www.serve.org/nche>
- National Association for the Education of Homeless Children and Youth: <http://www.naehcy.org>
- U.S. Department of Education's Education for Homeless Children and Youth Program: <http://www2.ed.gov/programs/homeless/index.html>

## ADDITIONAL RESOURCES ON THE MCKINNEY-VENTO ACT

The National Center for Homeless Education provides the following resources and information on understanding the McKinney-Vento Act and implementing good practices to meet the educational needs of homeless children and youth:

- Full text of the McKinney-Vento Act and other legislative resources at: <http://center.serve.org/nche/legis/mv.php>
- Briefs that provide more details on various aspects of the McKinney-Vento Act and related topics at: <http://center.serve.org/nche/pr/briefs.php>.

**This brief was developed by:**

**National Center for Homeless Education**

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

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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](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](mailto:homeless@serve.org).

**Local Contact Information:**