



McKinney-Vento Homeless Education Assistance Act

September 2009

The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001 as part of the federal *No Child Left Behind* Act, ensures educational rights and protections for children and youth experiencing homelessness and requires school districts to adapt to a new set of requirements regarding the education of this needy at-risk population. (David P. Driscoll, Commissioner of Education, April 5, 2004.)

The McKinney-Vento program is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, State educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.

Homeless children and youth should have access to the educational and other services that they need to enable them to meet the same challenging State student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to enrollment, attendance, or success in school of homeless children and youth

The federal government's legal definition of homelessness based on the McKinney-Vento Homeless Education Assistance Act is anyone who...

- Lacks a regular, fixed and adequate nighttime residence (substandard housing)
- Is sharing housing due to economic struggles
- Is living in a shelter, hotel or motel
- Is living in a public place not designated for sleeping (cars, parks)
- Is an unaccompanied youth
- Is a child or youth awaiting foster care placement
- Is a child or youth abandoned in a hospital
- Is a migrant child who qualifies under any of the above.

Children with disabilities who are homeless were expressly recognized in the reauthorization of IDEA. IDEA now incorporates the McKinney definition of homeless children. Also, the Child Find obligations imposed on school districts to identify, evaluate and provide services to all children with disabilities, no matter how severe, has been expressly extended to homeless children. IDEA 2004 also requires that "unaccompanied youth," (that is a homeless adolescent not accompanied by a parent or guardian) should have a surrogate parent appointed.

There will most likely be unique challenges arising for children with disabilities who seek to enroll in a school, but lack an Individualized Education Plan (IEP) or any documentation of the nature of their disability. Moreover, many children, including those not previously eligible for special education services, will have such emotional scars from their experience that they will be in need of social work and/or psychological services, which the school should promptly identify and provide as needed. The burdens and costs of conducting adequate evaluations of children will be a strain for many school districts, and many children will be at risk of not receiving prompt evaluations and specialized services. School districts and state agencies may propose waivers of various requirements, which may be necessary in the short term. (Source: US Dept. of Education)

If a dispute arises over school selection or enrollment, the child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute. The parent/guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal. The parent/guardian/youth must be referred to the school liaison, who will carry out the state's grievance procedure as promptly as possible after receiving notice of the dispute. In the case of an unaccompanied youth, the homeless liaison will ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Families living in a shelter, motel, vehicle, or campground, on the street, in an abandoned building, trailer, or other inadequate accommodations, or who are doubled up with friends or relatives because they cannot find or afford housing have certain rights and protections under the Reauthorized McKinney-Vento Homeless Education Assistance Act.

Children living in these conditions have the right to:

- Go to school, no matter where they live or how long they have lived there. They must be given access to the same public education provided to other students.
- Continue in the school they attended before they became homeless or the school they last attended, if that is their choice and is feasible.
- Receive transportation to the school they attended before they became homeless or the school they last attended, if they request such transportation.
- Attend a school and participate in school programs with students who are not homeless. Students cannot be separated from the regular school program because they are homeless.
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Enroll and attend classes in the school of their choice even while the school and they seek to resolve a dispute over enrollment.
- Receive the same special programs and services, if needed, as provided to all other students served in these programs.
- Receive transportation to school and to school programs.

(Source: US Department of Education)

The McKinney-Vento Homeless Education Assistance Act requires districts to ensure homeless students have access to education and other services they need to meet the same high academic achievement standards as all students. All local school districts must designate a Homeless Liaison. A homeless child must be promptly enrolled, provided full access to classes, be afforded transportation if needed and cannot be discriminated against, or placed in a segregated school, based on their status.

The Homeless Liaisons must ensure that:

- ✓ Homeless children and youth are identified;
- ✓ Homeless students enroll in, and have full and equal opportunity to succeed in, the school district;
- ✓ Homeless families, children, and youth receive 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;
- ✓ Homeless children receive Head Start, Even Start, and other public preschool programs;
- ✓ Homeless children and youth have access to educational services for which they are eligible, including special education, programs for English learners, gifted and talented programs, vocational/technical programs, and school nutrition programs;
- ✓ Homeless parents, guardians, and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services

For more information in Wyoming, contact the Wyoming Department of Education at 307-777-3562 or call the National Center for Homeless Education at 1-800-308-2145.

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