



Legislative Provisions of the McKinney-Vento Act

What is the McKinney-Vento Homeless Assistance Act?

The McKinney-Vento Homeless Assistance Act is Title X, Part C, of the No Child Left Behind Act. This federal law ensures that children and youth experiencing homelessness have full and equal access to an appropriate public education and that they experience success in school.

The McKinney-Vento Homeless Assistance Act defines “homeless children and youth” as children and youth who lack a fixed, regular and adequate nighttime residence. It includes children and youth who are sharing the housing of others (also known as “doubling up”) due to loss of housing or economic hardship. These youth or children may be living in motels, hotels, trailer parks, campgrounds, cars, public spaces, or emergency or transitional shelters.

The Act requires that state and local educational agencies provide students experiencing homelessness with access to school and support for their attendance and success. Key provisions of the Act include:

Academic achievement

- Requires states to describe how students in homeless situations will be given the same opportunities to meet state academic achievement standards that all students are expected to meet.

School selection, access, stability

- Local educational agencies (LEAs, otherwise known as school districts) must keep students in homeless situations in their school of origin unless it is against the parent’s or guardian’s wishes. The school of origin is the school the student attended when permanently housed, or the school in which the student was last enrolled.

Enrollment

- Schools must immediately enroll children and youth in homeless situations, even if normally required documents, such as birth certificates, proof of guardianship, immunization records, or proof of residency are not available.
- The term “enroll” means the student is attending classes and participating fully in school activities. School districts must also help unaccompanied youth (not living in the physical custody of a parent or guardian) choose and enroll in a school.
- Students who are homeless can remain in one school, even if their temporary living situation is located in another school district or attendance area, if that is in their best interest.
- Guardianship cannot be a barrier to enrollment. Some students, due to family situations, may not be able to live with their family; others are not permitted by their parents or guardians to live at home. The local liaison should be contacted to assist unaccompanied youth who wish to enroll in school.

Dispute resolution

- States must establish procedures to resolve disputes regarding the educational placement of homeless students promptly. Schools must provide written explanations of placement decisions and the enrollment dispute process. Whenever a dispute arises, the student must be admitted immediately to the requested school while the dispute is being resolved.

Transportation

- School districts must provide homeless students with transportation to and from their school of origin, at a parent or guardian’s request. For unaccompanied youth, transportation to and from the school of origin must be provided at the local liaison’s request. It is the school district’s responsibility to provide students in homeless situations with transportation services comparable to those provided to other students.



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Local liaisons

- Every school district must designate a staff person as its local homeless education liaison to ensure the McKinney-Vento Act is implemented in the district. Homeless liaisons have many critical responsibilities, including identification, enrollment, and collaboration with community agencies.

Their specific responsibilities include:

- Ensure that children and youth in homeless situations are identified by schools and other agencies.
- Ensure that children and youth enroll in, and have full and equal opportunity to succeed in, schools of the local educational agency.
- Ensure that families, children and youth receive the educational services and referrals to other social services for which they are eligible.
- Inform parents or guardians of the rights and educational opportunities available to their children.
- Disseminate information regarding the educational rights of students in homeless situations in places such as schools, family shelters and soup kitchens.
- Inform parents, guardians and unaccompanied youth of transportation services.
- Collaborate with state coordinators for homeless education and school personnel to provide services.

Segregation

- Homelessness alone is not a reason to separate students from the mainstream school environment.

Local subgrants

- States are required to award competitive subgrants to school districts based on need and the quality of the application submitted.

Statewide activities

- The state coordinator for homeless education must provide technical assistance to all school districts to meet requirements such as school choice, best interest determination, enrollment and others.

Funding

- The minimum amount of funding that any state can receive is \$150,000, one-fourth of one percent of the overall appropriation, or the amount the state received in fiscal year 2001.

Additional Resources:

National Center for Homeless Education <http://center.serve.org/nche/>

State coordinators: a list of state coordinators for the McKinney-Vento Homeless Assistance Act is available at <http://www.serve.org/nche/downloads/sccontact.pdf>

Videos: available at http://www.serve.org/nche/web/s_p.php

These videos give brief introductions to key issues covered in the McKinney-Vento Homeless Assistance Act. Most presentations offer a downloadable summary of main points and certificate of completion, upon completing a brief quiz on the material presented. The quiz and certificate of completion are optional.

Frequently Asked Questions:

Available at <http://naehcy.org/dl/faq.pdf>

This document was compiled by the National Association for the Education of Homeless Children and Youth and provides answers to the most frequently asked questions on the McKinney-Vento Homeless Assistance Act.