

## Appendix 2.B Quick Guide to Important Sections of the McKinney-Vento Act

You should read and revisit frequently the following definitions in the law:

### *Enrollment*

The terms ‘enroll’ and ‘enrollment’ include attending classes and participating fully in school activities [42 U.S.C. § 11434a (1)].

### *Homeless*

The term ‘homeless children and youths’

(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) [42 U.S.C. § 11434a (2)].

### *Unaccompanied Youth*

The term ‘unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian [42 U.S.C. § 11434a (6)].

### *School of Origin*

... the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled [42 U.S.C. § 11432(g)(3)(G)].

In addition, you should be very familiar with sections of the law on:

### *School Enrollment*

The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest

- (i) continue the child's or youth's education in the school of origin for the duration of homeless
  - (I) in any case in which a family becomes homeless between academic years or during an academic year; or
  - (II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend [42 U.S.C. § 11432 (g)(3)(A)].

### *Transportation to the School of Origin*

... the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) to and from the school of origin...

- (I) If the homeless child or youth is served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
- (II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or

youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. § 11432 (g)(1)(J)(iii)].

#### *Segregation and Stigmatization*

... the state educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless [42 U.S.C. § 11432 (g)(1)(J)(i)].

The 2004 Non-Regulatory Guidance (ED) includes feasibility criteria to consider when determining if remaining in the school of origin is in the child's best interest. You should be familiar with the criteria included in Question G-4:

*G-4. What should a school district consider when determining the extent to which it is feasible to educate a homeless child or youth in his or her school of origin?*

To the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include

- the age of the child or youth;
- the distance of the commute and the impact it may have on the student's education;
- personal safety issues;
- a student's need for special instruction (e.g., special education and related services);

- the length of anticipated stay in a temporary shelter or other temporary location; and
- the time remaining in the school year.