



McKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

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

This NCHE Brief will enable service providers to understand:

- 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.
- How community agencies and school districts can coordinate services for homeless children and youth more effectively.

### 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; or are abandoned in hospitals;
  - 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).



**National Center for Homeless Education**  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
<http://nche.ed.gov>

## INTRODUCTION

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Children and youths 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 youths to schools and providing wraparound services that can bolster their attendance and educational success.

This brief provides important information to service providers on the requirements under the McKinney-Vento Homeless Assistance Act (subsequently referred to in this brief as the McKinney-Vento Act), as amended by the Every Student Succeeds Act (ESSA). The McKinney-Vento Act ensures educational rights and protections for homeless children and youth.

## ELIGIBILITY

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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 sidebar on page 1.

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 is broader than some other Federal definitions because it includes children and youth who are sharing the housing of others due to loss of housing ("doubled-up").

## RIGHTS AND SERVICES

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In order to remove educational barriers for homeless children and youths, 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 youths experiencing homelessness, including young homeless children attending public preschools, 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 in the child's or youth's best interest to do so [42 U.S.C. § 11432(g)(3)(A), 42 U.S.C. § 11432(g)(3)(B) and 42 U.S.C. § 11432(g)(3)(I)(i)];
- transportation to and from the school of origin at the request of the parent or guardian (or in the case of an unaccompanied youth, the local liaison)[42 U.S.C. § 11432(g)(1)(J)(iii)];
- provision of services comparable to services offered to other students in the school, including Title I services or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners; career and technical education; programs for gifted and talented students; and school nutrition programs [42 U.S.C. § 11432(g)(4)];
- that homeless students have access to and receive educational services for which they are eligible, including services through Head Start programs, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the local educational agency [42 U.S.C. § 11432(g)(6)(iii)];
- removal of barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs for homeless students who meet relevant eligibility criteria [42 U.S.C. § 11432(g)(1)(F)(iii)];
- rights and protections specifically for unaccompanied youth (youth who are not in the physical custody of a parent or guardian) who are experiencing homelessness, including allowing



them to be immediately enrolled without proof of guardianship [42 U.S.C. § 11432(g)(1)(H)(iv)];

- the right of parents, guardians, or unaccompanied youth to dispute an eligibility, school selection, or 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)]; and
- the appointment of a local homeless liaison in every school district or local education agency (LEA) to ensure that homeless children and youth are enrolled in and have a full and equal opportunity to succeed in school [42 U.S.C. § 11432(g)(1)(J)(ii) and 2 U.S.C. § 11432(g)(6)(A)].

## WAYS TO COORDINATE SERVICES

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

- Contact the local liaison in the school district to discuss procedures for referring children and youths 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 ([https://nche.ed.gov/online\\_order.php](https://nche.ed.gov/online_order.php))
- When working with homeless families and youth, reinforce the importance of education and regular school attendance; assist them with

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

The local homeless 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 procedures and outreach activities are in place to identify homeless children and youths and 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 he or she may appeal the decision.

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.



contacting the local school if they are new to the area.

- Meet with the local liaison periodically to review data on the homeless children, youths, 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 youths.

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

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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: [https://nche.ed.gov/states/state\\_resources.php#map](https://nche.ed.gov/states/state_resources.php#map).

#### NATIONAL ORGANIZATIONS AND AGENCIES

National Center for Homeless Education: <https://nche.ed.gov>

National Association for the Education of Homeless Children and Youth: [www.naehcy.org](http://www.naehcy.org)

U.S. Department of Education's Education for Homeless Children and Youth Program: <https://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:

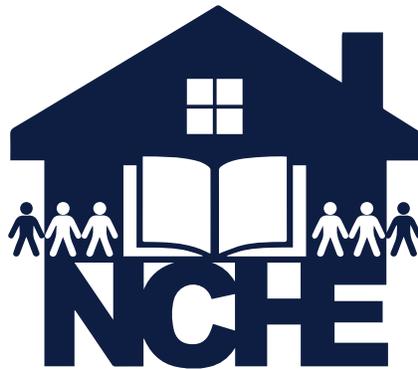
- Full text of the McKinney-Vento Act and other legislative resources at <https://nche.ed.gov/legis/mv.php>
- Briefs that provide more details on various aspects of the McKinney-Vento Act and related topics at <https://nche.ed.gov/pr/briefs.php>
- Online training opportunities at [https://nche.ed.gov/web/online\\_tr.php](https://nche.ed.gov/web/online_tr.php)



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For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org).

**Local Contact Information:**

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