



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



## BEST PRACTICES IN HOMELESS EDUCATION BRIEF SERIES

### Guiding the Discussion on School Selection

#### INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 USC §§11431-11435, 2001; hereafter referred to as *The McKinney-Vento Act*), reauthorized in 2001 by Title X, Part C of the No Child Left Behind Act, guarantees a child or youth identified as homeless the right to attend either the school of origin or the local attendance area school. This brief will assist local homeless education liaisons (hereafter referred to as *local liaisons*) and school personnel in working with homeless parents, guardians, and unaccompanied youth in selecting the school of attendance that is in the student's best interest. Briefs on additional homeless education topics are available at <http://center.serve.org/nche/briefs.php>.

This brief is designed to be used in conjunction with NCHÉ's *School Selection brief*, which explains the basic rights included in the McKinney-Vento Act related to school selection, and offers strategies for linking homeless students to services in their school of origin or for helping homeless students transition to a new school.

#### KEY SCHOOL SELECTION PROVISIONS

According to the McKinney-Vento Act, homeless children

#### Who is homeless?

**Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (as reauthorized by Title X, Part C of the Elementary and Secondary Education Act, as amended)**

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
  2. 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;
  3. 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...
  4. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  5. 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).

and youth may continue attending their school of origin or enroll in and attend the local school (see *Legislative Excerpts Related to School Selection* for more information). *School of origin* is defined as 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), 2001). *Local school* is defined as 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)(ii), 2001).

The Act states that in determining the best interest of the child or youth, the LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the parent or guardian (or in the case of an unaccompanied homeless youth, against the youth's wishes) (42

U.S.C. § 11432(g)(3)(B)(i), 2001).

According to Question G-4 (see sidebar) of the U.S. Department of Education's *Education for Homeless Children and Youth Program Non-Regulatory Guidance* (2004, p. 14), the school placement decision 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 to and from the school of origin and its impact on the student's education,
- personal safety issues,
- the student's need for special instruction (e.g., special education and related services),
- the anticipated length of stay in a temporary shelter or other temporary location, and
- the time remaining in the school year.

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE, 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?**

As stated above, 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 a 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.

The full text of the Guidance is available at <http://www2.ed.gov/programs/homeless/guidance.pdf>.

#### DETERMINING BEST INTEREST

Local liaisons can play an instrumental role in assisting homeless parents, guardians, and unaccompanied youth in selecting the school that will best meet the student's needs. The local liaison should:

- ensure that homeless parents, guardians, and unaccompanied youth understand the school selection options;
- reinforce the importance of school stability and educational continuity; and
- discuss with the homeless parents, guardians, and unaccompanied youth their unique circumstances, and assist them in making the most appropriate choice.

Consider the following questions when determining the best interest of each student:

1. How permanent does the family's current living arrangement appear to be?
2. How deep are the child's or youth's ties to

his or her current school?

3. How anxious is the child or youth about an upcoming or recent move?
4. How strong is the child academically?
5. How do the programs and activities at the local school compare to those at the school of origin?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event significant to the child or youth, or at the end of the school year?
8. How would the length of the commute to and from the school of origin impact the child's or youth's education?
9. Are there any safety issues to consider?

Once the local liaison and the parents, guardians, or youth discuss these questions, they should determine which school would be in the student's best interest. Local liaisons may wish to use the checklist entitled *School Selection: A Checklist for Decision-making*, available on page 4, to help guide the conversation.

If remaining in the school of origin is the best option for the student, then transportation must be provided 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), 2001).

If enrolling in the local school is the best option for the student, the local liaison in the district of origin should contact the local liaison in the district in which the child or youth is living (if these are two different districts), arrange to transfer needed records and samples of the student's work to the enrolling school, and notify the student's current teachers of his or her departure so that they can assist with farewell activities.

Review NCHE's *School Selection* brief for

additional strategies to ensure that homeless children and youth receive needed services at the school of origin or the local school.

## LEGISLATIVE EXCERPTS RELATED TO SCHOOL SELECTION

### (3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- 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 homelessness--

(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)

(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or

youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

42 U.S.C. § 11432(g)(3)(B)

### ADDITIONAL RESOURCES

- *Education for Homeless Children and Youth Program Non-Regulatory Guidance* (U.S. Department of Education): <http://www2.ed.gov/programs/homeless/guidance.pdf>
- *Homeless Liaison Toolkit* (National Center for Homeless Education): [http://center.serve.org/nche/pr/liaison\\_toolkit.php](http://center.serve.org/nche/pr/liaison_toolkit.php)
- *School Selection* (National Center for Homeless Education): [http://center.serve.org/nche/downloads/briefs/school\\_selection.pdf](http://center.serve.org/nche/downloads/briefs/school_selection.pdf)
- *The McKinney-Vento Homeless Assistance Act*: <http://center.serve.org/nche/legis/mv.php>

### REFERENCES

McKinney-Vento Homeless Assistance Act of 2001. 42 USC §§11431–11435. Retrieved from <http://www2.ed.gov/programs/homeless/legislation.html>

U.S. Department of Education. (2004). *Education for Homeless Children and Youth program non-regulatory guidance*. Retrieved from <http://www2.ed.gov/programs/homeless/guidance.pdf>

School of Origin Considerations		Local School Considerations	
<input type="checkbox"/>	<b>Continuity of instruction</b> The student would be served best at the school of origin due to circumstances that look to his or her past.	<input type="checkbox"/>	<b>Continuity of instruction</b> The student would be served best due to circumstances that look to his or her future.
<input type="checkbox"/>	<b>Age and grade placement of the student</b> Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.	<input type="checkbox"/>	<b>Age and grade placement of the student</b> Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time.
<input type="checkbox"/>	<b>Academic strength</b> The student's academic performance is weak, and the student would fall further behind if he/she transferred to another school.	<input type="checkbox"/>	<b>Academic strength</b> The student's academic performance is strong and at grade level, and the student likely would recover academically from a school transfer.
<input type="checkbox"/>	<b>Social and emotional state</b> The student is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave.	<input type="checkbox"/>	<b>Social and emotional state</b> The student seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.
<input type="checkbox"/>	<b>Distance of the commute and its impact on the student's education</b> The advantages of continuing to attend the school of origin outweigh any potential disadvantages presented by the length of the commute.	<input type="checkbox"/>	<b>Distance of the commute and its impact on the student's education</b> A shorter commute may help the student's concentration, attitude, or readiness for school. The local school can meet all of the necessary educational and special needs of the student.
<input type="checkbox"/>	<b>Personal safety of the student</b> The school of origin has advantages for the safety of the student.	<input type="checkbox"/>	<b>Personal safety of the student</b> The local school has advantages for the safety of the student.
<input type="checkbox"/>	<b>Student's need for special instruction</b> The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.	<input type="checkbox"/>	<b>Student's need for special instruction</b> The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.
<input type="checkbox"/>	<b>Length of anticipated stay in a temporary shelter or other temporary location</b> The student's current living situation is outside of the school of origin's attendance zone, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by continuing to attend the school of origin.	<input type="checkbox"/>	<b>Length of anticipated stay in a temporary shelter or other temporary location</b> The student's current living situation appears stable and unlikely to change suddenly; the student will benefit from developing relationships with school peers who live in his or her local community.

*This checklist was adapted from the Texas Homeless Education Office (THEO).*



**This brief was developed by:**

**National Center for Homeless Education**

800-308-2145 (Toll-free Helpline)

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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:**