

The McKinney-Vento Act At a Glance



This summary provides a brief overview of the key provisions of Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized by Title X, Part C, of the No Child Left Behind Act. The full text of the law can be found at <http://www.serve.org/nche/m-v.php>. In addition, a comprehensive series of issue briefs on various topics in the law can be found at <http://www.serve.org/nche/briefs.php>. Issue briefs, which explain key legislative provisions and offer strategies for implementation, are available on many topics, including those designated in this summary with an asterisk(*).

Who is homeless? (Sec. 725)

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 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).

Definitions*

The McKinney-Vento Homeless Assistance Act includes a definition of who is considered homeless for the purposes of this subtitle of the Act and, therefore, eligible for the rights and protections it provides.

The guiding phrase of the definition states that children and youth who “lack a fixed, regular, and adequate nighttime residence” are considered homeless. The definition then specifies some living arrangements that would be considered a homeless situation due to not meeting the fixed, regular, and adequate standard. Examples include children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; children and youth who are staying in a motel or hotel due to lack of adequate alternative accommodations; children and youth who are living in an emergency or transitional shelter; and many other situations (see panel at left for full definition).

Academic Achievement

- States must describe in their state McKinney-Vento plan how students in homeless situations are or will be given the opportunity to meet the same challenging state academic achievement standards all students are expected to meet.
- Students in homeless situations must have access to the educational and other services they need to ensure that they have an opportunity to meet the same challenging state student academic achievement standards to which all students are held.

School Selection*

- Local Educational Agencies (LEAs), otherwise known as school districts, must, to the extent feasible, keep students in homeless situations in their school of origin (defined as the school the student attended when permanently housed or the school in which the student was last enrolled), unless it is against the parent’s or guardian’s wishes. (See *Transportation*, this page, for information on

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transportation to the school of origin.)

- Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they move into permanent housing.
- Students may also choose to enroll in any public school that students living in the same attendance area are eligible to attend. (See *Enrollment*, this page.)
- If a student is sent to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal. (See *Dispute Resolution*, this page.)
- Local homeless education liaisons must help unaccompanied youth (youth who are not in the physical custody of a parent or guardian) choose and enroll in a school, after considering the youth's wishes, and must provide the youth with notice of his/her right to appeal an enrollment choice that goes against his/her wishes. (See *Local Liaisons*, next page, for the appointment and duties of the local liaison.)

Enrollment*

- LEAs must enroll students in homeless situations immediately, even if they do not have documents normally required for enrollment, such as previous school records, medical or immunization records, proof of residency,

birth certificate, proof of guardianship, or other documents. The term "enroll" is defined by the McKinney-Vento Act as "attending classes and participating fully in school activities".

- Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.
- If a student does not have immunizations or immunization or medical records, the liaison must immediately assist in obtaining them, and the student must be enrolled in school in the interim.
- Schools must maintain records for students experiencing homelessness so that they can be transferred promptly to future schools, as needed.
- States must address barriers resulting from enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.
- States and LEAs must develop, review, and revise their policies to remove barriers to the school enrollment and retention of children and youth in homeless situations.

Dispute Resolution*

- Every state must establish procedures to resolve disputes regarding the educational

placement of homeless students promptly.

- Whenever a dispute arises, the student must be admitted immediately to the requested school while the dispute is being resolved.
- If a student is sent to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal. (See *Dispute Resolution*, this page.)
- The school must refer the student, parent, or guardian to the local liaison to carry out the dispute resolution process as expeditiously as possible. (See *Local Liaisons*, next page, for the duties of local liaisons.)
- Local liaisons must ensure that the same access to the dispute resolution process is provided to unaccompanied youth.

Transportation*

- At a parent or guardian's request, homeless students must be provided with transportation to and from their school of origin.
- For unaccompanied youth, transportation to and from the school of origin must be provided at the local liaison's request.
- If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide transportation. If the student is living outside the school of origin's LEA, the LEA where

the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

- In addition to providing transportation to the school of origin, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students.

Local Liaisons*

- Every LEA must designate an appropriate staff person as a local homeless education liaison.
- Local liaisons must ensure that:
 - Children and youth in homeless situations are identified by school personnel and through coordination activities with other entities and agencies.
 - Children and youth enroll in, and have full and equal opportunity to succeed in, the schools of the LEA.
 - Families, children, and youth receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered by the LEA; and referrals to health, mental health, dental, and other appropriate services.
 - Parents or guardians are informed of educational and related opportunities available to their children and are provided with meaningful opportunities

to participate in the education of their children.

- Public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services under the Act (such as schools, family shelters, and soup kitchens).
- Enrollment disputes are mediated in accordance with the provisions of the McKinney-Vento Act. (See *Dispute Resolution*, previous page.)
- Parents, guardians, and unaccompanied youth are informed fully of all available transportation services, including to the school of origin, and are assisted in accessing these services.
- Local liaisons must collaborate and coordinate with State Coordinators for Homeless Education and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.
- State Coordinators and LEAs must inform school personnel, service providers, and advocates who work with families in homeless situations of the duties of the local liaison.

Segregation*

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

- States that receive McKinney-Vento funds are prohibited from segregating homeless students in separate schools, separate programs within schools, or separate settings within schools.¹
- If McKinney-Vento services are provided on school grounds, schools must not provide services in settings within a school that segregate homeless children and youth from other children and youth, except as is necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services.
- SEAs and LEAs must adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized on the basis of their status as homeless.
- Services provided with McKinney-Vento Act funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the school's regular academic program.

Local Subgrants

- States are required to award competitive subgrants to LEAs based on need and the quality of the application

¹ States that had separate schools operated in FY2000 in a "covered county" are excluded from the prohibition, and are eligible to receive McKinney funds, providing that the covered schools and the LEAs that the homeless children enrolled in the covered schools are eligible to attend meet the requirements specified for them in the Act. (Covered counties are Orange County, CA; San Diego County, CA; San Joaquin County, CA; and Maricopa County, AZ.)

submitted.

- In determining the quality of an application, states must consider the applicant's needs assessment; the types, intensity, and coordination of services to be provided; the involvement of parents or guardians; the extent to which children and youth are integrated into regular education programs; the quality of the applicant's evaluation plan; the extent to which McKinney-Vento services will be coordinated with other available services; and such other measures as the state considers indicative of a high-quality program.

Statewide Activities

- The Office of the State Coordinator for Homeless Education must provide technical assistance, in coordination with local liaisons, to all LEAs in order to ensure compliance with the following LEA requirements: school choice/placement, best interest determination, enrollment, enrollment

disputes, records, comparable services, coordination, local liaison duties, review and revision of policies, and the prohibition on segregation.

- States must distribute at least 75% of their McKinney-Vento allocation to LEAs in the form of competitive subgrants, except that states funded at the minimum level must distribute at least 50% of their McKinney-Vento Act allocations to LEAs.

Federal Activities

- The U.S. Department of Education must periodically collect and disseminate data and information on the number and location of children and youth in homeless situations, the educational services they receive, the extent to which their educational needs are being met, and such other data and information as is determined to be necessary and relevant. The Department is required to coordinate data collection and dissemination with

the agencies and entities that receive McKinney-Vento funds and administer McKinney-Vento programs.

Funding

- The minimum amount of funding that any state can receive is \$150,000, one-quarter of one percent of the overall appropriation, or the amount the state received in FY2001. If there are insufficient funds available to allot the minimum amount to each state, the allotments to states will be reduced based on the proportionate share that each state received in the preceding fiscal year.
- \$70 million is authorized for FY2002 and such sums as may be necessary for fiscal years 2003 through 2007.²

² The authorized funding level is the ceiling, or maximum amount, that Congress sets for a program. The amount of funding that is actually provided is determined annually by the congressional appropriations process. In FY2008, Congress appropriated \$64 million for the EHCY program.

This brief was developed collaboratively by:

National Center for Homeless Education
800-308-2145 (Toll-free Helpline)
<http://www.serve.org/nche>

National Association for the Education of Children and Youth
<http://www.naehcy.org>

National Law Center on Homelessness and Poverty
<http://www.nlchp.org>

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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.



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.



Local Contact Information: