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Student Rights Under the McKinney-Vento 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 a free and appropriate public education and that they experience success in school.

DEFINITION OF "HOMELESS CHILDREN AND YOUTH"

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.

REQUIREMENTS FOR STATE AND LOCAL AGENCIES

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:

- Schools must immediately enroll children and youth in homeless situations, even if normally required documents, such as birth date verification, 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.
- Students who are homeless can remain in their "school of origin," even if their temporary living situation is located in another school district or attendance area, if that is in their best interest. School Districts must keep students in homeless situations in their school of origin unless it is against the parent's or guardian's wishes or not in the best interest of the child. The school of origin is described as the school attended when permanently housed or last enrolled.
- Students immediately qualify for a school nutrition program.
- School districts must also help unaccompanied youth (not living in the physical custody of a parent or guardian) choose and enroll in a school. 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.
- School districts must provide homeless students with free transportation to and from their school of origin. It is the school district's responsibility to provide students in homeless situations with transportation services comparable to those provided to other students.
- School districts must determine how students in homeless situations will be given the same opportunities to meet state academic achievement standards that all students are expected to meet.
- 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.

DISTRICT LIAISON

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.
- Provide training for district staff members regarding identification and enrollment procedures, best practices in education, and providing needed resources.