

Keeping Kids in School: The Educational Rights of Children and Youth Experiencing Homeless

School Bus



THE MCKINNEY-VENTO ACT

The McKinney-Vento Act, a federal law, guarantees homeless children and youth an education equal to that which they would receive if not homeless. The law ensures that children and youth experiencing homelessness can enroll in, attend, and succeed in school and preschool programs.

WHO IS HOMELESS?

According to the McKinney-Vento Act homeless children and youth include individuals who lack a fixed, regular, and adequate nighttime residence. This includes children and youth in the following situations:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (also known as "doubling-up");
- Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
- Living in emergency and transitional shelters;
- Abandoned in hospitals;
- Awaiting foster care placement;
- Living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who live in any of the circumstances described above.

The McKinney-Vento Act also recognizes unaccompanied youth who are homeless. According to the Act, an unaccompanied youth is a youth not in the physical custody of a parent or legal guardian. This includes youth living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing; children or youth denied housing by their families (sometimes called throwaways); and teen parents living in shelters or other facilities for pregnant and parenting teens who have no other housing available.

THE HOMELESS COORDINATOR

A school district's Homeless Coordinator plays a vital role in ensuring that children and youth experiencing homelessness enroll and succeed in school. The McKinney-Vento Act requires that every school district appoint a homeless coordinator who serves as the link between homeless families and school staff, district personnel, shelter workers, and social service providers. The homeless coordinator is responsible for assisting homeless children and youth with enrolling and accessing school services; obtaining immunization or medical records; coordinating transportation services; informing parents, school personnel, and others of the rights of homeless children and youth; and collaborating and coordinating with Missouri's State Homeless Coordinator, the community, and other school personnel. The homeless coordinator also handles disputes over enrollment, school placement, and transportation that may arise and facilitates the dispute resolution process. It is the homeless coordinator's responsibility to ensure that homeless children and youth are immediately enrolled in school pending resolution of any disputes. To identify a district's homeless coordinator, contact the district's local administrative office or visit the website of Missouri's Department of Elementary and Secondary Education at <http://www.dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/index.html>.

The McKinney-Vento Act also requires every state to appoint a State Homeless Coordinator to provide guidance to local school district coordinators and ensure that homeless children and youth are receiving the services that they need in order to immediately enroll, attend, and succeed in school. Missouri's Homeless Coordinator can be reached at (573) 522-8763.

SCHOOL OF BEST INTEREST

The McKinney-Vento Act requires that a child or youth experiencing homelessness attend the school that is in his or her best interest. There are two choices of schools for students in homeless situations—the school of origin and the school of residency. The school of origin is the school the child attended when permanently housed or the school in which the child was last enrolled. The school of residency is the school that serves the area where the child or youth is currently physically dwelling. For example, this may include the school that serves the community where a homeless shelter is located or where a child or youth is doubling-up with friends or relatives.

When determining the school of best interest, a homeless child or youth should, to the extent feasible, remain in the school of origin unless doing so is contrary to the wishes of the child's or youth's parent or guardian or is contrary to the wishes of an unaccompanied youth. If a school district believes it is in a child or youth's best interest to enroll in a school other than the school of origin or the school of choice, the district must provide a written explanation of its decision to the parent, guardian, or unaccompanied youth with a statement regarding the right to appeal the placement decision.

ENROLLMENT

The McKinney-Vento Act requires the immediate enrollment of homeless children and youth, even if the child or youth is unable to produce the records normally required for enrollment such as previous academic records, immunization and medical records, proof of residency, birth certificates, or other documentation. Upon enrollment, it is the responsibility of the school district homeless coordinator to ensure that documentation normally required for enrollment is gathered and submitted in a timely manner.

TRANSPORTATION

School districts must provide transportation for homeless children and youth to the school of best interest. When two school districts are involved (the school of residence and school of origin), the cost of transporting a student who is homeless is shared equally between the districts. In most instances, districts can apply to the Missouri Department of Elementary and Secondary Education for transportation reimbursement. School districts can obtain a copy of the state's transportation reimbursement form on the Department of Elementary and Secondary Education's website at www.dese.mo.gov

School districts must provide transportation to students in homeless situations during the resolution of any pending disputes. While disputes over enrollment, school placement, or transportation arrangements are being resolved, students must be transported to the parent or unaccompanied youth's school of choice.

SERVICES AND OPPORTUNITIES FOR STUDENTS IN HOMELESS SITUATIONS

Children and youth in homeless situations are entitled to services comparable to those offered to other students. These include, but are not limited to, services for children and youth with disabilities, programs for students with limited English proficiency, vocational and technical education programs, and programs for gifted and talented students. Children and youth who are homeless are also eligible for school nutrition programs sponsored by the U.S. Department of Agriculture and for services under Title I of the Elementary and Secondary Education Act that target students most at risk of failing in school.

Your local homeless coordinator:

Other resources in your community: