DEFINITIONS

1. “Homeless children and youth” means children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are:
   - Living in a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as cars, parks, public spaces, abandoned buildings or substandard housing (for example, condemned buildings or garages), bus or train stations, or other similar settings.
   - Living in motels, hotels, trailer parks (does not include trailers or mobile homes in a mobile home park), or camping grounds due to a lack of alternative adequate accommodations.
   - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
   - Living in emergency or transitional shelters
   - Abandoned in hospitals or awaiting foster care placement
   - Migratory children who qualify as homeless because they are living in circumstances described above.

2. “Unaccompanied Youth” includes a youth not in the physical custody of a parent or guardian.

3. “Enroll” and “Enrollment” include attending classes and participating fully in school activities. [Sec 725(3)]

The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001, ensures educational rights and protections for children and youth experiencing homelessness. This document summarizes key provisions of the Act, as well as key provisions of the reauthorized Elementary and Secondary Education Act’s Title 1 statute. It is designed to provide a comprehensive overview of new provisions and language changes by topic area. The full Act and provisions can be found at www.naehcy.org
McKinney-Vento Act: Homeless Education, Summary for Schools

**SCHOOL SELECTION**

- According to a child or youth’s best interest, Local Educational Agencies (LEAs) must either continue the child/youth’s education in the school of origin, or enroll the child/youth in the public school for the attendance area in which the homeless child/youth is living. [Section 722(g)(3)(A)].

- “School of Origin” is defined as the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. [Section 722(g)(3)(G)].

- In determining best interest, LEAs must, to the extent feasible, keep children/youth in the school of origin, unless it is against the wishes of the parent/guardian. [Sec 722(g)(3)(B)(i)]

- A homeless child or youth’s right to attend their school of origin extends for the duration of homelessness. [Sec 722(g)(3)(A)(i)]

- If a child or youth becomes permanently housed during the academic year, he or she is entitled to stay in the school of origin for the remainder of the academic year. [Sec 722(g)(3)(A)(ii)]

- Children or youth who become homeless in between academic years are entitled to attend their school of origin for the following year. [Sec 722(g)(3)(A)(i)(I)]

- If the LEA sends the child/youth to a school other than the school of origin or the school requested by the parent/guardian, the LEA must provide written explanation to the parent/guardian, including the right to appeal under the dispute resolution provisions. [Sec 722(g)(3)(B)(ii)]

- In the case of an unaccompanied youth, the LEA homeless coordinator must assist in placement/enrollment decisions, consider the youth’s wishes, and provide notice to the youth of the right to appeal under the dispute resolution provisions. [Sec 722(g)(3)(B)(iii)]

- The choice regarding placement must be made regardless of whether the child or youth resides with the homeless parent or has been temporarily placed elsewhere. [Sec 722(g)(3)(F)]

**ENROLLMENT**

- The school selected shall immediately enroll the child/youth in school, even if the child/youth lacks records normally required for enrollment, such as previous academic records, birth certificate, medical records, proof of residency, or other documentation. [Sec 722(g)(3)(C)(i)]

- The enrolling school must immediately contact the last school attended to obtain relevant academic and other records. [Sec 722(g)(3)(ii)]

- If a child or youth lacks immunizations or immunization or medical records, the enrolling school must refer parent/guardian to the homeless coordinator, who shall help obtain necessary immunizations or medical records. [Sec 722(g)(3)(C)(iii)]

- The Act does not prohibit LEAs from requiring parents/guardians to submit contact information. [Sec 722(g)(3)(H)]

**NUTRITION PROGRAMS- FREE MEALS**

- Homeless students automatically qualify for free breakfast & lunch at schools that offer meals. The student’s name should be immediately sent to the cafeteria or placed on the appropriate list. Families do not have to fill out an application or provide proof of income. The Homeless Coordinator can verify names.
ACCESS TO COMPARABLE SERVICES

- Children and youth are to be provided services comparable to those received by other students in the school selected, including transportation services, and education programs for which students meet eligibility criteria, such as services provided under Title 1 or similar state and local programs; programs for students with disabilities; programs for students with limited English proficiency; vocational or technical programs; gifted and talented programs; and school nutrition programs (school meals). [Sec 722(g)(4)]

ACADEMIC ACHIEVEMENT STANDARDS

- It is the policy of Congress that homeless children and youth should have access to the education 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. [Sec 721(4)]

DISPUTE RESOLUTION

- If a dispute arises over school selection or enrollment, the child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute. [Sec 722(g)(3)(E)(i)]
- The parent/guardian must be provided with a written explanation of the school’s decision on the dispute, including the right to appeal. [Sec 722(g)(3)(E)(ii)]
- The parent/guardian must be referred to the homeless coordinator, who will carry out the state’s grievance procedure as expeditiously as possible after receiving notice of the dispute. [Sec 722(g)(3)(E)(iii)]
- In the case of an unaccompanied youth, the homeless coordinator shall ensure that the youth is immediately enrolled in school pending resolution of the dispute. [Sec 722(g)(3)(E)(iv)]

RECORDS

- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth must be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school or school district, and in a manner consistent with Section 444 of the General Education Provisions Act. [Sec 722(g)(3)(D)]

TRANSPORTATION

- The …LEAs are required to adopt policies and practices to ensure that transportation is provided, at the request of the parent/guardian (or in the case of an unaccompanied youth, the coordinator’s), to and from the school of origin. (In SCUSD, the homeless coordinator will arrange transportation assistance for students outside of walking distance to their school of origin.)
- In addition, LEAs must provide services to homeless children/youth that are comparable to those received by other students in the school selected, including transportation. [Sec (g)(4)]
HOMELESS COORDINATOR DUTIES

Homeless Coordinator is required to:

- Ensure that homeless children and youth are identified by school personnel and through coordination with other entities and agencies.

- Ensure that homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA.

- Ensure that homeless 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.

- Ensure that parents and 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.

- Ensure that public notice of the educational rights of homeless students is disseminated where children and youth receive services under the Act (such as school, family shelters, and soup kitchens).

- Ensure that enrollment disputes are mediated in accordance with the dispute resolution provisions. [Sec 722(g)(3)(E)]

- Ensure that the parent/guardian of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including to the school of origin, and is assisted in accessing transportation services. [Sec 722(g)(6)(A)]

- Assist unaccompanied youth in placement/enrollment decisions, including considering the youth’s wishes in those decisions, and providing notice to the youth of the right to appeal such decisions under the dispute resolution provisions. [Sec 722(g)(3)(B)(iii)]

- Ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement. [Sec 722(g)(3)(E)(iv)]

- Assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records. [Sec 722(g)(3)(C)(iii)]

- Collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth. [Sec 722(g)(6)(C)]