

# *Homeless Student Educational Opportunity Guidance*

**Purpose:** The Federal McKinney-Vento Homeless Education Assistance Improvement Act of 2001 was amended by reference with the No Child Left Behind (ESEA) Act of 2001. This document is intended to provide school officials with an overview of the McKinney-Vento Act to ensure that homeless students are properly identified in your school, that you provide appropriate information about programs and services to your required Homeless Liaison, and then do in fact provide the services to which these children are eligible by Federal law.

Note: The purpose of the McKinney-Vento Act is to ensure that homeless children are not segregated and provided less educational opportunity than any other student in the school district or origin or the district in which the student is temporarily residing. For purposes of this Act, by reference to NCLB, all homeless students so identified are automatically eligible for Title I targeted assistance funding (source: NCLB Sec. 1115(b)(2)(E)).

## **Definitions:**

“A homeless child or youth means an individual who lacks fixed, regular and adequate nighttime residence . . . and includes:

- children and youth that are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals; or
- are awaiting foster care placement.” (source: McKinney Act Sec. 725)

The school of origin is the school in which the child was enrolled when permanently housed or the school in which the child or youth was last enrolled (prior to becoming homeless) (source: McKinney Sec. 722(g)(3)(G)).

The alternative school choice is the school in which the child is temporarily living at the time of determining their homeless status.

In determining best interest, the school district must determine to the extent feasible how practical it is to keep the homeless child or youth in their school district of origin, except when doing so is in contrary to the express wishes of the parent (source: McKinney Sec. 722(g)(3)(B)).

### **LEA Requirements:**

“The local educational agency (school district) serving each child or youth to be assisted under this (Act) shall, according to the child’s or youth’s best interest:

- continue the child’s or youth’s education in the *school of origin* for the duration of homelessness –
  - in any case in which a family becomes homeless between academic years or during an academic year; OR
  - for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; OR
- enroll the child or youth in *any public school* that non-homeless students who live in *the attendance area in which the child or youth is actually living* are eligible to attend.
- in the case of an *unaccompanied youth*, the District Homeless Liaison shall assist in placement and enrollment of the homeless child or youth and considers the views of such child or youth in these decisions.
- once the school of best interest is determined, the school shall “*immediately enroll*” (after homeless status is determined) even if the child or youth is unable to provide records normally required for enrollment such as transcripts, medical records, proof of residency, etc.
- the enrolling school shall immediately contact the previous sending school to obtain all *records* available pertaining to the above. If the child needs immunization or other records, the District Homeless Liaison shall make attempts to secure such service or records.
- if an *enrollment dispute* arises, the District Homeless Liaison shall work with other school officials and/or the parents to appeal the decision according to the State Plan. The student is to continue their current placement as designated by the District Homeless Liaison until such dispute is resolved.
- placement shall be determined without regard of whether the child or youth lives with the homeless parent or is temporarily placed elsewhere.
- school districts are completely within their rights under McKinney-Vento to: *ascertain homeless status* and *require current emergency contact* information.
- required services include:
  - **transportation** services (if the homeless child or youth remains in the same school district, transportation arrangements are provided to have them either attend their school or origin or the attendance area school; if the school in which the student is currently enrolled under the McKinney act is outside the school district of origin, the two districts must agree on transportation options).
  - **educational services** for which the child meets eligibility such as Title I, IDEA, LEP, At Risk, etc. (Note: Title I targeted assistance funding is automatically provided for such child or youth).
  - **programs for vocational technical education**
  - **programs for gifted and talented students**
  - **school nutrition programs** (the District Homeless Liaison may help parents submit their application for Free/Reduced Meal Programs; school districts should determine these students eligible during the application process).

**Local Education Agency (school district – LEA) Liaison:**

“local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described Sec. 722(g)(3)(A).” (source: McKinney Act Sec. 722 (g)(1)(ii))

**District Homeless Liaison Responsibilities:**

Amendments to the McKinney-Vento Act (via NCLB) require each school district to designate a Liaison that needs to be knowledgeable to the Act requirements and provisions. This individual shall ensure:

- children and youth are properly identified and coordinate activities with other agencies and entities,
- such children and youth have full and equal opportunity to succeed in school,
- such children and youth receive educational services for which they are eligible either under McKinney or other state or Federal requirements,
- parents / guardians are informed of rights, services including transportation services, educational services, options, etc.
- public notice of such requirements is made where such children and youth will receive other related services (shelters, health care providers, mental health providers, etc.),
- enrollment disputes are mediated,
- other school officials are aware of these requirements for enrollment and services.