McKinney-Vento Act of 2001 Protections

The McKinney-Vento Homeless Education Act is Title X, Part C of the No Child Left Behind Act of 2001. The McKinney-Vento Act is a federal law that gives important education rights to homeless children and youth. Under McKinney-Vento (and under Maryland regulations), these children must be given equal access to the same free, appropriate public education, including preschool education, that is provided to other children and youth. The law imposes important obligations on local school systems and provides important protections, such as the right to remain in the school of origin, transportation to the school of origin, and immediate enrollment to homeless students.

Who is considered homeless for purposes of McKinney-Vento Act protections?

The McKinney-Vento Act (Section 725) defines "homeless children and youth" (school age and younger) as:

- Children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are:
  - ◊ Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
  - ◊ Living in motels, hotels, inadequate trailer parks, or camp grounds due to lack of alternative adequate living arrangements.
  - ◊ Living in emergency or transitional shelters.
  - ◊ Abandoned in hospitals.
  - ◊ Awaiting foster care placement.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation.
- Children and youth who are living in vehicles, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who qualify as homeless because they are living in circumstances described above.

If you left your home and are staying in the home of a friend/relative, in a shelter, temporary or inadequate trailer, motel, campground, or another temporary place, __you can go to school__. Even without a parent/guardian, permanent address, school records, school uniform or school supplies, __youth living in temporary situations can go to school__.

St. Mary's County Public Schools is committed to ensuring the homeless children and youth are afforded equivalent access to public education as is provided to other students. St. Mary's County Public Schools is responsible for enrolling homeless students in the school that is in the best interest of the student (school of origin or school in the local attendance area where the family is temporarily residing), and for providing prompt and sensitive service to parents, children, and youth in need of assistance.

When determining eligibility for services through the McKinney-Vento Act, St. Mary's County Public Schools' staff must use the definition provided by the law. Staff may also determine eligibility by considering if the family's or child's living circumstances are "fixed, regular, and adequate." Lack of affordable housing and permanence of the living arrangement - not cultural preference or the desire to save money - are criteria to assist in determining who should be considered homeless. Eligibility is determined on a case-by-case basis.

When transferring to a new school, children often **lose 4-6 months of academic progress. Homeless students who are highly mobile frequently fall so far behind in their studies, it may take years for them to catch up. It is generally considered to be in the best interest of a homeless child or youth to remain in the school of origin.**

Enrollment

The McKinney-Vento Act reinforces the importance of school stability, education continuity, and academic achievement for all homeless students.

- Schools must immediately enroll children and youth upon determination of homeless status - even when school or immunization records are unavailable at the time of enrollment. If questions exist regarding homeless status, schools should contact their Pupil Personnel Worker or Homeless Education Liaison.

- The receiving school must contact the sending school to obtain missing school records. The school must enroll the student while waiting for the missing documents. The sending school may provide a copy of the health record to the parent and/or school when the student leaves, and fax a copy to the new school to facilitate this process.

If a student in a homeless situation moves without returning books or paying fees, a school district cannot withhold records when books or charges have not been paid.

- The school should refer the family or youth to the Pupil Personnel Worker or local Homeless Education Liaison to obtain the necessary documentation. If proof of residency is not available, an affidavit explaining the lack of residency proof may be completed as an alternative - but cannot be a barrier to enrollment if the parent or student does not provide it.

- Homeless students have a right to stay in the school of origin, if feasible, (meaning in the best interest of the child). The school of origin is the school that the child attended when permanently housed, or the last school in which the student was enrolled.

- Homeless students have a right to receive transportation to and from the school of origin if a parent or guardian requests it.

- Homeless students must have the same access to programs as students who are housed. Homeless students must have access to educational services for which they qualify, including special education, gifted education, free-and-reduced lunch program, and before-school and after- school activities.

- Homeless children have the right to attend preschool programs administered by the state or local education agency. Local liaisons should encourage Head Start and nonpublic preschool programs to enroll homeless children, and suggest that they may reserve slots for these children to avoid waiting list delays that occur when children arrive after the school year has begun.

- All homeless children and youth are eligible for Title I services. School districts receiving Title I funds must reserve funds as necessary to be used specifically for homeless students.

- Unaccompanied youth are those who are not in the physical custody of a parent or guardian. Homeless unaccompanied youth must be enrolled immediately, even without a parent or guardian.

- "Unaccompanied youth" includes:
  - ◊ those living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing
  - ◊ children and youth denied housing by their families (sometimes referred to as "throwaway children and youth"); and,
  - ◊ school-aged mothers living in homes for unwed mothers due to lack of housing available at the time of enrollment.

Glossary

Dispute Resolution - A procedure developed by the Department of Student Services to handle situations that may arise between a school district and a parent/guardian trying to enroll a student experiencing homelessness.

Doubled Up - Occurs when people not in the same immediate family live together due to the loss or unavailability of housing, so they meet the definition of being homeless. People who choose to live together for cultural reasons or out of a desire to save money would not be considered homeless.

Emancipated Youth - Youths age 18 may choose to become emancipated from parents or legal guardians through a juvenile court procedure. Emancipated youths have been deemed by a court of law to be capable of independent living and decisions; and, therefore, they are able to enroll themselves in school.

ESEA - Elementary and Secondary Education Act

Homelessness - Affects someone who lacks a fixed, regular, and adequate residence. A *fixed* residence is one that is stationary, permanent, and not subject to change. A *regular* residence is one that is used on a nightly basis. An *adequate* residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

IDEA - Individuals with Disabilities Education Act that describes the rights of children and youth with disabilities to a free, appropriate education.

LEA - Local public agency, reference to local school district.

Liaison - The staff person designated by each LEA in the state as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.

McKinney-Vento Act - Provides for the education of homeless children and youth. It states that barriers to enrollment of these students must be eliminated, and provides limited funding to states. In particular, proof of residency, missing school records, and missing immunization records cannot deny enrollment to children and youth experiencing homelessness. Comparable services offered to housed students must be available for students who are homeless. This includes before-school and after-school programs, free-and-reduced lunch programs, and services such as special education.

PL- Public Law

Runaway and Abandoned Youth - Children or youth who have left home and live in runaway shelters, abandoned buildings, with friends, on the streets, in parks, or in other inadequate accommodations are considered homeless. The student is eligible to attend school in the district where he/she is residing regardless of where the parents live, even if the parents are willing to provide a home for the child.

School of Origin - The school the student was attending prior to becoming homeless or the last school in which the student was enrolled.

Title 1 - Federal program providing funding to help at-risk students.

Unsupervised/Unaccompanied Youth - There is no adult supervision in a parental role. The youth is eligible to enroll himself or herself in school. A child not in the physical custody of a parent or guardian.

Who was *McKinney*?

Stewart McKinney, born in 1931, attended Princeton and Yale Universities, was elected to the United States House of Representatives in 1970. He represented Connecticut for nine terms. He fought for causes of the forgotten, and worked tirelessly for the plight of the homeless. He spearheaded the Amerasian Immigration Act, which gave children of servicemen in Asia the right to obtain visas. Mr. McKinney died in 1987. In his eulogy, Senator Weicker said: 'From alleviating wretchedness in housing ... to loving the unwanted children of Americans in Vietnam, this was a working patriot."

Who was *Vento*?

Bruce Vento, born in 1940 in Minnesota, attended Wisconsin State University and was elected to the United States House of Representatives in 1977. Committed to improving the welfare of his fellow men and protecting the environment, he co-authored the Stewart B. McKinney Homeless Assistance Act. Ill with cancer, he left politics. In his closing statements, he quoted Hubert Humphrey: "The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadows of life, the sick, the needy, and the handicapped." He died in 2000.
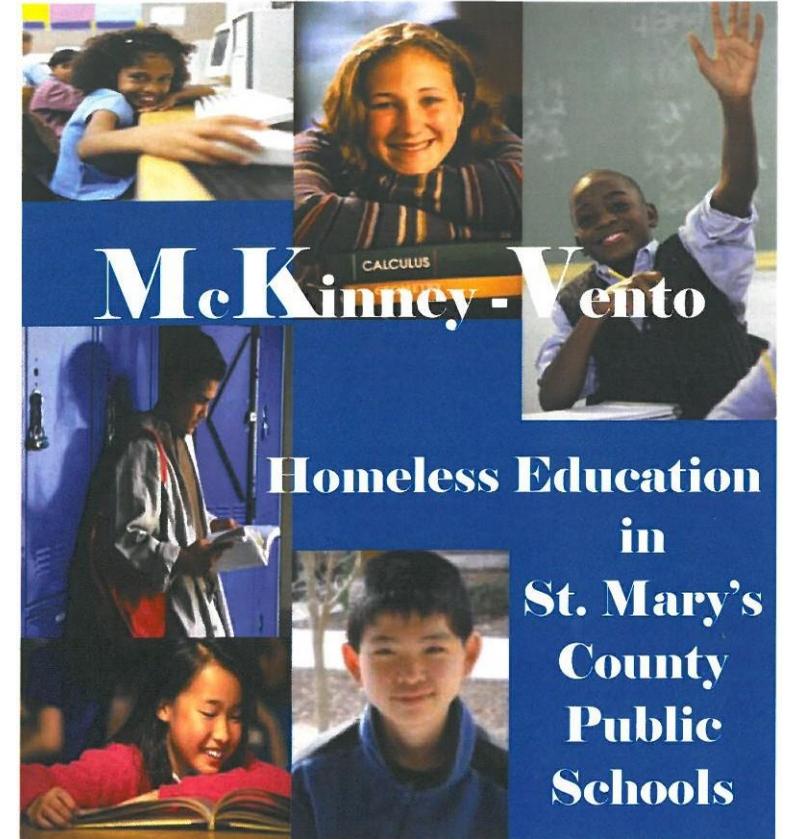
J. Scott Smith, Superintendent of Schools
Dr. Charles E. Ridgell III, Director of Student Services
Annie Gast, Homeless Liaison

Additional Resources

- **National Association for the Education of Homeless Children & Youth** (NAEHCY) www.naehcy.org 866-862-2562
- **National Center for Homeless Education** (NCHE) www.serve.org/nche 800-308-2145
- **National Law Center on Homelessness & Poverty** (NLCHP) www.nlchp.org 202-638-2535
- **Maryland State Department of Education** (MSDE) www.marylandpublicschools.org/MSDE 410-767-0945

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McKinney - Vento
Homeless Education in St. Mary's County Public Schools

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