

## Tip Sheet 2: Overview of the McKinney Vento Legislation

### The Law: McKinney Vento and the Homeless Children and Youth Program

In 1987, under public pressure to respond to the growing issue of homelessness within the United States, the federal government signed into law the McKinney Vento Homeless Assistance Act.

Included in the Act were the nation's first efforts to address the educational barriers and challenges faced by children and youth experiencing homelessness.

Subtitle VII-B of the Act established the **Federal Education for Homeless Children And Youth, or EHCY, Program**, to be administered by the U.S. Department of Education.

The education portion of the McKinney-Vento Act has been reauthorized three times since its initial enactment, most recently in 2002 by Title X, Part C of the No Child Left Behind Act.

With each reauthorization, Congress has strengthened the legislation and the nation's commitment to improving educational opportunities for homeless children and youth.

According to the McKinney-Vento Act, homeless children and youth have the right to:

- ✓ Receive a free, appropriate public education.
- ✓ Enroll in school immediately, even if lacking documents normally required for enrollment.
- ✓ Enroll in school and attend classes while the school gathers needed documents.
- ✓ Enroll in the local school; or continue attending their school of origin, if feasible and in keeping with the parent's, guardian's, or youth's wishes.
- ✓ Receive transportation to and from the school of origin, if requested.
- ✓ Receive educational services comparable to those provided to other students, according to the student's needs.



### School districts are required to...

- Designate a homeless liaison
- Set aside Title I Funds for homeless education
- Annually report the number of homeless students enrolled



### Homeless Liaisons are required with the support of community partners to...

#### Ensure that:

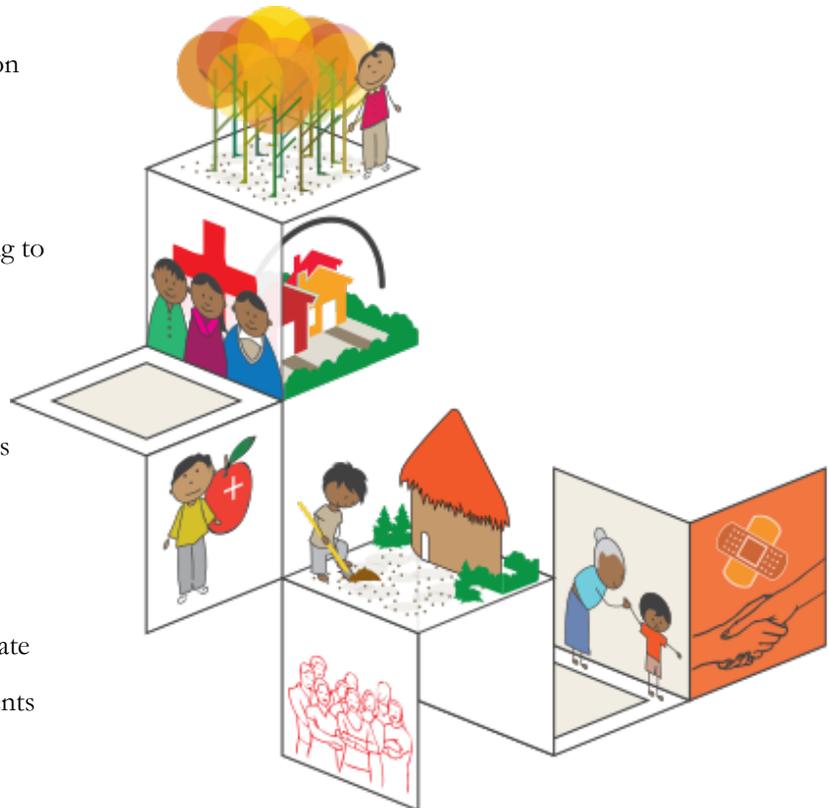
- students enroll in, and have full and equal opportunity to succeed in school
- children and youth in homeless situations are identified\*
- homeless youth and their families receive all eligible services
- parents or guardians are informed of educational and related opportunities available to children and given meaningful opportunities to participate in the education of their children
- parents or guardians and unaccompanied youth are fully informed of transportation services and assisted in accessing transportation
- enrollment disputes are mediated according to McKinney-Vento
- public notice of rights are posted

#### Assist in:

- enrolling students and accessing school services
- obtaining immunization or medical records
- informing parents, school personnel and others of rights of the homeless
- working with school personnel to resolve disputes
- coordinating transportation services
- collaborating and coordinating with the State Coordinator and school personnel responsible for providing services to students

In addition to the supports provided by the McKinney-Vento Act, homeless children and youth also are eligible to receive services under a number of other federal education programs.

- ✓ Receive transportation to and from the school of origin, if requested.
- ✓ Categorically eligible to receive free school meals (Child Nutrition Act)
- ✓ Must be identified, evaluated, and provided with appropriate services, as needed (IDEA)
- ✓ Categorically eligible for Head Start and should be prioritized for program enrollment (Head Start Act)
- ✓ Automatically eligible for Title I services (Under Title I, Part A of ESEA)
- ✓ Unaccompanied homeless youth are considered independent students for Federal Student Aid



## Transportation

If the student is living outside their school district of origin, the district where the Student is living *and* the school of origin Must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.



## IDEA

**The Individuals with Disabilities Education Act** is a United States federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities including those that are homeless.

## Title 1

Children and youth experiencing homelessness are:

- Automatically eligible for Title I services, including services provided through school wide or targeted assistance programs
- Eligible to receive Title I services for the remainder of any school year in which they become permanently housed
- Eligible to receive Title I services, even if not attending a Title I school, through the Title I set-aside

## Free Lunch

USDA policy permits liaisons and shelter directors to obtain free school meals for students by providing a list of names of students experiencing homelessness with effective dates.

## Head Start

Encourages programs to:

- Target homeless families for enrollment, including collaborating with shelters and other agencies for recruitment purposes.
- Modify the program as needed to serve homeless children.
- Prioritize homeless children for enrollment
  - Reserve slots (number or percentage)
  - Prioritize on waiting lists



## FAFSA

Students who are “*unaccompanied and homeless*”<sup>1</sup>, or “*unaccompanied, self-supporting and at-risk of homelessness*”<sup>2</sup> at any time during the school year in which they sign the FAFSA, are considered independent.

1. as defined by McKinney Vento

2. Self-supporting is when a student pays for his own living expenses, including housing. At-risk of homelessness is when a student's housing may cease to be fixed, regular and adequate, such as a student who is being evicted.