








McKinney-Vento Act

The law is called the **McKinney-Vento Act**, and it gives children and youth in homeless situations the right to:

-  Stay in their school even if they move;
-  Enroll in a new school without proof of residency, immunizations, school records or other papers;
-  Get transportation to school;
-  Go to pre-school programs;
-  Get all the school services they need;
-  Have disagreements with schools settled quickly; and
-  Go to the school they choose while disagreements are settled.

Q: WHAT IS THE MCKINNEY-VENTO ACT?

A: The McKinney-Vento Act is a federal law, passed in 1987 to help people experiencing homelessness. Part of the law protects the rights of children and youth who are homeless to go to school. In December 2001, Congress changed the law to give more rights to children, youth and families who are homeless.

Q: WHO IS COVERED BY THE MCKINNEY-VENTO ACT?

A: The law says that a child or youth without a fixed, regular and adequate residence is homeless. It does not matter how long the child or youth has been without a home. It also does not matter if the child or youth is living with a parent or is separated from parents. Under the Act, students are homeless if they are:

- ↔ Living with a friend, relative or someone else because they lost their home or can't afford a home;
- ↔ Staying in a motel or hotel;
- ↔ Living in an emergency or transitional shelter or a domestic violence shelter;
- ↔ Staying in substandard housing;
- ↔ Living in a car, park, public place, abandoned building or bus or train station;
- ↔ Awaiting foster care placement;
- ↔ Living in a campground or an inadequate trailer home;
- ↔ Abandoned in a hospital; or
- ↔ Living in a runaway or homeless youth shelter.

Migrant children, pre-school children, and youth on their own are covered if they fit into one of these categories. Runaway youth can be considered homeless even if their families want them to come home. Students who live in any public or private place that is not supposed to be a regular residence are covered.

Q: CAN STUDENTS IN HOMELESS SITUATIONS BE SENT TO SEPARATE SCHOOLS?

A: NO. Separate schools that are just for students in homeless situations are against the law. Public schools also cannot put students experiencing homelessness in separate classes or programs just because they are homeless. Call or email the Law Center, the National Center for Homeless Education or the National Coalition for the Homeless for more information about this question.

Q: WHO AT THE SCHOOL SHOULD HELP FAMILIES AND YOUTH EXPERIENCING HOMELESSNESS?

A: Every school district must have a person in charge of making sure students who are homeless can enroll and succeed in school. The law calls that person the "Liaison." Liaisons support and help students in homeless situations in many ways. They must:

- Make sure students are enrolled in school immediately, even if they do not have the papers they would normally need;
- Help families and youth get immunizations, immunization records or other medical records, if a student needs them;
- Tell parents and youth about all transportation services and help set up transportation;
- Make sure students get all the school services they need; and
- Tell parents and guardians about all the programs and services the school has for their children.

Liaisons must also:

- Reach out to children and youth in all different kinds of homeless situations;
- Settle disagreements between schools and families or youth quickly;
- Make sure pre-schoolers who are homeless can enroll in Head Start, Even Start or other pre-school programs;
- Put up notices about the education rights of students in homeless situations;
- Make sure parents and guardians can take part in their children's education;
- Refer students to any medical, dental, mental health or other services they need;
- Coordinate with social services and housing agencies to ensure access to education; and
- Make sure students have a full and equal chance to do well in school.

The school counselor, social worker, secretary, principal and nurse can also help families and youth in homeless situations. Social workers and case managers at shelters can also help.

Q: CAN STUDENTS STAY IN THE SAME SCHOOL AFTER THEY LOSE THEIR HOUSING?

A: YES. Children and youth in homeless situations have the right to stay in the school they went to before they lost their housing, or to stay at whatever school they were enrolled in last. These schools are called "schools of origin." It is important for students to stay in their school of origin, so they do not fall behind in school and so they can keep the same teachers, friends and activities.

Students can stay in their school of origin for the entire time they are homeless, even if they move to a different school district. If students move into permanent housing during the school year, they can still finish the year in the same school. Students have the right to stay at their school of origin whether or not they live with their parents.

A student will have to change schools only if it is not "feasible" for the student to stay at his or her school. For example, if the student moves so far away that it would be harmful for the child to travel that far to school, it may be best for the student to change schools.

Q: WHAT IF A STATE OR SCHOOL DISTRICT HAS RULES THAT SAY STUDENTS CANNOT GO TO SCHOOL WITHOUT CERTAIN RECORDS?

A: Children and youth experiencing homelessness can go to school right away, no matter what state or local laws and policies say. If schools, school districts or states have rules that keep students who are homeless out of school, those rules must be changed. The McKinney-Vento Act overrules state and local policies and laws.

Q: WHAT IF A STUDENT NEEDS TRANSPORTATION TO THE SCHOOL OF ORIGIN?

A: School districts must provide or arrange transportation for students in homeless situations to stay at their schools of origin, even if students move to a different city, county or school district. If a student is living in the same school district as the school of origin, then that school district has to provide transportation. If the student moves across district lines, then both districts have to work together to provide transportation.

The Liaison has to help set up transportation. The Liaison should also work with local housing agencies to keep students near their schools.

Schools can provide transportation in different ways, including:

- Re-routing school buses and making sure buses go to shelters, motels and other places where students live;
- Providing passes for public buses and subways, including passes for caretakers when needed;
- Using the transportation systems social services use;
- Using approved van or taxi services;
- Reimbursing parents, guardians or youth for gas;
- Working with service and shelter providers and public assistance agencies to make transportation plans or provide transportation;
- Getting local businesses or other agencies to help with transportation costs; and
- Building close ties among Liaisons, school staff and the pupil transportation department.

Q: IF STUDENTS WANT TO GO TO THEIR LOCAL SCHOOL, CAN THEY?

A: YES. Children and youth in homeless situations have the right to go to the local school where they are living, if they do not want to stay at their school of origin. The local school must let students experiencing homelessness go to classes and participate fully in school activities as soon as they come to the school.

Students can go to classes and participate right away, even if they do not have:

- Immunizations or immunization records;
- Other medical records;
- School records;
- Proof of residency;
- A parent or legal guardian;
- Birth certificates;
- Social security numbers;
- Other documents; and/or
- Uniforms

The school must call the student's last school to get records. The school cannot delay enrollment if a student did not officially withdraw from the last school. The Liaison must help students get immunizations, immunization records or other medical records.

Students have the right to go to the local school whether or not they live with their parents.

Q: DO SCHOOLS HAVE TO GIVE STUDENTS IN HOMELESS SITUATIONS ALL THE SERVICES THEY NEED?

A: YES. Schools must make sure children and youth in homeless situations get all the educational and supplemental services they need. For example, students must have access to:

- Pre-school Liaisons** must make sure eligible children can attend Head Start, Even Start and other pre-school and pre-kindergarten programs.
- School meal programs** Students in homeless situations automatically qualify for free breakfast and lunch at schools that offer meals. Liaisons need to give school nutrition officials a list of students in the school district who are in homeless situations. Shelter directors can also turn in a list of students at their shelter. These lists are all it takes to get free meals right away.

- ☒ **Programs for language minority students** Students who are learning to speak English have the right to any special language services they need. Schools cannot ask any families or youth if they are U.S. citizens or what their immigration status is. Schools cannot make families or youth show immigration documents or give a social security number. These rules apply to all families or youth, whether they are homeless or not.
- ☒ **Special education and other programs for students with disabilities** Schools must make sure students with disabilities, including preschool children, get the special education and services they need. Parents or guardians who think their child might need special education should ask the school to test the child. The school must do the tests and provide the services the child needs. The National Law Center has a booklet describing special education rights. Call or email us for a free copy of that booklet.
- ☒ **Title I services** Title I is a federal law that gives schools money to support disadvantaged students. Children and youth in homeless situations should get Title I services no matter where they go to school, and school districts must set aside money to make sure students experiencing homelessness get services.

Students in homeless situations must also have access to:

- ☒ **Programs for gifted and talented students;**
- ☒ **Vocational and technical education; and**
- ☒ **Before and after school programs.**

Q: ARE THERE SPECIAL RULES FOR YOUTH LIVING ON THEIR OWN?

A: YES. Youth who are living apart from parents or legal guardians have all the rights described in this booklet. They also have the right to get extra help from Liaisons. Liaisons must:

- Help youth decide what school to attend, considering the youth's wishes, and help them enroll in that school;
- Make sure youth know about their rights to transportation and help set up transportation;
- Make sure youth know they can disagree with school decisions, and how to have those disagreements settled; and
- Make sure youth are immediately enrolled in school during any disagreement.
- Youth on their own cannot be kept out of school because they do not have a parent or guardian to enroll them.

Q: WHAT HAPPENS IF A SCHOOL WILL NOT ENROLL A STUDENT OR DOES NOT BELIEVE A STUDENT IS HOMELESS?

A: Whenever there is a disagreement between a school and a parent, guardian or youth, the school must:

- ☒ **Immediately enroll** the student in the school the parent, guardian or youth chooses;
- ☒ **Keep the student at that school** until the disagreement is settled;
- ☒ **Provide transportation to the school of origin, if the parent, guardian or Liaison requests it;**
- ☒ **Explain, in writing, its decision and the right to have the disagreement settled; AND**
- ☒ **Send the parent, guardian or youth to the Liaison to settle the disagreement quickly.**

North Dakota Department of Public Instruction

TITLE I FAST FACT SERIES

Issue: Serving Homeless Children and Youth – The McKinney-Vento Act

All schools and districts receiving federal funds must ensure that services are provided to children and youth who are experiencing homelessness.

Under the federal McKinney-Vento Homeless Assistance Act, which was reauthorized under the *No Child Left Behind Act*, the term “homeless children and youth” refers to students who lack a fixed, regular, and adequate night-time residence.

Homeless students include students who:

- Are awaiting foster care placement.
- Are abandoned in hospitals.
- Share the housing of other people due to the loss of housing, economic hardship, etc.
- Migratory children as defined in Section 1309 of the Elementary and Secondary School Act of 1965.
- Live in motels, hotels, or campgrounds.
- Live in emergency or transitional shelters.
- Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

If your district has students who meet the definition of homelessness according to McKinney-Vento Act, below are your responsibilities and activities to ensure compliance with the law:

Responsibility	Required Activities and Responsibilities to Ensure Compliance
Local Liaison	<ul style="list-style-type: none"> • Every LEA must designate an appropriate staff member as a local educational agency liaison for students in homeless situations.
School Selection	<ul style="list-style-type: none"> • To the extent feasible, keep students in homeless situations in their school of origin, unless it is against the parents’ or guardian’s wishes. • Students who are homeless may stay in their school of origin for the entire duration of their homelessness and until the end of the academic year, even if they move into permanent housing. • Students may enroll in any public school that students living in the same attendance area are eligible to attend.
Enrollment	<ul style="list-style-type: none"> • LEAs must immediately enroll students in homeless situations, even if they do not have the required documents. The term “enroll” is defined as attending classes and participating fully in activities. • Enrolling schools must obtain records from the previous school, and students must be enrolled in school while the records are being obtained. • If a student does not have immunization records, the liaison must immediately assist them in obtaining the records, and the student must be enrolled in the school. • Schools must maintain records for students who are homeless so the records are available quickly.
Transportation	<ul style="list-style-type: none"> • At a parent or guardian’s request, homeless students must be provided with transportation to and from their school of origin. • If the student’s temporary residence and the school of origin are in the same LEA, that LEA must provide transportation. If the student is living outside the school of origin’s LEA, the LEA where the student is living and the school of origin’s LEA must determine how to divide the cost of providing transportation, or districts must share the responsibility and cost equally. • In addition to providing transportation to the school of origin, the LEA must also provide students in homeless situations with transportation services comparable to those provided to other students.
Services	<ul style="list-style-type: none"> • Students experiencing homelessness must be offered services for which that child is eligible (i.e., Head Start, Even Start, preschool, Title I, ESL programs, gifted and talented programs, special education, etc.) that are offered to non-homeless students. • Students who are experiencing homelessness are automatically eligible for the free and reduced breakfast/lunch programs.

If you have questions regarding this issue, please contact:

Department of Public Instruction
 State Title I Office
 600 E. Boulevard Ave., Dept. 201
 Bismarck, ND 58505-0440

Telephone: (888) 605-1951
 Fax: (701) 328-4770
 Website: www.dpi.state.nd.us/title1/index.shtm

North Dakota Department of Public Instruction

TITLE I FAST FACT SERIES

Issue: Using your Title I Homeless Set-Aside Funds

All public schools and districts receiving federal funds must ensure that services are provided to children and youth who are experiencing homelessness. To assist with these services, the law requires that school districts set aside Title I funds, as necessary, to provide services comparable to those that are provided to children in Title I, Part A funded schools. These funds can also support educationally related services to children in shelters and other locations where homeless children may live. The services provided with these funds should support homeless students to succeed in school and to meet the academic achievement standards.

Comparable services do not necessarily mean the same services; therefore, these funds may also be used to provide services that are not ordinarily provided to other Title I students.

If your district has students who meet the definition of homelessness according to McKinney-Vento, listed below are some strategies on how you may use your Title I homeless set-aside funds and/or McKinney-Vento funds. These funds can be used to assist homeless students in Title I and non-Title I schools.

- Support local homeless liaison position
- Case management
- Homeless awareness activities
- Testing fees
- Evaluations
- Before school/after school programs
- Homework assistance
- Mentoring
- Tutoring
- Supplemental instruction
- Enrichment activities
- School supplies
- Supplies for special projects (i.e., art, home economics, science)
- Clothing (i.e., physical education uniform, field trip necessities, school clothes, caps and gowns, uniforms, shoes)
- Activities fees
- Graduation fees
- Referrals for medical, dental, mental, and other health services
- Early childhood programs for homeless preschool age children
- Services to attract, engage, and retain homeless children in school
- Services to enable students to enroll in, attend, and succeed in school
- Fees and costs associated with tracking, obtaining, and transferring records of homeless students
- Violence prevention counseling
- Domestic violence counseling
- Parent education for parents of homeless students

Supplement, Not Supplant

Bear in mind that it is a requirement that federal Title I funds cannot supplant other state or local funds, but should supplement (expand on or increase) the current services offered. In other words, Title I funds cannot be used for initiatives that are a part of the core services provided by public schools and services that schools are required to provide (even in the absence of Title I funding).

If you have questions regarding this issue, please contact:

Department of Public Instruction
State Title I Office
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440

Telephone: (888) 605-1951
Fax: (701) 328-4770
Website: www.dpi.state.nd.us/title1/index.shtm

Title I and McKinney-Vento Education for Homeless Children and Youth Guidance

The McKinney-Vento Homeless Assistance Act (Subtitle B – Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness.

On April 8, 2003, the U.S. Department of Education (USDE) released preliminary guidance to assist states and local school districts in ensuring that homeless children receive the same educational opportunities as other children. The guidance addresses the following changes made to the McKinney-Vento Homeless Assistance Act when the Act was reauthorized as part of the *No Child Left Behind Act*:

- A school district or school cannot segregate homeless children in a separate school program based solely on their homelessness.
- Schools must immediately enroll homeless students, even if the students are unable to produce the records normally required by non-homeless students for enrollment. **These students are automatically eligible for Title I services, regardless of their current academic performance.** Children who are considered homeless are also automatically eligible for free and reduced breakfast/lunch programs.
- States and school districts must ensure that homeless children are provided transportation, at the request of parents or guardians, to and from the school they attended prior to becoming homeless.
- School districts must designate a local liaison for homeless children and youths.
- LEAs must reserve (or set-aside) a portion of Title I funds to serve homeless students.

If your district has students who meet the definition of homelessness according to McKinney-Vento, listed below are some strategies on how you may use your Title I funds and/or McKinney-Vento funds. These funds can be used to assist homeless students in Title I and non-Title I schools.

- Use the Title I funds to support the position of an LEA homeless liaison so that the liaison's duties can be more fully accomplished. This person will make contact with homeless families, youth, and service providers.
- Use the Title I funds to meet the basic and educational needs of students experiencing homelessness so that they may participate more fully in school.
- Use the Title I funds to provide outreach services, referral to health services, and counseling.
- Use the Title I funds for parent involvement that makes a special effort to reach out to parents in homeless situations.
- Use the Title I funds for early childhood education programs, tutoring, supplemental instruction, or enriched services for homeless children and youth.

District's Role

- Appoint a homeless liaison.
- Set aside Title I funds.
- Reserve slots in Head Start and Even Start.
- Ensure enrollment.
- Reduce barriers for homeless students in all district policies.
- Provide homeless awareness training.

School's Role

- Enroll students in free breakfast and lunch programs.
- Ensure access to appropriate instructional supports/resources, including Title I, gifted programs, special education, etc.
- Alert teachers of student's living situation (respecting privacy).