

How is transportation provided under McKinney-Vento?

Homeless children who attend the school assigned to them by their local school district are entitled to the same transportation that is offered to other children in the district. For pre-school aged children, the district must provide services comparable to those provided for non-homeless children.

When a homeless child continues to attend his/her school of origin while staying in a different district, the districts must work together to determine how to share transportation costs and responsibilities. If an agreement cannot be reached, then responsibility and costs must be shared equally. Just like other students, homeless students may lose the right to transportation due to disciplinary issues. Children retain the right to transportation to their school of origin until the end of the school year in which they are no longer homeless.

Homeless children with special needs who wish to continue to attend their school of origin (even though temporarily residing in another district) and who have transportation written into their Individualized Education Program (IEP) must be transported from their temporary residence to their school of origin as provided in their IEP.

What if a child is a special education student?

Special education students who are homeless must be treated the same as all homeless students. Non-receipt of records cannot be used as a reason to delay services to a child. Schools should offer appropriate services based on the information they do have until records arrive.

What if there is a dispute?

The Problem Resolution System (PRS) office at the Massachusetts Department of Elementary and Secondary Education (DESE) handles disputes and complaints. Each PRS Educational Specialist generally handles complaints from their assigned school districts. Until a resolution is reached, a child is entitled to attend the school the parents/guardians have chosen. To contact the PRS, call 781-338-3700, email compliance @doe.mass.edu, or visit the website at www.doe.mass.edu/prs/.

THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Education Rights for Homeless Youth



**CHILDREN'S LAW CENTER
OF MASSACHUSETTS**

For more information call:
Children's Law Center of MA
298 Union Street, Lynn, MA 01901
(tel) 781-581-1977 (fax) 781-598-9364
www.clcm.org

Phone Assistance is available during business hours.
Please call 1-888-KIDLAW8 and request to speak with
an intake worker.

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What is the McKinney-Vento Homeless Assistance Act?

The McKinney-Vento Homeless Assistance Act, “McKinney-Vento,” is a federal law that requires each state to ensure that each homeless child or child of a homeless individual has access to the same education as other children, including public preschool programs. It also requires each state to revise all laws, regulations, practices or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youths.

McKinney-Vento is intended to guarantee homeless children and youths access to education and other services that will allow them to meet the same student academic achievement standards to which all students in the state are held.

Who is covered by McKinney-Vento?

“**Homeless children and youths**” are individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youths, ages 3-22, who share the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in emergency or transitional shelters; or are abandoned in hospitals. Children living in motels, hotels, trailers, or camp grounds are considered homeless if they are living there because they have nowhere else to stay.

The term also includes children who have a primary nighttime residence that is not meant for regular sleeping accommodations, as well as children who live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. Migratory children and youths will also qualify if they live in any of the circumstances described above.

“Unaccompanied youth” who have run away or been “thrown out,” and as a result are living in shelters, on the street, or moving between friends or relatives, are also considered homeless.

Are children in the custody of the Department of Children and Families (DCF) covered by McKinney-Vento?

No, but children in DCF foster care are entitled to similar protection under Title I of the Every Student

Succeeds Act (ESSA). For more information on the rights under Title I of youth in foster care visit www.clcm.org/school-stability-for-youth.

What are a student’s rights under McKinney-Vento?

Right to Choose School of Attendance: McKinney-Vento gives the child’s guardian (or in the case of an unaccompanied youth, the youth and his/her local educational agency liaison) **the right to choose where the child should attend school.** This can be either the “school of origin,” or the school where the child is currently residing. “School of origin” is the last school district the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the term “school of origin” shall include the designated receiving school at the next level (for example, a child going from elementary to middle school).

It is important to note that the choice regarding school enrollment can be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Right to Immediate Enrollment: McKinney-Vento requires a **school immediately to enroll a homeless child in the school selected**, even if the child does not have the documents normally required for enrollment or the child has been out of school. This includes previous academic records, medical records and immunization records, and proof of residency. The parent/guardian should speak with the district's homeless education liaison, who has the responsibility to obtain relevant academic records, immunizations or medical records and to ensure that the student is attending school while the records are obtained.

Summer Enrollment & Transportation: Homeless children must have equal access to any summer school and be able to accrue credits for partially completed work. Transportation rights continue only through June for students formerly homeless during the school year who have moved into a permanent home.

Right to Admission to School of Choice Pending Dispute Resolution: If the local educational agency challenges the right of a homeless student to enroll or continue attending a school, the district must provide a **written explanation** to the parent or guardian, including a statement regarding the right to appeal. In the case of an unaccompanied youth, the homeless liaison must provide notice to the youth of the right to appeal. If a dispute arises over school enrollment, **the child or youth must be immediately admitted to the school of the youth’s or guardian’s choice until the dispute is resolved.** Transportation and other services must continue to be provided until the dispute is resolved.

What if a homeless child moves into a permanent home?

A child who moves to a permanent home during a school year **has the right to remain at his or her current school for the remainder of the school year.** The child’s guardian has the right to make the decision. If the guardian keeps the child in the school s/he was attending while homeless and that school is not within the school district where the child is permanently housed, the child continues to have the right to transportation.

What services are available to homeless youth?

Eligible homeless children and youth must have the same opportunity to participate in programs like WIC, free and reduced lunch, summer school, and after-school programs. Children and youths are also entitled to college and career counseling and assistance with FAFSA, including verification of homelessness for the FAFSA.

What rights to privacy do homeless youth have?

The child’s living arrangements are protected under FERPA and the McKinney-Vento Act. This means that living arrangements should not be considered directory information. Schools may NOT share information with landlords about students’ living arrangements.