

### What are the transportation rules?

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. If a child is homeless, the local school may transport them to/from their school of attendance. For pre-school aged children, the district must provide services comparable to those provided for non-homeless children.

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 Plan must be transported from their temporary residence to their school of origin until the end of the school year.

When a child continues to attend their school of origin while residing 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.

**As of December 10, 2016, local education and child welfare agencies must collaborate, and the education agencies must include in their local plans, assurances that they have developed and implemented clear written procedures governing how transportation to ensure school stability will be provided, arranged, and funded for the duration of the children's time in foster care in a cost effective manner and in accordance with the provisions of child welfare law that permit the use of certain Title IV-E funds for school stability transportation.**

### How soon can a homeless child begin school after registering?

All homeless children are entitled to start school *immediately* upon registration regardless of whether they have provided all the regularly required records.

If a homeless child or youth arrives lacking immunizations or immunization or medical records, the parent/guardian should speak with the district's Homeless Education Liaison, who has the responsibility to obtain relevant academic records, immunizations or immun-

### 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?

A Problem Management System exists at the Massachusetts Department of Elementary and Secondary Education for resolution of disputes. Complaints concerning students out of school will be given priority, and until a resolution is reached, a child will attend the school the guardians have chosen.

### For more information call:

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

Phone  
is availa-  
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Assistance  
ble during  
hours.

Please call the main line and request to speak with an intake worker.

1-888-543-5298  
1-888-KIDLAW8

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## THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

*Education Rights for  
Homeless Youth*



CHILDREN'S LAW CENTER  
OF MASSACHUSETTS

## **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. Recent updates to the law strengthen the role of homeless liaisons, including requiring them to support unaccompanied homeless youth to provide professional development within the school.

### **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; are abandoned in hospitals; or are awaiting foster care placement. 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 state custody covered by McKinney-Vento?**

Under Massachusetts state policy, children and youth who are in state custody and who are living in shelters, hotline homes, bridge homes or diagnostic placements are considered homeless; other children and youth in care or custody may also be considered homeless if their living situation is an emergency, transitional or temporary placement or is not intended as a long term, foster care living arrangement.

**\*\*\*As of December 10, 2016, under the new *Every Student Succeeds Act* (ESSA), the law will remove “awaiting foster care placement” from the definition of homeless for purposes of the McKinney Vento Act.\*\*\***

### **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 pre-school.** 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 all feeder schools.

It is important to note that the choice regarding placement 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. If the child or youth needs to obtain immunizations or medical records, the school must immediately refer the parent or guardian to the local edu-

cational agency liaison for homeless children, who must assist in obtaining the necessary immunizations or records.

#### ***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 through June for students formerly homeless during the school year.

#### ***Right to Admission to School of Choice Pending Dispute Resolution***

If the local educational agency challenges the right of a homeless student to enroll, 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 continued provision of transportation is at the discretion of the district.

#### **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, assistance with FAFSA and verification of homelessness.