

The Educational Rights of Students in Homeless Situations: What LEA Administrators Must Know

Who is homeless? (Sec. 725)

The term “homeless children and youth”–

(A) means individuals who lack a fixed, regular, and adequate nighttime residence ...; and

(B) includes–

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who 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 ...

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

This document was collaboratively developed by:

National Association for the Education of Homeless Children and Youth (NAEH CY)—512-475-8765—www.naehcy.org

National Center for Homeless Education (NCHE)—800-308-2145—www.serve.org/nche

National Coalition for the Homeless (NCH)—202-737-6444 ext. 18—www.nationalhomeless.org

National Law Center on Homelessness & Poverty (NLCHP)—202-638-2535—www.nlchp.org

National Network for Youth (NN4Y)—202-783-7949—www.NN4Youth.org

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. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

Children and Youth in Many Different Living Situations Are Considered Homeless Under Federal Law

Homelessness is a lack of permanent housing resulting from extreme poverty or from the lack of a safe and stable living arrangement. Children and youth in homeless situations often do not fit society’s stereotypical images of homelessness. Therefore, educators may not realize the breadth of students who are considered homeless under the McKinney-Vento Act and as such qualify for its protections and services. The McKinney-Vento Act contains a specific definition of homelessness that includes a broad array of inadequate living situations (see panel at left for full definition).

Federal Law Requires Districts to Provide Educational Stability for Homeless Students

Changing schools greatly impedes students’ academic and social growth. Highly mobile students, including students who are homeless, have also been found to have lower test scores and overall academic performance than peers who do not change schools. Therefore, the McKinney-Vento Act:

- Requires Local Educational Agencies (LEAs), otherwise known as school districts, to keep homeless students in their schools of origin, to the extent feasible, unless it is against the parent or guardian’s wishes. Students are also permitted to remain in their schools of origin for the duration of their homelessness and until the end of any academic year in which they move into permanent housing.
- Requires LEAs to provide transportation to the school of origin, at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the district’s homeless liaison.
- Requires that states and LEAs develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

The educational stability resulting from implementation of these provisions will enhance students’ academic and social growth, while permitting schools to benefit from the increased test scores and achievement shown to result from student continuity.

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