

Appendix 2.B Quick Guide to Important Sections of the McKinney-Vento Act

You should read and revisit frequently the following definitions in the law:

Enrollment

The terms “enroll” and “enrollment: include attending classes and participating fully in school activities. (42 U.S.C. § 11434a(1)).

Homeless

The term “homeless children and youths”—

(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 adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(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). (42 U.S.C. § 11434a(2)).

Unaccompanied Youth

The term “unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian. (42 U.S.C. § 11434a(6)).

School of Origin

The term “school of origin” means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. (42 U.S.C. § 11432(g)(3)(I)(i)).

Receiving School

When the child or youth completes the first grade level served by the school of origin, as described in clause (i), the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools. (42 U.S.C. § 11432(g)(3)(I)(ii)).

In addition, you should be very familiar with sections of the law on:

School Enrollment

The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child’s or youth’s best interest—

- (i) continue the child’s or youth’s education in the school of origin for the duration of homelessness—
 - (I) in any case in which a family becomes homeless between academic years or during an academic year; and
 - (II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend. (42 U.S.C. § 11432(g)(3)(A)).

School Stability

In determining the best interest of the child or youth under subparagraph (A)[cited above], the local educational agency shall—

- (i) presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or

youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth; ... (42 U.S.C. § 11432(g)(3)(B)).

Immediate Enrollment

The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

- (I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization or other required health records, proof of residency, or other documentation; or
- (II) has missed application or enrollment deadlines during any period of homelessness. (42 U.S.C. § 11432(g)(3)(C)).

Transportation to the School of Origin

The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin... in accordance with the following, as applicable:

- (I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
- (II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of

origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally. (42 U.S.C. § 11432(g)(1)(J)(iii)).

Segregation and Stigmatization

The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless. (42 U.S.C. § 11432(g)(1)(J)(i)).