

Definition of Homelessness

Section 725 of the McKinney-Vento Act defines children and youth to be served under this law as follows:

The term 'homeless children and youths' "means individuals who lack a fixed, regular, and adequate nighttime residence;" and 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; 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 (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)." §725(2)
- (v) unaccompanied youth, (i.e., "youth not in the physical custody of a parent or guardian" §725(6)).

Stability and adequacy of the living arrangement are critical considerations when determining homelessness. The United States Department of Education is developing additional guidance to support localities in identifying children and youth experiencing homeless. This will be sent to localities when completed (Please contact Project HOPE if a question arises about whether a student meets the federal definition of homeless).

Local Homeless Education Liaisons

All local education agencies (LEAs) "will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths to carry out the duties described in paragraph 6(A)" [§722(g)(1)(J)(ii)]. All Virginia school divisions have met the requirement of designating a liaison. Liaisons are listed on the Project HOPE Website. Training and resource materials have been developed to provide support for liaisons to fulfill the responsibilities listed below.

- Local homeless education liaisons must ensure that:
  - Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
  - Homeless children and youths enroll in, and have full and equal opportunity to succeed in, schools of that local education agency;
  - Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs, and preschool programs administered by the local education agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
  - The parents or guardians of homeless children are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
  - Public notice of the educational rights of homeless children and youths is disseminated where children and youths receive services under this act, such as schools, family shelters, and soup kitchens;
  - Enrollment disputes are mediated in accordance with the enrollment dispute resolution process adopted by the state.
  - The parent or guardian of a homeless child or youths, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin,... and is assisted in accessing

transportation to the school that is selected."  
[§722(g)(6)(A)]

- State coordinators and local educational agencies "shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons." [§722(g)(6)(B)]
- As part of their duties, liaisons are required to "coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths." [§722(g)(6)(C)]
- In addition, liaisons are required to:
  - assist unaccompanied youth in placement or enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of the right to appeal such decisions under the state's enrollment dispute resolution process [§722(g)(3)(B)(iii)].
  - assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records [§722(g)(3)(C)(iii)].
  - ensure that unaccompanied youths are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement [§722(g)(3)(E)(iv)].

#### School Selection

- According to a child or youth's best interest, LEAs must either "continue the child's or youth's education in the school of origin for the duration of homelessness", or "enroll the child or youth in school in any public school that non homeless students who live in the attendance area where the child/youth is actually living are eligible to attend" [§722(g)(3)(A)].
- "School of origin" is defined as "the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled" [§722(g)(3)(G)].

- A homeless child's or youth's right to attend his/her school of origin extends for the duration of homelessness [§722(g)(3)(A)(i)].
- Children and youth who become homeless between academic years are entitled to attend their school of origin for the following academic year [§722(g)(3)(A)(i)(I)].
- If a child or youth becomes permanently housed during the academic year, he or she is entitled to stay in the school of origin for the remainder of the academic year [§722(g)(3)(A)(i)(II)].
- In determining best interest, LEAs must, to the extent feasible, keep a homeless child or youth in the school of origin, unless it is against the wishes of the parent/guardian [§722(g)(3)(B)(i)]. Guidance and a sample form to assist in making a determination of feasibility are included with this memorandum as Attachment A.
- If the LEA sends the child or youth to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide a written explanation to the parent or guardian, including the right to appeal under the enrollment dispute resolution process [§722(g)(3)(B)(ii)]. Sample format is included as Attachment B.
- In the case of an unaccompanied youth, the local homeless education liaison will assist in enrollment or placement decisions, consider the youth's wishes, and provide notice to the youth of the right to appeal under the enrollment disputes resolution process [§722(g)(3)(B)(iii)].
- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere [§722(g)(3)(F)].

### Enrollment

- The school shall "immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation" [§722(g)(3)(C)(i)].  
Note: This does not eliminate these enrollment requirements; it merely allows enrollment while records are secured.

- "The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities" [§725(1)].
- "The enrolling school shall immediately contact the last school attended by the child or youth to obtain relevant academic and other records" [§722(g)(3)(C)(ii)].
- If a child or youth needs to obtain immunizations or medical records, "the enrolling school shall immediately refer the parent or guardian of the child or youth to the local education agency liaison... who shall help obtain necessary immunizations or immunization or medical records" [§722(g)(3)(C)(iii)]. Note: Local liaisons should work with school nurses in obtaining immunizations.
- The act does not prohibit LEAs from requiring a parent or guardian to submit contact information [§722(g)(3)(H)].
- The state plan under McKinney-Vento must demonstrate that the State Education Agency (SEA) and LEAs in the state "have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the state" [§722(g)(1)(I)].

NOTE: Sample policies and procedures that remove barriers to enrollment can be obtained by contacting Project HOPE.

#### Dispute Resolution Process

- The state plan must include "a description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths" [§722(g)(1)(C)].

Note: Virginia's enrollment dispute resolution process is being developed. It will be disseminated via superintendents' memorandum upon completion.

- If a dispute arises over school selection or enrollment, "the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute" [§722(g)(3)(E)(i)].
- The parent or guardian must be provided with a written explanation of the school's decision regarding school selection, including the right to appeal [§722(g)(3)(E)(ii)].

- The parent, guardian, or youth shall be referred to the local homeless education liaison, "who shall carry out the state's dispute resolution procedure as expeditiously as possible after receiving notice of the dispute" [§722(g)(3)(E)(iii)].
- "In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute" [§722(g)(3)(E)(iv)].

#### Records

- "Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth must be maintained (i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and (ii) in a manner consistent with section 444 of the General Education Provisions Act" [§722(g)(3)(D)].

#### Transportation

- The state and its LEAs are required to "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." [§722(g)(1)(J)(iii)]
  - If the homeless student continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange transportation. [§722(g)(1)(J)(iii)(I)].
  - If the homeless student begins living in an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transporting the child to the school of origin. If the LEAs cannot agree upon such a method, the responsibility and costs must be shared equally [§722(g)(1)(J)(iii)(II)].

### Access to Services

- It is the policy of Congress that homeless children and youth should have access to the education and other services they need to ensure that they "have an opportunity to meet the same challenging state student academic achievement standards to which all students are held" [§721(4)]. This includes access to state and local assessments.
- Children and youth are to be provided services comparable to those received by other students in the school selected, including transportation services; educational services for which students meet eligibility criteria, such as services provided under Title I or similar state or local programs, programs for students with disabilities, programs for students with limited English proficiency; vocational or technical programs; gifted and talented programs; and school nutrition programs [§722(g)(4)].

### Segregation

- It is the policy of the Congress that "homelessness alone is not sufficient reason to separate students from the mainstream school environment" [§721(3)].
- State and local educational agencies are required to "adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless" [§722(g)(1)(J)(i)].

### Coordination With Title I

- An LEA may receive funding under Title I, Part A, only if the LEA has on file with the state educational agency a plan, approved by the state educational agency, that is coordinated with the McKinney-Vento Homeless Assistance Act [§1112(a)(1)].
- Each LEA Title I plan must include a description of the services that will be provided to homeless children, including services provided with funds from the Reservation of Funds set-aside. [§1112(b)(1)(O)]
- Each LEA shall reserve such funds as are necessary to provide services comparable to those provided to children

in Title I, Part A funded schools to serve "homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children and youth may live." [§1113(c)(3)(A)]

- A child or youth who is homeless and attending any school in the LEA is eligible for services in a Targeted Assistance School Program. [§1115(b)(2)(E)]