

HOMELESS CHILDREN & EDUCATION

Fact Sheet



Education is a big issue for homeless children. The following are answers to the most commonly asked questions regarding homeless students and schools.

How does the law define “homeless”?

The McKinney-Vento Homeless Assistance Act (a federal law) extends protection to any child who does not have a fixed, regular, and adequate nighttime residence. This includes students who are:

- Living with a friend, relative, or someone else because they lost their home or their family is having temporary financial problems;
- Staying in a motel, hotel, trailer park, or campground because they have nowhere else to go;
- Living in a shelter, including emergency or transitional shelters, domestic violence shelters, and runaway and homeless youth shelters;
- Staying in substandard housing;
- Living somewhere not usually used for sleeping, including a car, park, public place, abandoned building, or bus or train station;
- Awaiting foster care placement; or
- Abandoned in a hospital.

The law also protects “unaccompanied youth,” or homeless children not living with a parent or guardian. This includes youth who:

- Were asked to leave home by a parent;
- Left home with a parent’s consent;
- Ran away from home; or
- Do not have a formal arrangement or custody papers while their parents are in jail, the hospital, or elsewhere.

Schools **cannot** keep a child out of school because the child does not have a parent or guardian to enroll them. To see the full text of the McKinney-Vento Act, please visit:

- www.ed.gov/programs/homeless/legislation.html

Are homeless children allowed to attend school?

The McKinney-Vento Act gives homeless children the right to:

- Stay in the same school even if they move;
- Enroll in a new school without records that are usually required, such as proof of residency, immunizations, school records, or other information;
- Get transportation to school;
- Get all school services they need; and
- Challenge the decisions of schools or districts.

What happens to a student in a temporary living situation?

Because of the McKinney-Vento Act, students in temporary living situations get the same free public education, including a public preschool education, which is provided to other children. Schools must make sure these students get all the educational services that they need, including tutoring, vocational education, gifted and talented programs, Title IX services, and special education.

Each school district has a person called a “liaison” or “coordinator” who makes sure that students without a permanent home can enroll in school. Schools must immediately enroll a homeless

student in a new school district. Enrollment is required even if the student does not have a current immunization record, physical examinations, school records, proof of residency, birth certificate, supplies, or even a parent or legal guardian. The school will request the necessary records from the student's last school.

Where do students in a temporary living situation go to school?

If a student is in a new temporary living situation, they may be able to continue attending school at the last school they attended, or they may choose to go to school in the new district where they are currently living. If the student continues to attend their original school, while living in a temporary situation, the school should help with appropriate services, such as transportation, school meals, or health services.

However, it may not be best for a student to continue going to their old school if it is not "feasible" for them to stay at that school. For example, if a child moved too far away or it would take too long to travel everyday, the child may need to choose a new school. If a student finds a new permanent home, they still may be able to stay at their old school until the end of the school year (check with your specific school district). It also may not be in the homeless youth's best interests to stay at their old school. For instance, if a child is leaving a situation involving domestic violence, he/she may need to go to school elsewhere.

Are there other resources or people who can help homeless students?

Yes. Families and/or students can contact shelter providers, youth program workers, school or school district personnel, or social workers for more information.

Each state has a Coordinator that must make sure all school districts in the state follow the McKinney-Vento Act. To locate your State Coordinator, please visit:

- <http://www.serve.org/nche/downloads/sccontact.pdf>

The current State Coordinator for Kentucky is Mary Marshall, and she can be reached at (502)564-3791.

You may want to contact a lawyer to help students and families understand their rights, and help schools understand their responsibilities. These websites may help you find free legal services in your area:

- www.ptla.org
- www.lawhelp.org
- www.lsc.gov

Also, the U.S. Department of Education can investigate states and school districts that do not follow the law. To contact the Department's Education for Homeless Children and Youth Program, call (202) 260-4412.

Resources:

- 42 U.S.C. § 11431 et. seq. (McKinney-Vento Homeless Education Act)
- 704 KY. ADMIN. REGS. 7:090 (Kentucky Homeless Children Education Program)
- National Law Center on Homelessness and Poverty. (2007, August). *Educating homeless children and youth: The guide to their rights*. Retrieved September 12, 2007, from [http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20\(2007\)1.pdf](http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20(2007)1.pdf)

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