

SUMMARY OF MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE ACT PROVISIONS

PURPOSE

The goal of the McKinney-Vento Homeless Education Assistance Act is to ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

DEFINITION

The Massachusetts Department of Elementary and Secondary Education (ESE) has adopted Section 725(2) of Act regarding the definition of homeless children and youth:

- individuals who lack a fixed, regular, and adequate nighttime residence or have a primary nighttime residence in a supervised, publicly or privately, operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition shall include:

- children and youth 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;
- children and youth 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;
- children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- unaccompanied youth – a youth not in the physical custody of a parent or guardian.

LIAISONS

The McKinney-Vento Act requires every school district to designate a staff person to serve as the Homeless Education Liaison whose role it is to assist homeless students enroll in school and to ensure that they receive the educational services for which they are eligible. (A current list of Liaisons is available on the web site.)

ENROLLMENT

School districts must immediately enroll homeless students in school, even if they do not have the documents usually required for enrollment – such as school records, medical records or proof of residency. Furthermore:

- homeless students have a right to either remain in their school of origin or to attend school where they are temporarily residing;
- students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they get permanent housing;
- Homeless Education Liaisons must assist students who arrive without records by contacting the previously attended school system to obtain the required records.

TRANSPORTATION

School districts must adopt policies and practices to ensure that transportation is provided, at the request of the parent, guardian or unaccompanied youth, to and from the school of origin.

Furthermore:

- if the homeless student continues to live in the area served by the district in which the school of origin is located, that district must provide or arrange transportation;
- if the homeless student moves to an area served by another district, though continuing his or her education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin; and
- if the districts cannot agree upon such a method, the responsibility and costs must be shared

equally.

ACCESS TO COMPARABLE SERVICES

Homeless students are to be provided services and education programs comparable to those received by other students and for which they 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. **NOTE:** To expedite the delivery of nutritional benefits, school officials may accept documentation that students are homeless from the local educational liaison or the director of homeless shelter where the students reside as the determination of eligibility for free lunch.

ACCESS TO PRESCHOOL

An important goal of McKinney-Vento is to afford homeless preschoolers the same opportunity to enroll, attend and succeed in preschool as non-homeless preschoolers, thereby minimizing their educational disruption due to homelessness. School District Homeless Education Liaisons and early care and education providers, including child development and preschool program personnel, child care resource and referral agencies and other service providers, must coordinate and collaborate to review and revise practices, or policies that inadvertently act as barriers to the enrollment of homeless children in child care and early education programs.

DISPUTE RESOLUTION

If a dispute arises over school selection or enrollment, the local school district must immediately enroll the homeless student in the school in which enrollment is sought – pending resolution of the dispute – and must provide the parent, guardian or unaccompanied youth with both a written statement of the school placement decision and a notice of the right to appeal the decision. The school district must refer the unaccompanied youth, parent or guardian to the homeless education liaison, who will expeditiously carry out the dispute resolution process. The final decision in such a situation resides with Massachusetts Commissioner of Education.

UNACCOMPANIED YOUTH & CHILDREN AND YOUTH IN STATE CARE OR CUSTODY

Unaccompanied youth are youth who are homeless; not in the physical custody of a parent/guardian; and not in the custody of a state agency. This definition includes youth living on the street, in inadequate housing, denied housing by their families, those who have left home voluntarily, even when their parent/s want them to return home, and youth doubled up with friends or relatives.

Also, in collaboration with the Department of Social Services (DSS), MADOE has determined that children and youth in state care or custody who have been placed out of their homes into temporary, transitional, or emergency living placements are awaiting foster care placement and are therefore homeless. For example, Stabilization, Assessment and Rapid Reintegration/Reunification (STARR) Programs are short-term DSS placements that have replaced the temporary, transitional, or emergency housing previously provided by “bridge” homes, diagnostic assessment centers, and shelters, and as a result, placements in STARR Programs, both latency and adolescent, are considered temporary, transitional, or emergency homeless housing under the McKinney-Vento Homeless Assistance Act.

Unaccompanied youth or students in state care or custody who are awaiting foster care are entitled to the same educational rights and services, including transportation, under McKinney-Vento as any homeless child or youth in the care of their parent(s)/guardian(s).