

# McKinney-Vento 2001 Reauthorization – At a Glance

The McKinney-Vento Homeless Assistance Act, reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This summary provides a brief overview of key provisions of the reauthorized Act. A comprehensive summary of amendments, as well as a copy of the legislation itself, is available at the NCH web site at: <http://www.nationalhomeless.org/reauthorization.html>, the NLCHP website at <http://www.nlchp.org>, and the NCHE website at <http://www.serve.org/nche>. In addition, issue briefs that explain key legislative provisions, and offer strategies for implementing them, will soon be available on topics designated with an asterisk on the NCH, NCHE, and NLCHP web sites.\*

## **Definitions\***

The 2001 reauthorization includes definitions of who is considered homeless for the purposes of this subtitle of the McKinney-Vento Act, and therefore who is eligible for the rights and protections it provides. These definitions include children and youth who are living with a friend, relative or someone else because they lost their home or can't afford housing; children and youth who are staying in a motel or hotel due to lack of adequate alternative accommodations; children and youth who are living in an emergency or transitional shelter or a domestic violence shelter, and many other situations (see side panel for full definition).

## **Who is Homeless?**

According to the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11435(2).

"Sec. 725. Definitions - For purposes of this subtitle -

...(2) The term 'homeless children and youths' -

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); 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; 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 (within the meaning of section 103(a)(2)(C));

(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)."

### **Academic Achievement**

- States must describe in their state McKinney-Vento plan how students in homeless situations are or will be given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.
- It is the policy of Congress that students in homeless situations 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.

### **School Selection\***

- Local Educational Agencies (LEAs) must, to the extent feasible, keep students in homeless situations in their school of origin (defined as the school attended when permanently housed, or the school in which they were last enrolled), unless it is against the parent's or guardian's wishes. (See Transportation, below, for information on transportation to the school of origin.)
- Students can stay in their school of origin the entire time they are homeless, and until the end of any academic year in which they move into permanent housing.
- Students may also choose to enroll in any public school that students living in the same attendance area are eligible to attend. (See Enrollment, below.)
- If a student is sent to a school other than the school of origin or the school requested by a parent/guardian, the LEA must provide a written explanation of its decision and the right to appeal, whether or not the parent/guardian disputes the placement. (See Dispute Resolution, below.)
- Homeless liaisons must help unaccompanied youth (youth who are not in the physical custody of a parent or guardian) choose and enroll in a school, after considering the youth's wishes, and provide youth with notice of their right to appeal an enrollment choice that goes against their wishes. (See Liaisons, below, for the appointment and duties of the liaison.)

### **Enrollment\***

- LEAs must immediately enroll students in homeless situations, even if they do not have required documents, such as school records, medical records, proof of residency, or other documents. The term "enroll" is defined as attending classes and participating fully in school activities.
- Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.
- If a student does not have immunizations or immunization or medical records, the liaison must immediately assist in obtaining them, and the student must be enrolled in school in the interim.
- Schools must maintain records for students who are homeless so they are available quickly.

- States must address problems resulting from enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.
- States and LEAs must develop, review and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

### **Dispute Resolution\***

- Every state must establish procedures to promptly resolve disputes regarding the educational placement of homeless students.
- Whenever a dispute arises, the student must be immediately admitted to the school of choice while the dispute is being resolved.
- A written explanation of the school's decision must be provided if a parent, guardian or unaccompanied youth disputes a school placement or enrollment decision.
- The school must refer the student, parent or guardian to the local liaison to carry out the dispute resolution process as expeditiously as possible (see Liaisons for the duties of liaisons).
- Liaisons must ensure that this provision is followed for unaccompanied youth.

### **Transportation\***

- At a parent's or guardian's request, homeless students must be provided with transportation to and from their school of origin.
- For unaccompanied youth, transportation to and from the school of origin must be provided at the liaison's request.
- If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide transportation. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.
- In addition to providing transportation to the school of origin, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students.

### **Liaisons\***

- Every LEA must designate an appropriate staff person as a local educational agency liaison for students in homeless situations.
- Liaisons must ensure that:
- Children and youth in homeless situations are identified by school personnel and through coordination activities with other entities and agencies\*
- Children and youth enroll in, and have full and equal opportunity to succeed in, the schools of the LEA
- Families, children, and youth receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered

by the LEA, and referrals to health, mental health, dental, and other appropriate services

- Parents or guardians 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 students in homeless situations is disseminated where children and youth receive services under the Act (such as schools, family shelters, and soup kitchens)
- Enrollment disputes are mediated in accordance with the Enrollment Disputes section (see Dispute Resolution, above)
- Parents and guardians, and unaccompanied youth, are fully informed of all transportation services, including to the school of origin, and are assisted in accessing transportation services.
- Liaisons must collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.
- State coordinators and LEAs must inform school personnel, service providers, and advocates who work with families in homeless situations of the duties of the liaison.

### **Segregation\***

- It is the policy of the Congress that homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- States that receive McKinney-Vento Act assistance are prohibited from segregating homeless students in separate schools, separate programs within schools, or separate settings within schools, except:
- States that have separate schools operated in FY2000 in a "covered county" are excluded from the prohibition, and are eligible to receive McKinney funds, providing that the covered schools, and the LEAs that the homeless children enrolled in the covered schools are eligible to attend, meet the requirements specified for them in the Act (Covered counties are Orange County, CA; San Diego County, CA; San Joaquin County, CA; and Maricopa County, AZ).
- If McKinney-Vento services are provided on school grounds, schools must not provide services in settings within a school that segregate homeless children and youth from other children and youth, except as is necessary for short periods of time for health and safety emergencies, or to provide temporary, special, and supplementary services.
- SEAs and LEAs must adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless, or stigmatized.
- Services provided with McKinney-Vento Act funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the school's regular academic program.

### **Local Subgrants**

- States are required to award competitive subgrants to LEAs based on need and quality of the application submitted.
- In determining quality of applications, states must consider the applicant's needs assessment; the types, intensity, and coordination of services; the involvement of parents or guardians; the extent to which children and youth are integrated into regular education programs; the quality of the applicant's evaluation plan; the extent to which McKinney-Vento services will be coordinated with other available services; and such other measures as the State considers indicative of a high quality program

### **Statewide Activities**

- The Office of State Coordinator must provide technical assistance, in coordination with local liaisons, to all LEAs in order to ensure compliance with the following LEA requirements: school choice/placement; best interest determination; enrollment; enrollment disputes; records; comparable services; coordination; local liaison duties; review and revision of policies; and the prohibition on segregation
- States must distribute at least 75% of their McKinney-Vento allocation to LEAs, except that states funded at the minimum level must distribute at least 50% of their McKinney-Vento Act allocations to LEAs.

### **Federal Activities**

- Not later than 60 days after the date of enactment, the U.S. Department of Education must publish school enrollment guidelines in the Federal Register which describe successful ways in which a State may assist school districts to immediately enroll students who are homeless, and how States can review and revise State requirements on immunization, school, or medical records.
- Before the next school year that begins after the date of enactment, the U.S. Department of Education must create a public notice of the educational rights of children and youth in homeless situations and disseminate such notice nationwide and to other Federal agencies, programs, and grantees, including Head Start grantees, health care for the homeless projects, emergency food and shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.
- The U.S. Department of Education must periodically collect and disseminate data and information on the number and location of children and youth in homeless situations; the educational services they receive; the extent to which their educational needs are being met; and such other data and information as is determined to be necessary and relevant. The Department is required to coordinate data collection and dissemination with the agencies and entities that receive McKinney-Vento funds and administer McKinney-Vento programs.

### **Funding**

- The minimum amount of funding that any state can receive is \$150,000, one-quarter of one percent of the overall appropriation, or the amount the state received in FY2001. If there are insufficient funds available to allot the minimum

amount to each state, the allotments to states will be reduced based on the proportionate share that each state received in the preceding fiscal year.

- \$70 million is authorized for FY2002, and such sums as may be necessary for fiscal years 2003 through 2007\*\*

\* Issue briefs will also be available on additional topics, including identifying children in homeless situations, unaccompanied youth, and Title I.

\*\* The authorized funding level is the ceiling, or maximum amount that Congress sets for a program. The amount of funding that is actually provided is determined annually by the Congressional appropriations process. In FY2002, Congress appropriated \$50 million dollars for the EHCY program.

This document was developed collaboratively by:

[National Association for the Education of Homeless Children and Youth](#)

[National Center for Homeless Education](#)

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[National Law Center on Homelessness & Poverty](#)

[National Network for Youth](#)