



State of Arizona  
Department of Education

TO: Homeless Education Liaisons  
Child Welfare Partners

FROM: Frank Migali  
State Coordinator for Homeless Education  
Education Program Specialist  
Special Populations Section

SUBJECT: "Awaiting Foster Care Placement"

The term "homeless children and youth" is defined in the McKinney-Vento Homeless Education Assistance Act of 2001, Public Law 107-110, Title X, Part C, Sub-Title B, Section 725 (2)(B) as:

*"(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;" (emphasis added)*

Some confusion has arisen regarding the wording "or are awaiting foster care placement". The phrase in the law is "awaiting foster care placement," not "foster care placement." The drafters of the law draw a distinction between children and youth who are in foster care and those who are awaiting such placement. The law does not include in the definition of Homeless Children and Youth children and youth who have already been placed in foster care. Children who have been placed in foster care are not considered homeless children and youth. This interpretation is contained in (G) of the United States Department of Education's Non Regulatory Guidance on the McKinney-Vento Homeless Assistance Improvements Act.

The local school district, McKinney-Vento liaison is responsible for making determinations of eligibility. If there is a disagreement about the eligibility determination, liaisons should inform the agency or party of their right to dispute the determination of eligibility, as per the McKinney-Vento Act's dispute provisions.

The Special Populations Section will provide technical assistance upon request. You may contact Frank Migali at 602.542.4963 or email to [frank.migali@azed.gov](mailto:frank.migali@azed.gov) .