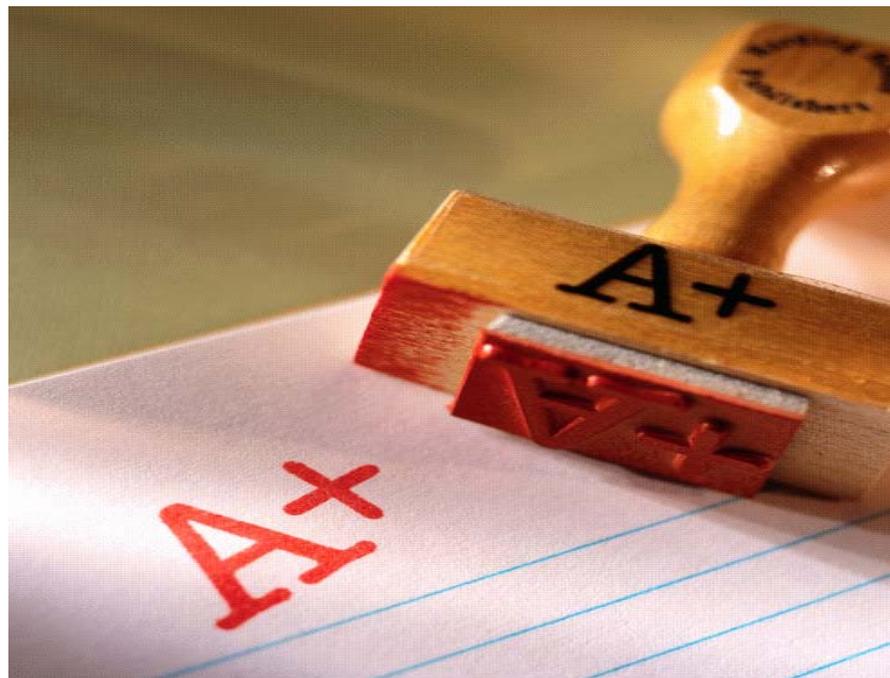


NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

Educating Homeless Children
and Youth:

*The 2005 Guide
To Their Rights*



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The National Law Center on Homelessness & Poverty is a registered 501(c)(3) non-profit organization. NLCHP serves as the legal arm of the national movement to alleviate, prevent, and end homelessness through impact litigation, public policy, and public education.

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ABOUT THIS BOOKLET

More than 1.35 million children and youth experience homelessness each year. These young people may be living on the streets, but they are most often in shelters or temporarily living with family or friends after losing housing or having financial problems.

THE MCKINNEY-VENTO ACT

Children and youth experiencing homelessness often have problems enrolling and participating in school. As a result, Congress passed the McKinney-Vento Homeless Assistance Act in 1987. This law gives homeless children and youth the right to:



Stay in their school even if they move;



Enroll in a new school without proof of residency, immunizations, school records or other papers;



Get transportation to school;



Get all the school services they need; and



Challenge decisions made by schools and districts.

HELPING STUDENTS WITH SCHOOL NEEDS

Despite McKinney-Vento, homeless children and youth sometimes need help enrolling and participating in school. Various individuals can, and should, step forward to provide assistance. Parents, relatives, family friends, school and school district personnel, shelter providers, youth program workers, social workers, advocates, and the students themselves can all play a role in helping young people get an education. If you are such a person, this booklet will get you started.

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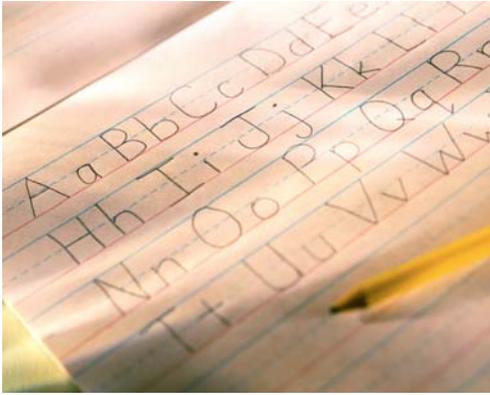
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Q & A: DEFINING HOMELESSNESS

Q: WHO IS COVERED BY THE MCKINNEY– VENTO ACT?

A: Any child or youth without a fixed, regular and adequate nighttime residence is considered “homeless” under the law. This includes students who are:

- 🔑 Living with a friend, relative or someone else because they lost their home or can’t afford a home;
- 🔑 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 in places not ordinarily used for sleeping, including cars, parks, public places, abandoned buildings, or bus or train stations;
- 🔑 Awaiting foster care placement; or



Abandoned in a hospital.

Q: ARE YOUTH ON THEIR OWN COVERED BY MCKINNEY-VENTO?

A: Yes. McKinney-Vento protects homeless youth who are not living with a parent or guardian. The law calls such students “unaccompanied youth.” These young people may include those who:

- Were asked to leave home by parent;
- Left home with the consent of a parent;
- Have no formal custody papers or arrangements while their parents are in jail, the hospital, or a rehabilitation center; or
- Ran away from home.

Youth on their own cannot be kept out of school because they do not have a parent or guardian to enroll them.

Q: WHAT DOES IT MEAN TO BE “AWAITING FOSTER CARE PLACEMENT?”

A: The law allows each community to decide which children should be placed in this category. School districts often include young people who are in the

custody of a social services agency and living in an emergency shelter while waiting to be placed with a family.

Q: DO ANY SPECIAL RULES APPLY TO MIGRANT OR IMMIGRANT STUDENTS?

A: No. Public schools must serve all migrant and immigrant children and youth. This is true even if the family or student is undocumented. Migrant and immigrant children who fit into one of the homeless categories are covered under McKinney-Vento.



Q & A: SCHOOL DISTRICT ASSISTANCE

Q: DOES MY SCHOOL DISTRICT HAVE SOMEONE WHO CAN HELP HOMELESS CHILDREN WITH SCHOOL ISSUES?

A: Yes. Every school district must have a person in charge of making sure students who are homeless can enroll and succeed in school. This person is called a “liaison” or a

“coordinator.” Families and youth can call their school district’s central office or their State Coordinator to get their Liaison’s name and phone number. The contact information for the state coordinators is at the end of this booklet.

Q: IN WHAT WAYS DO LIAISONS HELP STUDENTS?

A: According to the McKinney-Vento Act, liaisons must:

- Locate homeless children and youth in their districts, making sure they immediately enroll and have an equal opportunity to succeed in school.
- Make sure that young people receive appropriate services, including transportation, preschool, special education, English language learner services, vocational education, and similar services.
- Make referrals to health care services, dental services, mental health services, or other care providers.
- Publicly post the education rights of homeless children and youth in places such as schools and family shelters.
- Assist unaccompanied youth with enrollment, transportation, and disagreements with schools.
- Help students get immunizations and immunization records.
- Make sure that disagreements between students

and schools are resolved.

Q: ARE LIAISONS HELPFUL IN OTHER WAYS?

A: Yes. Liaisons can provide useful information. They know about any special programs offered to homeless students. For example, districts may provide tutoring, mentoring, after school activities, or school supplies.



**Q & A:
SCHOOLS OF ORIGIN**

Q: IS IT A GOOD IDEA FOR STUDENTS TO STAY IN THE SAME SCHOOL AFTER THEY LOSE HOUSING?

A: Yes. Students often benefit from staying in one school while they are homeless. They are less likely to fall behind in their school work. They can also find comfort with familiar teachers, friends, and activities.

Q: CAN MCKINNEY-VENTO HELP STUDENTS STAY IN THEIR SCHOOLS?

A: Yes. Children and youth in homeless situations have the right to stay in the schools they went to before they lost their housing, or to stay at whatever school they were enrolled in last. These schools are called “schools of origin.”

Q: HOW LONG CAN A STUDENT ATTEND A SCHOOL OF ORIGIN?

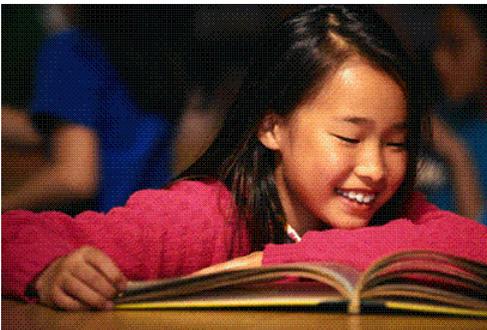
A: Students can stay in their school of origin for the entire time they are homeless. When they find permanent housing, they can continue in a school of origin until the end of the school year.

Q: ARE STUDENTS ALWAYS ABLE TO GO TO A SCHOOL OF ORIGIN?

A: No. If it is not “feasible” for a student to stay at his or her school of origin, he or she may have to transfer. For example, if a student moves so far away that it would be harmful for the child to travel that far to school, it may be best for the student to change schools.

Q: WHAT IF A STUDENT NEEDS TRANSPORTATION TO THE SCHOOL OF ORIGIN?

A: School districts must provide or arrange transportation for students who want to stay at their schools of origin, even if students move to a different city, county, or school district. The liaison must help set up transportation, which could include school buses, passes for public transportation (buses or subways), taxis, or vans.



Q & A: ENROLLING IN NEW SCHOOLS

Q: IF STUDENTS WANT TO GO TO THEIR LOCAL SCHOOL, CAN THEY?

A: YES. Sometimes students cannot attend a school of origin because they moved too far away or for other reasons. Some children and youth do not want to stay in the same school. These young people have the right to attend schools that serve the area where they are currently living.

Q: ARE THERE ANY SPECIAL RULES FOR ENROLLING HOMELESS STUDENTS?

A: Yes. Schools must immediately enroll homeless students, allowing them to attend classes and participate fully in school activities. These students are able to enroll even if they do not have records or other items that are required for non-homeless students, such as:

- Immunizations or immunization records;
- Physical examinations or medical records;
- School records;
- Proof of residency;
- A parent or legal guardian;
- Birth certificates; and/or
- Other documents.

Q: HOW DOES THE SCHOOL GET NECESSARY RECORDS?

A: While students are enrolled and attending classes, schools will try to get necessary records. The new school must call the student's last school to get records. The last school must send those records. Liaisons are required to help students get immunizations, immunization records, or other medical records.

Q: WHAT HAPPENS IF SCHOOLS NEVER GET THESE DOCUMENTS?

A: Sometimes schools will not be able to get some of these

documents. For example, unaccompanied youth may never be able to bring a parent or guardian to school. Families may never be able to prove residency through documents such as lease agreements. However, if youth or families cannot produce such items, that should not become a barrier to their school attendance.

Q: WHAT IF A STATE OR SCHOOL DISTRICT HAS RULES THAT SAY STUDENTS CANNOT GO TO SCHOOL WITHOUT CERTAIN RECORDS?

A: Schools must still follow the McKinney-Vento Act even if they have laws or policies that conflict with it. If schools, school districts, or states have rules that keep students who are homeless out of school, McKinney-Vento says those rules must be changed.

Q: CAN STUDENTS IN HOMELESS SITUATIONS BE SENT TO SEPARATE SCHOOLS?

A: Most separate schools are against the law. However, separate schools for homeless students are legal in a small number of communities. Students in those areas cannot be forced to attend a separate school. They can choose to attend a regular school with non-homeless students. Public schools cannot put students experiencing homelessness in separate classes or programs just because they are homeless.



Q & A: SPECIAL SERVICES

Q: DO SCHOOLS HAVE TO GIVE STUDENTS IN HOMELESS SITUATIONS ALL THE SERVICES THEY NEED?

A: YES. Schools must make sure children and youth in homeless situations get all the educational and supplemental services they need.

Q: WHAT TYPES OF SERVICES ARE AVAILABLE?

A: Students living in homeless situations must have equal access to various services, including tutoring, before and after school programs, vocational education, and gifted and talented programs. They must also have access to the following

School meal programs

Students in homeless situations automatically qualify for free breakfast and lunch at schools that offer meals.

Families do not have to fill out an application or provide proof of income. Liaisons and shelter providers can give school nutrition officials a list of homeless students who need meals.

Pre-school

Liaisons must ensure that homeless children have access to pre-school programs such as Head Start, Even Start and others. However, all eligible homeless children may not be able to find a place in a pre-school program. Liaisons often try to work with pre-school providers on solutions to this problem. Such solutions may include reserving spaces for homeless students.

Special education

Schools must make sure students with disabilities, including preschool children, get the special education and services they need. NLCHP has a booklet describing special education rights. The booklet is available online or you can call or e-mail (info@nlchp.org) to get a free copy.

Title I services

Title I is a federal law that gives schools money to support disadvantaged students. Children and youth in homeless situations should get Title I services no matter where they go to school, and school districts must set aside money to make sure homeless students get services.



Q & A: DISPUTES AND DISAGREEMENTS

Q: WHAT HAPPENS IF FAMILIES OR STUDENTS DISAGREE WITH DECISIONS MADE BY SCHOOLS?

A: Whenever there is a disagreement or dispute between a school and a parent, guardian, or youth, the school must:

- Provide a written document explaining its decision and the student's or family's right to file an appeal;
- Allow the student to enroll in their desired school and receive necessary services until the dispute is resolved;
- Refer the student or family to the liaison who must help to resolve the dispute quickly.

Q: WHAT IF THE SCHOOL DISTRICT DOES NOT SETTLE THE DISPUTE?

A: States and school districts must follow McKinney-Vento. If students or families continue to experience problems, they can:

Call their State Coordinator. Every state has a State Coordinator who has to ensure that all school districts in the state follow the McKinney-Vento Act. There is a list of State Coordinators at the end of this booklet.

Call a lawyer for help. A lawyer may be able to help you understand your rights and help schools understand their responsibilities. The following websites may be helpful in finding legal aid groups in your area:

- www.ptla.org/links.htm#services
- www.lawhelp.org
- www.lsc.gov/fundprog.htm.

You can also call your state bar association or the National Law Center on Homelessness & Poverty for a referral.

Contact the U.S. Department of Education. The Department can investigate states and school districts that do not follow the law. To reach the Department's Education of Homeless Children and Youth Program, call (202) 401-0113.

HELPFUL RESOURCES

If you continue to have questions about the law or need advice and assistance, the following are helpful resources:

The National Law Center on Homelessness & Poverty

(202) 638-2535

www.nlchp.org

The National Association for the Education of Homeless Children & Youth

(202) 364-7392

www.naehcy.org

The National Center on Homeless Education

1-800-308-2145

www.serve.org/nche



Additional helpful resources for special education include:

Technical Assistance Alliance for Parent Centers

1-888-248-0822

www.taalliance.org

Council for Exceptional Children

1-866-915-5000

www.cec.sped.org

The following groups have information for and about unaccompanied youth :

The National Network for Youth

202-783-7949

www.nn4youth.org

Covenant House

1-800-999-9999 (Crisis Hotline for Teens)

www.covenanthouse.org



Should you want to read the law...



The McKinney-Vento Act (42 U.S.C. 11431) and related guidance can be found on the website of the U.S. Department of Education:



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



If you encounter any problems with school enrollment or attendance of a child or youth experiencing homelessness, you should immediately call your school district and ask to speak to your local homeless coordinator. You also may contact your State Coordinator.

State Coordinators

(Visit www.serve.org/nche for the most current contact information.)

ALABAMA

Dorothy Riggins
334-242-8199

DELAWARE

Joanne Miro
302-739-2767 x3284

IOWA

Ray Morley
515-281-3966

ALASKA

Sondra Meredith
907-465-8706

FLORIDA

Betty Applewhite
850-245-0709

KANSAS

Terry Eis
785-296-6714

ARIZONA

Mattie McVey
602-542-4963

GEORGIA

David Davidson
404-651-7555

KENTUCKY

Mary Marshall
502-564-3791

ARKANSAS

Susan Underwood
501-682-4847

HAWAII

Judy Tonda
808-394-1394

LOUISIANA

Deidre Kibbe
225-342-5688

CALIFORNIA

Leanne Wheeler
916-319-0383

IDAHO

Jan Byers-Kirsch
208-332-6953

MAINE

Shelley Reed
207-624-6637

COLORADO

Margie Milenkiewicz
303-866-6930

ILLINOIS

Rich DeHart
217-782-2948

MARYLAND

Walter E. Varner
410-767-0293

CONNECTICUT

Louis Tallarita
860-807-2058

INDIANA

Christina Endres
317-232-0548

MASSACHUSETTS

Peter Cirioni
781-338-6294

MICHIGAN
Mike McGraw
517-241-8369

MINNESOTA
Tom Gray
651-582-8282

MISSISSIPPI
Gloria White Adams
601-359-3499

MISSOURI
Kim Oligschlaeger
573-522-8763

MONTANA
Terry Teichrow
406-444-2036

NEBRASKA
Roger Reikofski
402-471-2968

NEVADA
Jacquelyn Moore
775-687-9248

NEW HAMPSHIRE
Lynda Thistle Elliott
603-271-3840

NEW JERSEY
Danielle Anderson-Thomas
609-984-4974

NEW MEXICO
Joseph Sanchez
505-827-1805

NEW YORK
Patricia McGuirk
518-473-1236

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360-725-4968

WEST VIRGINIA
Lisa Burton
304-558-8830

WISCONSIN
Mary Maronek
608-261-6322

WYOMING
Carolee Buchanan
307-777-3562

You can make a difference in the lives of homeless children and families by becoming a member of the National Law Center on Homelessness & Poverty

You are invited to join the network of attorneys, students, advocates, activists and committed individuals who make up NLCHP's membership network. The network provides a forum for individuals, non-profits, and corporations to participate and learn more about using the law to advocate for solutions to homelessness.

NLCHP Members also receive the following benefits:

- ◆ Free electronic copies of NLCHP reports e-mailed when each report is released
- ◆ A free paper copy of NLCHP reports upon request
- ◆ 45% discount on registration for monthly NLCHP audio trainings
- ◆ 10% discount on registration for NLCHP conferences, forums, & workshops
- ◆ Access to NLCHP program attorneys and members through **members-only list serve** that will give you the opportunity to communicate with NLCHP staff attorneys and advocates from around the country, as well as:
 - NLCHP's **monthly e-updates**
 - Invitations to upcoming **conferences and events**.
 - Timely legislative **action alerts**.
 - Notice of **internship and volunteer opportunities**.

To become a member, go to **www.nlchp.org**
or give us a call at (202) 638-2535.

JOIN US

The National Law Center on Homelessness & Poverty works to end homelessness through outreach and education, legislative advocacy and litigation. We seek long-term, constructive responses at the local, state, and federal levels.

For more information on our activities and a listing of our publications, including many works on the Education of Children and Youth Experiencing Homelessness, please contact us through the information below.

We would like to thank our Anonymous Donor, the W. K. Kellogg Foundation, the Freddie Mac Foundation, and the Butler Family Fund for their support of our work with children who are homeless.

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