

EDUCATION RIGHTS OF HOMELESS STUDENTS - MCKINNEY-VENTO ACT

What is McKinney-Vento?

The McKinney-Vento Homeless Assistance Act is the primary federal (U.S) law dealing with the education of children and youth in homeless situations. The McKinney-Vento Act protects the right of homeless children and youth to get to, stay in, and be successful in school while they or their families are homeless. The law focuses on maintaining school stability and school access and providing support for academic success for homeless kids. The law also requires schools and states to use child-centered, best-interest decision making when working with homeless children and their families to choose a homeless child's school, services, and other needed resources.

Why do homeless children and youth need a federal law to protect their right to an education?

Homeless children and youth face lots of barriers in trying to enroll, remain, and be successful in school, including:

- Enrollment requirements (school records, health records, proof of residence and guardianship).
- High mobility resulting in a lack of school stability and educational continuity.
- Lack of transportation.
- Lack of school supplies, clothing, etc.
- Poor health, fatigue, hunger, anxiety/trauma.
- Invisibility (lack of awareness).
- Prejudice and misunderstanding.
- For unaccompanied youth (youth who do not live with their parents or a guardian): lack of adult guardian; need for employment; credit accrual policies; concerns of capture by authorities.

Who are homeless children and youth?

The McKinney-Vento Act's definition who qualifies as a homeless child or youth is quite broad: "Children and youth who lack a fixed, regular, and adequate nighttime residence," including, but not limited to:

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason ("doubled up").

- Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations.
- Living in emergency or transitional shelters.
- Awaiting foster care placement.
- Living in a public or private place not designed for humans to live.
- Living in cars, parks, abandoned buildings, bus or train stations, etc.
- Migratory children living in the above circumstances.

Is there an age limit on who is eligible for McKinney-Vento services?

No, the law does not specify an age range. McKinney-Vento applies to all school-aged children and youth. Arizona law allows all children between the ages of 5 and 21 the right to attend school.

What educational rights does McKinney-Vento guarantee for homeless children and youth?

- A broad mandate for all school districts to remove barriers to school enrollment and retention by revising policies and practices.
- Students can remain in their school of origin ("school of origin" means the school a child attended when permanently housed or in which he/she was last enrolled).
- Students must receive transportation to their school of origin.
- Students have a right to immediate enrollment, even if they don't have all of their paperwork - for example, medical/health records, proof of residency, former school records, immunization records.
- Students have a right to access to all of the school's programs and services on the same basis as all other students, including special education.
- Students and their families have access to a dispute resolution process through the Arizona Department of Education when they disagree with a school about how the McKinney-Vento Act applies in their situation.

For more information, please contact **Bonnie Graham** at 928-775-9675.

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