



National Center for Homeless Education
Supporting the Education of Children and
Youth Experiencing Homelessness
www.serve.org/nche



MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

School Selection

INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 USC §§11431-11435, 2001; hereafter referred to as *The McKinney-Vento Act*), reauthorized in 2001 by Title X, Part C of the No Child Left Behind Act, guarantees a child or youth identified as homeless the right to attend either the school of origin or the local attendance area school. This brief explains the provisions in the law related to school selection and offers strategies for implementing them in a school district. Briefs on additional homeless education topics are available at <http://center.serve.org/nche/briefs.php>.

This brief is designed to be used in conjunction with NCHE's *Guiding the Discussion on School Selection* brief, which provides practical suggestions for determining the school that is in a homeless student's best interest to attend, and discussing school selection choices with homeless parents, guardians, or unaccompanied youth.

KEY SCHOOL SELECTION PROVISIONS

- Local education agencies (LEAs or school districts) must keep homeless children and youth in the school of origin, to the extent feasible, except when

Who is homeless?

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (as reauthorized by Title X, Part C of the Elementary and Secondary Education Act, as amended)

The term "homeless children and youth"—

- means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- includes —
 - 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;
 - 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...
 - children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

doing so is contrary to the wishes of the parent or guardian (or in the case of an unaccompanied homeless youth, against the youth's wishes) (42 U.S.C. § 11432(g)(3)(B)(i), 2001).

- » *School of origin* is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled (42 U.S.C. § 11432(g)(3)(G), 2001).
- » Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they become permanently housed (42 U.S.C. § 11432(g)(3)(A)(i)(II), 2001).
- » If a student becomes homeless in between academic years, he or she can continue attending the school of origin for the following school year (42 U.S.C. § 11432(g)(3)(A)(i)(I), 2001).
- A homeless child or youth may enroll in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend (the local attendance area school) (42 U.S.C. § 11432(g)(3)(A)(ii), 2001).
- LEAs must:
 - » inform homeless parents and guardians of their children's rights under the McKinney-Vento Act (or inform unaccompanied homeless youth of their rights) (42 U.S.C. § 11432(g)(6)(A)(iv), 42 U.S.C. § 11432(g)(6)(A)(vii), 2001);
 - » provide transportation for homeless students to and from their school of origin at the request of the parent or guardian (or in the case of an unaccompanied youth, the local liaison) (42 U.S.C. § 11432(g)(1)(J)(iii), 2001); and
 - » provide written notice of the LEA's school selection decision and the right to appeal, if a parent or guardian

disagrees with the LEA on which school the student should attend (or, provide written notice to an unaccompanied homeless youth, in the event of such a disagreement) (42 U.S.C. § 11432(g)(3)(B)(ii), 2001).

THE IMPORTANCE OF SCHOOL STABILITY

Changing schools greatly impedes students' academic and social growth. Highly mobile children often experience educational discontinuity and fall behind in their studies. High mobility coupled with the trauma of experiencing homelessness predisposes many homeless children and youth to academic failure and dropping out of school. Therefore, the McKinney-Vento Act requires LEAs to maintain homeless students' educational stability by allowing them to remain in their school of origin when to the extent feasible.

FEASIBILITY

According to Question G-4 (see sidebar on page 3) of the U.S. Department of Education's *Education for Homeless Children and Youth Program Non-Regulatory Guidance* (2004, p. 14), the school placement decision should be a student-centered, individualized determination. Factors that an LEA may consider include:

- the age of the child or youth,
- the distance of the commute to and from the school of origin and its impact on the student's education,
- personal safety issues,
- the student's need for special instruction (e.g., special education and related services),
- the anticipated length of stay in a temporary shelter or other temporary location, and
- the time remaining in the school year.

STRATEGIES FOR IMPLEMENTING THE SCHOOL OF ORIGIN PROVISIONS

In implementing the McKinney-Vento Act's school of origin provisions, local liaisons should:

- provide training for school personnel on school selection rights for homeless children and youth, and on the importance of school stability.
- require school staff to inform homeless parents, guardians, and unaccompanied youth of their rights immediately upon identification or enrollment. Develop a brochure or include this information in an LEA handbook for parents; or provide NCHE's guide entitled, *What You Need to Help Your Child in School: A Guide for Parents, Guardians, and Caregivers*.

U.S. DEPARTMENT OF EDUCATION GUIDANCE, QUESTION G-4

G-4. What should a school district consider when determining the extent to which it is feasible to educate a homeless child or youth in his or her school of origin?

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and the time remaining in the school year.

The full text of the Guidance is available at <http://www2.ed.gov/programs/homeless/guidance.pdf>.

- have all enrollment staff utilize NCHE's *Guiding the Discussion on School Selection* brief when working with homeless parents, guardians, and unaccompanied youth to determine which school is in the student's best interest.
- ensure that forms for enrollment and written notice about the right to appeal the school's or LEA's school selection decision are written in a form that homeless parents, guardians, and unaccompanied youth can understand, including versions that are written in their native language. Explain the forms verbally, if needed. For more information on the resolution of disputes, reference NCHE's *Dispute Resolution* brief.

LOCAL ATTENDANCE AREA SCHOOL ENROLLMENT STRATEGIES

When the school (or LEA) and homeless parents, guardians, or unaccompanied youth agree that enrolling in the local attendance area school is in the best interest of the student, the sending school can ease the transition to the new school by implementing the following strategies:

- Encourage the parent, guardian, or unaccompanied youth to make the transition at a time when disruption could be minimized, such as at the end of a grading period or over a holiday break.
- Send school records immediately to the new school.
- Collect samples of the student's work to send to the new school, or provide a folder for the parent, guardian, or unaccompanied youth to include samples. Consider using NCHE's *Parent Pack Pocket Folder*, available at http://center.serve.org/nche/pr/parent_pack.php.
- Contact the local liaison at the new school to ensure immediate enrollment and discuss what services the student may need.
- Provide the parent, guardian, or student with

information on the new school, including activities in which the student may be interested.

The receiving school can ease the transition to the new school by implementing the following strategies:

- Welcome the student and provide a “gift” of some sort, such as school supplies, clothes, etc.
- Provide orientation materials to the student and his or her parent or guardian.
- Provide a tour of the school, including meeting the student’s teachers.
- Review the student’s academic records and discuss his or her interests and needs with the student and his or her parent or guardian to determine what academic and other supports may be needed.
- Link the student with all needed services, such as free school meals, transportation, and tutoring.
- Ensure that all teachers have procedures for welcoming and integrating new students into the classroom.
- Implement policies and practices to ensure that students can obtain school credit, even if they enroll mid-semester.

LEGISLATIVE EXCERPTS RELATED TO SCHOOL SELECTION

(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

(I) in any case in which a family becomes

homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

42 U.S.C. § 11432(g)(3)(A)

(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

42 U.S.C. § 11432(g)(3)(B)

ADDITIONAL RESOURCES

- *Dispute Resolution* (National Center for Homeless Education): <http://center.serve.org/nche/downloads/briefs/resolution.pdf>
- *Education for Homeless Children and Youth Program Non-Regulatory Guidance* (U.S. Department of Education): <http://www2.ed.gov/programs/homeless/>

guidance.pdf

- *Guiding the Discussion on School Selection* (National Center for Homeless Education): http://center.serve.org/nche/downloads/briefs/sch_sel_checklist.pdf
- *Homeless Liaison Toolkit* (National Center for Homeless Education): http://center.serve.org/nche/pr/liaison_toolkit.php
- *Parent Pack Pocket Folder* (National Center for Homeless Education): http://center.serve.org/nche/pr/parent_pack.php
- *The McKinney-Vento Homeless Assistance Act*: <http://center.serve.org/nche/legis/mv.php>
- *What You Need to Know to Help Your Child in School: A Guide for Parents, Guardians, and Caregivers* (National Center for Homeless Education): http://center.serve.org/nche/pr/parent_booklet.php

REFERENCES

McKinney-Vento Homeless Assistance Act of 2001. 42 USC §§11431–11435. Retrieved from <http://www2.ed.gov/programs/homeless/legislation.html>

U.S. Department of Education. (2004). *Education for Homeless Children and Youth program non-regulatory guidance*. Retrieved from <http://www2.ed.gov/programs/homeless/guidance.pdf>

This brief was developed by:

National Center for Homeless Education

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

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Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://www.serve.org/nche/states/state_resources.php.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.

Local Contact Information: