

Questions & Answers on Homeless Education

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What Is the McKinney-Vento Homeless Assistance Act?

The Education of Homeless Children and Youth (EHCY) program of the McKinney-Vento Homeless Assistance Act is Title IX, Part A of the Every Student Succeeds Act (ESSA). This legislation ensures that children and youth experiencing homelessness have full and equal access to an appropriate public education and that they experience success in school. This Q&A document summarizes key components of the law, including legislative references. Please note the Code of Virginia was last amended in 2018 to align with ESSA's McKinney-Vento requirements to ensure access, attendance and success for students experiencing homelessness.

Overview of the EHCY Program in the McKinney-Vento Act

Frequent moves are common experiences with homelessness that can lead to educational instability, enrollment delays, and missed school days. The McKinney-Vento Act requires that students experiencing homelessness who no longer reside in the school's attendance zone be able to remain in the same school or immediately enroll in the new school for the current residence where the student is sleeping at night. Specifically:

- Students have the right to stay in their school of origin for the duration of homelessness and through the end of the school year in which they find permanent housing when it is in their best interest. [§722(g)(3)(A)(i)(I) and §722(g)(3)(A)(i)(II)]
- Schools must *immediately* enroll children and youth experiencing homelessness, even when normally required information is not available. (Please note: missing documentation should be pursued following enrollment.)

Such information includes:

- School or health records
- Birth certificates
- Proof of residency [§722(g)(3)(C)(i)(I)]
- Unaccompanied youth experiencing homelessness should be provided educational access through the support of the [local homeless education liaison](#). [§722(g)(6)]

When parent or student requests for enrollment or maintaining school of origin are denied, schools must provide written explanations of placement decisions and the dispute resolution process. [§722(g)(3)(E)(ii)]

Attendance is critical to realize school success. Students who receive appropriate educational support are more likely to attend school on a regular basis. School divisions should provide appropriate case management to ensure students have access to all educational services for which they are eligible.

- Students experiencing homelessness must receive services comparable to those of housed students. [§722(g)(4)] Transportation to and from the school of origin must be provided when it is in the student's best interest. [§722(g)(1)(J)(iii)]
- School divisions must coordinate with social services and other agencies that provide services for children and youth experiencing homelessness. [§722(g)(5)(A)]
- Families and unaccompanied youth experiencing homelessness must be fully informed of available enrollment options and educational opportunities. [§722(g)(6)(A)(v)]
- Separate schools or programs for children and youth experiencing homelessness are prohibited. [§721(3) and §722(e)(3)(A)]

Eligibility

Who is considered homeless?

The McKinney-Vento Act [§725] defines “homeless children and youth” as: Children and youth who lack a fixed, regular, and adequate nighttime residence, including children and youth who:

- Share the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Live in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations;
- Live in emergency or transitional shelters;
- Are abandoned in hospitals;
- 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;
- Live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they live in circumstances described above.

Unaccompanied youth are children and youth not in the physical custody of a parent or guardian, such as runaways and youth denied housing by their families (sometimes referred to as “throwaway” children and youth). To be eligible for McKinney-Vento educational rights, unaccompanied youth first must meet the definition of homeless described above. Such students are identified as unaccompanied homeless youth (UHY). There is no age limit for UHY. This identification can apply to a preschooler abandoned by parents who is living with a relative or a student over the age of 18 who meets the homeless definition, has not graduated from high school, has not reached the maximum age to be served by a school division, and is not living with a parent or guardian.

Are all families that share housing considered homeless?

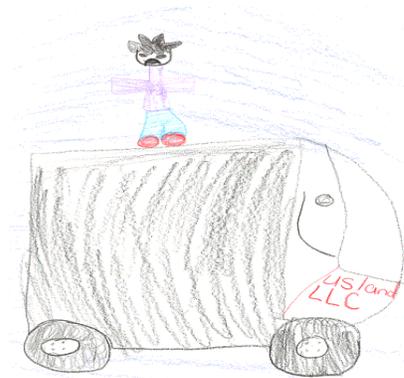
No. Families that share housing, living in doubled-up settings, must still meet the definition’s requirement that the living situation is due to a loss of housing, economic hardship, or a similar reason. Families that live together due to cultural preference, to save money, or to pool resources to provide a larger/nicer home than would be possible if living individually should not be considered homeless. Some questions that may assist in making the determination of homelessness in a doubled up situation include:

- What would you do if you had more money? (Is a home of their own selected or is some other use for the money identified?)
- Where would you go if you could not live here? (“We would rent our own place,” is very different from, “There isn’t anywhere to go – maybe we would have to stay in the car.”)

What types of situations may be defined as a loss of housing, economic hardship, or a similar reason?

While many factors can contribute to a determination of McKinney-Vento eligibility, some situations that may constitute a loss of housing, economic hardship, or similar reason include:

- A decrease in income that leads to loss of housing, whether or not the family is evicted
- Destruction of or damage to previous housing that leads to substandard conditions
- Fleeing targeted violence, such as abuse and neglect or domestic violence



My dream is to make something out of myself. My hope is to be a good person and get good A's.
12 year old girl experiencing homelessness

If children or youth are living with an older sibling or relative, should they be considered homeless?

Each situation should be considered individually. While such students may meet the definition of unaccompanied youth, to be considered homeless under the McKinney-Vento Act, a determination of whether the living arrangement is fixed, regular, and adequate also must be made. If the living arrangement is due to loss of housing, economic hardship, or the child/youth is a runaway or not permitted to return home, then it would be considered a homeless situation. If the living arrangement is a planned move or for convenience, such as proximity to an after school job or to attend a certain school, then the setting would not be considered homeless. Planned moves may involve those resulting from a safety plan or court determination, or for reasons related to incarceration or medical treatment. Additionally, unaccompanied youth entering the United States to a sponsor or host family likely fall in the category of a planned move. In these cases, it is important to discuss the family’s situation with the child or youth to identify the causes for the living arrangement. Such cases can be very nuanced. Ultimately, it is the responsibility of the local homeless education liaison to make the final determination of eligibility.

Up to what age must a school division serve a student under McKinney-Vento?

The McKinney-Vento Act does not define an age range for educating students; therefore, the ages for public education within a state should be applied. Virginia Code, Section 22.1-253.13:4 (C) states,

“Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.) of this title, to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the Standards of Accreditation.”

Under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), students with disabilities who have not graduated from high school have the right to a public school education through age 21.



My hopes are to have a house and to be president. My fear is of my dad.
10 year old girl experiencing homelessness

Are children and youth in foster care considered homeless?

By definition, children and youth in foster care placements are wards of the state, so they are not considered homeless. The McKinney-Vento Act no longer includes children and youths awaiting foster care placement. The Fostering Connections Act of 2008, new ESSA requirements under Title I, Part A, and Virginia Code section 22.1-3.4 addresses immediate enrollment and school of origin options for children and youth in foster care.

For more guidance on foster care students, see [ED and HHS Non-Regulatory Guidance : Ensuring Educational Stability for Children in Foster Care, dated June 23, 2016](#) and [Virginia's Fostering Connections and the Every Student Succeeds Act: Joint Guidance for School Stability of Children and Youth in Foster Care.](#)

Are children and youth who qualify for migrant services considered homeless?

The children of migrant workers should only be considered homeless if they meet the definition of homelessness cited on page 1. A migratory lifestyle is not sufficient to be considered homeless. The adequacy of the living situation will be an important factor.

See the National Center for Homeless Education brief [Migrant Students Experiencing Homelessness: Rights and Services Under the McKinney-Vento Act](#)

Are children or youth incarcerated or in correction facilities considered homeless?

No. According to 1995 US Department of Education Preliminary Guidance, any person imprisoned or otherwise detained by an Act of Congress or state law is excluded from the definition of homelessness. Even children or youth who were experiencing homelessness prior to incarceration are not considered homeless while incarcerated.

Who is responsible for making the determination that student meets the McKinney-Vento definition of homeless?

As stated previously, the local homeless education liaison must make the final determination that a student should be considered homeless and eligible for McKinney-Vento educational rights and protections [§722(g)(6)(A)(i)]. Under ESSA, eligibility can be disputed if the parent/ guardian/ youth disagrees with the determination.

Homeless Definition

Anyone who, **due to a lack of housing**, lives:

- In emergency or transitional shelters;
- In motels, hotels, trailer parks, campgrounds, abandoned in hospitals;
- In cars, parks, public places, bus or train stations, abandoned buildings;
- Doubled up with relatives or friends,
- In these conditions and is a child or youth not in the physical custody of an adult (unaccompanied youth*),
- In these conditions and is a migratory child or youth.

To determine homelessness, consider the **permanence and adequacy** of the living situation.

*Unaccompanied youth - youth without fixed, regular, and adequate housing who are not in the physical custody of a parent or guardian. This would include runaways living in homeless situations and those denied housing by their families (sometimes referred to throwaway children and youth).

How quickly must children and youth experiencing homelessness be enrolled in school?

Schools must *immediately* enroll a child or youth experiencing homelessness, even if the child or youth is unable to produce records normally required for enrollment. These provisions also apply to students who have missed application or enrollment deadlines during periods of homelessness for programs in which space remains [§722(g)(3)(C)(i)]. Enrollment is defined as “attending classes and participating fully in school activities” [§725(1)], not simply being registered and in the student data system. In general, immediate is interpreted to mean a comparable timeline as housed (non-homeless) peers, or within a day of when a student comes to enroll.

When children or youth experiencing homelessness are not living with parents or legal guardians, is the school required to enroll the child?

Yes. Proof of guardianship cannot be a barrier to enrollment for students experiencing homelessness. Some students may not be able to live with their family, and others are not permitted by their parents or guardians to live at home. The local liaison should be contacted to assist unaccompanied youth who wish to enroll in school and to coordinate needed services with other agencies [§722(g)(6)(A)(x)].

Can a school require proof of residency (rent/lease agreement, utility receipt) that prevents or delays enrollment?

No. Students experiencing homelessness, by definition, lack a fixed residence and cannot be required to provide traditional proof of residency. An affidavit can be completed to explain the lack of proof of residency. Subsequent verification of status, as noted below, is permissible.

How can schools verify that students are experiencing homelessness?

There is no universal system of homeless verification. Social workers may visit the current residence or request hotel receipts to make a determination, as long as doing so does not jeopardize a family’s or their host’s housing. However, students must be enrolled while this verification is in progress. Documents may be required in situations where eligibility or school choice is disputed. If questions regarding homeless status based upon the definition of the McKinney-Vento Act exist, schools should contact their local homeless education liaison or Project HOPE-Virginia.

For more information about enrollment and verification of eligibility, see NCHE briefs:

- [Determining Eligibility for McKinney-Vento Rights and Services](#)
- [Confirming Eligibility for McKinney-Vento Rights and Services](#)

Does immediate enrollment apply when a student is subject to discipline proceedings?

There is nothing in McKinney-Vento that supersedes discipline processes. Enrollment may not be delayed to wait for discipline records; however, if it is known that the student has been suspended, expelled, or pending hearing for discipline, the school should follow their regular processes that would be used for any student trying to enroll in that circumstance.

Must a school enroll children or youth experiencing homelessness without proof of immunizations or physicals?

Yes. The school must enroll students who do not have health records immediately if they meet the definition of homeless. The school should refer the family or youth to the local homeless education liaison for assistance in obtaining the necessary documentation and/or medical assistance. The student’s previous school may provide a copy of the health record to the parent when the student leaves or fax a copy to the new school to facilitate this process.

Must schools enroll students experiencing homelessness who do not have previous school records?

Yes. Students experiencing homelessness must be enrolled in school while waiting for the previous school records to be received. Upon enrollment, the receiving school must contact the previous school immediately to obtain records that are needed [§722(g)(3)(C)(ii)]. Parents may request copies of critical documents such as Individualized Education Programs (IEPs), gifted testing records, and report cards from the student’s previous school.

Parent Packs, developed by NCHE, may assist families in maintaining important school documents. Similar folders for young children (infant through preschool) are available from Project HOPE-Virginia.

If a student experiencing homelessness has not returned books or paid fees, can a school division withhold student records?

No. A school division cannot withhold records when books have not been returned or charges have not been paid. However, reasonable efforts can be made to collect fees and books.

School Selection

Where can students experiencing homelessness attend school?

Students who are experiencing homelessness may remain enrolled in their school of origin or any public school they are eligible to attend based on the address of their current residence. The school of origin is the school that the child attended when permanently housed or the last school in which the student was enrolled, including preschool programs administered by a school division and feeder pattern schools.

If families experiencing homelessness move within a school division, can students stay at the same school, even if they move out of the school's attendance zone?

Yes. The McKinney-Vento Act states that students have a right to stay in the school of origin when it is in their best interest. Determination of best interest should be decided by the parent, guardian, or youth together with school and school division staff [§722(g)(3)(A) & (B)]. If remaining in the school of origin is considered to be in the student's best interest, the school division is responsible for transportation [§722(g)(1)(J)(iii)].

If families experiencing homelessness move to a different school division, can students stay at the school of origin?

Yes. Students have a right to stay in the school of origin, when it is in their best interest, even when they move to another school division. In such instances, the school divisions involved should work together, including sharing responsibility for transportation [§722(g)(1)(J)(iii)(II)].

Does a student's right to remain in the school of origin end when a student becomes permanently housed?

No. Students experiencing homelessness may remain in the school of origin through the end of the school year in which permanent housing is obtained if determined to be in the student's best interest.

My hope is to be a faithful kid and adult with lots of hopes and dreams, to never let anyone put me down, and to be famous in my own way. My dream is to be a musician, to go to college, and to be in a symphony. 12 year old boy experiencing homelessness

Can a student experiencing homelessness be required to leave the school of origin when the student no longer resides in the attendance zone and the student's behavior is challenging?

No. Attending the school of origin is the student's legal right under the McKinney-Vento Act; such attendance does not require a waiver. Intervention to address challenging behavior should be comparable to that for students residing in the school's attendance zone. Behavior that would not change a school placement for a housed student can be one of many considerations for a best interest determination meeting. Decisions related to discipline or IEP needs that would change the school placement for a housed student may remove the school of origin option.



My hopes are to get out of a shelter and that my family will be reunited and will be happy. 11 year old girl experiencing homelessness

For more information about School of Origin and Best Interest Determination, see Virginia Department of Education Superintendent's Memo No. 215-17, July 21, 2017

Additional Services Supporting Students

What services must school divisions provide to children and youth in homeless situations?

The McKinney-Vento Act requires school divisions to provide services to students experiencing homelessness that are *comparable* to those provided to other students. Students must not be segregated or stigmatized. Children and youth experiencing homelessness must have access to any educational services for which they qualify, including special education, gifted education, school nutrition programs, transportation, before and after school activities, and Title I services [§722(g)(4) and Title I, §1115(c)(2)(E)].

When is transportation required?

Transportation to and from the school of origin is required as long as attending that school is in the student's best interest, including the remainder of a school year in which a student becomes permanently housed. Transportation to and from the school of origin is required even when the school does not normally provide transportation. The law does not specify which transportation options are allowable. The school division determines the mode as long as it is safe and allows the student to participate in the full school day. 42 U.S.C. § 11432(g)(3)(A) and § 11432(g)(4)(A)).

Can students experiencing homelessness access school nutrition programs?

Yes. Students who are experiencing homelessness meet the requirements for categorical eligibility for free meals at school. The Child Nutrition and WIC Reauthorization Act of 2004 extended categorical eligibility for National School Lunch and School Breakfast Programs to children and youth identified as homeless, migrant, or runaway, and some military families. Student names, dates of eligibility, and the signature of the local homeless education liaison, the Runaway Homeless Youth provider, or shelter director are sufficient for enrollment in the program. Completion of the regular meal application is not needed. Once a student is determined eligible for free meals, the student remains eligible for the remainder of the school year and through the beginning of the next year when the eligibility process for free meals is completed.

Initial guidance regarding the implementation of the Child Nutrition and WIC Reauthorization Act was issued on September 24, 2004 in [Virginia Superintendents' Regulatory Memo No. 8](#). Reauthorization memorandum from the US Department of Agriculture are available at: <https://www.fns.usda.gov/tn/local-school-wellness-policy>

Are children experiencing homelessness eligible to enroll in pre-kindergarten classes?

Yes. Students who are experiencing homelessness should have the same access to programs as students who are housed [§722(g)(6)(a)(iii)]. Head Start may reserve slots for students experiencing homelessness to avoid waiting list delays when children arrive after the school year has begun. School division preschool programs, including Virginia Preschool Initiative (VPI) classrooms, and early childhood special education should be accessible as well. Young children experiencing homeless are prioritized populations for local VPI and Head Start programs.



My favorite place is a house out of bricks just like the 3 little pigs but bigger. My bricks are real, real, strong.
5 year old boy experiencing homelessness.

Can Title I, Part A, funds be used to address the educational needs of children and youth experiencing homelessness?

Yes. According to the Every Student Succeeds Act, children and youth experiencing homelessness are categorically eligible for Title I, Part A services, whether students attend school wide, targeted assistance, or non-Title I schools. Any school division that has identified a student experiencing homelessness must reserve funds in their Title I, Part A, budget for these students based on identified needs [Title I, §1113(c)(3)(A)]. Title I must coordinate with the liaison in order to promote the academic achievement of students experiencing homelessness [Title I, §1112(a)(1)].

For information on coordination with Title I, Part A, and a list of allowable uses for illustrative purposes, see Section M-4 of the [Education for Homeless Children and Youth \(EHCY\) Program Non-Regulatory Guidance](#) (Rev. March 2017) and a letter from the [US Department of Education](#) dated July 30, 2018 to McKinney-Vento and Title I, Part A State Coordinators

May children and youth experiencing homelessness attending non-Title I schools be served under Title I?

Yes. All school divisions that have identified at least one student experiencing homelessness must reserve Title I, Part A funds. The amount set aside should be based on the needs identified for these students [Title I, §1113(c)(3) (A)]. Funds may be used to provide a variety of supports, including the salary of the liaison and excess transportation costs related to maintaining school of origin as well as tutoring, supplies, and referrals.

How should special education programs serve students experiencing homelessness?

Not all students experiencing homelessness are students with disabilities; however, requirements in IDEA address the special needs of students who have disabilities and are living in homeless situations. Such students should be included in Child Find efforts and be considered for expedited evaluations, when needed. Continuity of educational programming should be considered despite potential school moves.

See Project HOPE-Virginia Information Briefs on Homelessness and Special Education:

- [Unlocking Potential! What Educators Need to Know About Homelessness and Special Education](#)
- [Unlocking Potential! What Families and Shelters Need to Know About Homelessness and Special Education](#)
- [Using the Best That We Know: Supporting Young Children Experiencing Homelessness](#)
- [Helping Young Children Grow and Learn: A Guide for Families and Shelter Providers](#)

For an overview of legislative changes found in IDEA that have an impact on students experiencing homelessness, see NCHE brief [Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Act](#).

What academic concerns commonly affect students experiencing homelessness?

Due to changing schools and the stress of being homeless, students may fall behind academically, causing delays and gaps in learning of many months. Students may not have quiet places to study or access to school supplies, books, or computers. Students should be informed of study halls and after school tutoring availability. If a student was receiving special education services or was participating in gifted and talented programs, the continuity of instruction should be part of considering best interest in the school of origin.

See Project HOPE-Virginia Information Briefs:

- [What Educators Can Do: Homeless Children and Youth](#)
- [Tips for Supporting Mobile Students](#)

What are some of the common health-related issues affecting students experiencing homelessness?

Students experiencing homelessness are often at increased risk of becoming ill due to their living conditions. If students become sick, they often have no quiet place to rest and get well. They are more likely than their peers to get the flu, have stomach ailments, have respiratory problems, and visit the emergency room. School nurses can help by offering referrals for screenings, maintaining a supplies closet, assisting parents in filling out forms, and ensuring automatic enrollment in school nutrition programs.

See Project HOPE-Virginia Information Brief: [School Nurses: It's Not Just Bandages Anymore!](#)

What other issues commonly affect students experiencing homelessness?

Students experiencing homelessness may not have a safe place to go after school, and are disproportionately impacted by trauma such as abuse, neglect, or community violence. They may struggle to focus, have difficulty establishing friendships, or experience mental health crises, including suicide attempts. School-based mental health professionals, such as counselors, social workers, and psychologists, are trained to support students in managing emotions associated with homelessness. Schools can create open, caring environments by providing welcome packs for all new students and assigning peer buddies to introduce new students to the school. Classrooms can create routines and procedures to nurture a sense of safety with consistency and predictability, and offer choices to foster student self efficacy and personal control. School staff can let students know about community programs, such as a Boys or Girls Club.

Where can I go for more information and assistance?

National Association for the Education of Homeless Children and Youth

www.naehcy.org

National organization whose members are state coordinators, liaisons, homeless services providers, and others interested in homeless education. Their website contains policy statements and resources for serving students experiencing homelessness, including materials presented at the annual conference. NAEHCY organizes an annual conference on homeless education.

National Center for Homeless Education

<https://nche.ed.gov/>

NCHE operates the U.S. Department of Education's technical assistance and information center for the federal Education for Homeless Children and Youth (EHCY) Program. Their website contains free access to many resources and publications, including: Homeless Education Issue Briefs, Best Practices in Homeless Education and McKinney-Vento Law Into Practice series.

National Law Center on Homelessness and Poverty

www.nlchp.org

National legal advocacy organization that publishes documents, research, and guidance for serving students experiencing homelessness and eliminating homelessness.

National Network for Youth

www.nn4youth.org

National advocacy organization dedicated to issues faced by America's youth. Website contains links to resources, research, and publications to assist in serving youth experiencing homelessness.



Project HOPE-Virginia

www.wm.edu/hope/

Project HOPE - Virginia is Virginia's pro-gram for the Education of Homeless Children and Youth. William & Mary administers the program for the Virginia Department of Education. Project HOPE - Virginia ensures the enrollment, attendance, and the school success of children and youth experiencing homelessness through public awareness efforts across the common-wealth and sub-grants to local school divisions. School divisions develop customized programs to meet the needs of homeless children and youth in their area.

Access the Local Homeless Education Liaison Toolkit, Virginia guidance, information briefs, and many other resources for serving students and implementing McKinney-Vento in schools from the HOPE website. HOPE also offers professional development opportunities through-out the year.

Project HOPE-Virginia

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This and other information briefs are available on the Project HOPE-Virginia web site:

www.wm.edu/hope

SchoolHouse Connection

www.schoolhouseconnection.org

National non-profit organization working to overcome homelessness through education. Their website provides strategic advocacy and technical assistance in partnership with early childhood programs, schools, institutions of higher education, service providers, families, and youth. School-House connection manages a youth leadership and scholarship program for youth who have experienced homelessness.

US Department of Education

<http://www.ed.gov/programs/homeless/legislation.html>

Website contains guidance on implementing the McKinney-Vento Homeless Assistance Act.