

## What are the transportation rules?

Homeless children who attend the school assigned to them by their local school district are entitled to the same transportation as other children in the district. If a child is homeless, the local school may transport them to/from their school of attendance. For young children between pre-school age and seven years, or children who cannot be transported on regular transportation, specialized transportation from the child's temporary residence to the school of origin shall be provided until the end of the school year.

Homeless children with special needs who wish to continue to attend their original school (even though temporarily residing in another district) and who have transportation written into their Individualized Education Plan must be transported from their temporary residence to their school of origin until the end of the school year.

When a child temporarily lives in one school district, but continues to attend school in his/her school of origin, in a different district, the district providing the education program shall make all efforts to transport the child to/from school. The school must make a good-faith effort to provide inter-district transportation but if it is unable to meet the child's transportation needs, the ultimate responsibility lies with the parent or guardian.

## How soon can a homeless child begin school after registering?

All homeless children are entitled to start school *immediately* upon registration regardless of whether they have provided all the regularly required records.

If a homeless child or youth arrives lacking immunizations or immunization or medical records, the parent/guardian should speak with the district's Homeless Education Liaison, who has the responsibility to obtain relevant academic records, immunizations or immunization or medical records and to ensure that the student is attending school while the records are obtained.

## What if a child is a special education student?

Special education students who are homeless must be treated the same as all homeless students. Non-receipt of records cannot be used as a reason to delay services to a child. Schools should offer appropriate services based on information they do have until records arrive.

## What if there is a dispute?

A Problem Management System exists for resolution of disputes. Complaints concerning students out of school will be given priority, and until a resolution is reached, a child will attend the school the guardians have chosen.

### For more information call:

Children's Law Center  
156 Broad St. Suite 212  
Lynn, MA 01903  
781-581-1977 (tel)  
781-598-9364 (fax)

Phone Assistance Hours  
Tuesday & Thursdays 2-4 pm  
Wednesdays 9:30- 12:30 pm  
1-888-543-5298  
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CHILDREN'S LAW CENTER  
OF MASSACHUSETTS

## THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

*Education Rights for  
Homeless Youth*

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## What is the McKinney-Vento Homeless Assistance Act?

The McKinney-Vento Homeless Assistance Act, “McKinney-Vento,” is a federal law that requires each state to ensure that each homeless child or child of a homeless individual has access to the same education as other children, including public preschool programs. It also requires each state to revise all laws, regulations, practices or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youths.

McKinney-Vento is intended to guarantee homeless children and youths access to education and other services that will allow them to meet the same state student academic achievement standards to which all students are held.

## Who is covered by McKinney-Vento?

“**Homeless children and youths**” are individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youths, ages 3-22, who share the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailers, 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.”

The term also includes children who have a primary nighttime residence that is not designed for or ordinarily used as sleeping accommodation for human beings, as well as children who live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. Migratory children and youths will also qualify if they live in any of the circumstances described above.

“Unaccompanied youth” who have run away or been “thrown out,” and as a result are living in shelters, on the street, or with friends or relatives or house to house, are also considered homeless.

## Are children in state custody covered by McKinney-Vento?

Under Massachusetts state policy, children and youth who are in state custody and who are living in shelters, hotline homes, bridge homes or diagnostic placements are considered homeless; other children and youth in care or custody may also be considered homeless if their living situation is an emergency, transitional, temporary placement or is intended as a long term, foster care living arrangement. Unless the child is in a home that intends to become a legally permanent placement such as adoption or guardianship, a child in foster care could be considered temporary.

## What are a student’s rights under McKinney-Vento?

### *Right to Choose School of Attendance*

McKinney-Vento gives the child’s guardian (or in the case of an unaccompanied youth, the youth and his/her local educational agency liaison) the right to choose where the child should attend school. This can be either the “school of origin,” or any public school that other non-homeless students living in the same attendance area are eligible to attend. “School of origin” is the school in which the child or youth was last enrolled or the school that the child or youth was attending when s/he became homeless. It is important to note that the choice regarding placement can be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

### *Right to Immediate Enrollment*

McKinney-Vento requires a school immediately to enroll a homeless child in the school selected, even if the child is unable to produce records normally required for enrollment. This includes previous academic records, medical records, and proof of residency. If the child or youth needs to obtain immunizations or medical records, the school must immediately refer the parent or guardian to the local educational agency liaison

for homeless children, who must assist in obtaining the necessary immunizations or records.

### *Right to Admission to School of Choice Pending Dispute Resolution*

If the local educational agency sends the child or youth to a school other than the school of origin or a school requested by the guardian, the agency must provide a written statement to the parent or guardian, including a statement regarding the right to appeal. In the case of an unaccompanied youth, the homeless liaison must provide notice to such youth of the right to appeal. If a dispute arises over school selection or enrollment, the child or youth must be immediately admitted to the school of the youth’s or guardian’s choice until the dispute is resolved.

## What if a homeless child moves into a permanent home?

A child who moves to a permanent home during a school year has the right to remain at his or her current school for the remainder of the school year. The child’s guardian has the right to make the decision. If the guardian keeps the child in the school s/he was attending while homeless and that school is not within the school district where the child is permanently housed, the child has a right to transportation paid for by the district(s).

## What services are available to homeless youth?

Eligible homeless children and youth must have the same chances to participate in programs like WIC, free and reduced lunch, and after-school programs. The Massachusetts Office for the Education of Homeless Children and Youth will work to remove any barriers that may limit eligible children’s access to these programs.

Homeless children are entitled to the same educational services that they would qualify for if they were not homeless, such as special education, extra-curricular and after-school programs.