

Who Is Homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C, of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth” –

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes –
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - ii. 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...
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. 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).

Educational Rights

Under the McKinney-Vento Act, children in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there
- Attend either the local school or the school of origin, if this is in their best interest; the school of origin is the school the child attended when he/she was permanently housed or the school in which the child was last enrolled
- Receive transportation to and from the school of origin
- Enroll in school immediately, even if missing records and documents normally required for enrollment such as a birth certificate, proof of residency, previous school records, or immunization/medical records
- Enroll, attend classes, and participate fully in all school activities while the school arranges for the transfer of records
- Have access to the same programs and services that are available to all other students including transportation and supplemental educational services
- Attend school with children not experiencing homelessness; segregation based on student's status as homeless is prohibited.