



## Rights of Homeless Children and Youth

**Who is considered homeless?** Under the McKinney-Vento Act, the term “homeless children and youths” means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths:

- who are sharing the housing of others 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; or are abandoned in hospitals;
- 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;
- who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- who are migratory children who live in one of the above circumstances.<sup>ix</sup>

### **What protections does the McKinney-Vento Act require for homeless children and youths?**

Under the McKinney-Vento Act, State educational agencies (SEAs) and local educational agencies (LEAs) must review and revise policies and procedures to remove barriers to a high-quality education for homeless children and youths.

- Every SEA must have an Office of the State Coordinator to oversee implementation of the Act, and every LEA must designate a local liaison able to carry out their duties to ensure that homeless students are identified and have a full and equal opportunity to succeed in school.
- The McKinney-Vento Act also requires that:
  - homeless students who move have the right to remain in their schools of origin (i.e., the school the student attended when permanently housed or in which the student was last enrolled, which includes preschools) if that is in the student’s best interest;
  - if it is in the student’s best interest to change schools, homeless students must be immediately enrolled in a new school, even if they do not have the records normally required for enrollment;
  - transportation must be provided to or from a student’s school of origin, at the request of a parent, guardian, or, in the case of an unaccompanied youth, the local liaison;
  - homeless students must have access to all programs and services for which they are eligible, including special education services, preschool, school nutrition programs, language assistance for English learners, career and technical education, gifted and talented programs, magnet schools, charter schools, summer learning, online learning, and before- and after-school care;
  - unaccompanied youths must be accorded specific protections, including immediate enrollment in school without proof of guardianship; and
  - parents, guardians, and unaccompanied youths have the right to dispute an eligibility, school selection, or enrollment decision.