

A PEATC

Do You Know....



Factsheet for Virginia's Parents Ensuring an Education for Children who are Homeless

The McKinney-Vento Homeless Assistance Act

Many homeless children with disabilities experience challenges related to their education. These can include: not being identified as needing special education services; a lack of timely or proper assessment, diagnosis and service provision; lack of stable services; problems with school records transfer when moving to a new school; and at times, the lack of a parent or surrogate (stand in) to represent or help the child.

Two federal laws work together to make sure that children with disabilities who are experiencing homeless receive special education services: the **McKinney-Vento Homeless Assistance Act**, Education of Homeless Children and Youth Program, Title IX Part A of the **Every Student Succeeds Act** (P.L. 114-95); and the **Individuals with Disabilities Education Act (IDEA)**. These two laws ensure equal access to public education for these students and work together to provide for a range of services. There is some overlap between the two laws.

What are the Key Requirements of McKenny-Vento?

- Removal of barriers that prevent children who are experiencing homelessness from enrolling in public school.
- Allowing children who are experiencing homelessness to continue to stay in the school they have been attending (school of origin) when it is their best interest, even if their family moves.
- Providing transportation to and from school of origin, if needed.
- Ensuring that eligible children experiencing homelessness receive special education services.
- Making sure that children who are experiencing homelessness are provided **Title I** services (extra educational help) when needed.
- Allowing children who are experiencing homelessness to enroll in school without the documents that housed students must provide, including vaccination records.

Helpful Resources for More Detailed Information

The **McKinney-Vento Homeless Assistance Act** is here:

<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

The **Individuals with Disabilities Education Act (IDEA)** can be found here:

<https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii>

Additional resources relied on for this fact sheet can be found here:

https://nche.ed.gov/wp-content/uploads/2018/10/nav_idea_mv.pdf

<https://education.wm.edu/centers/hope/publications/awareness/englishbrochure2019>



Factsheet for Virginia's Parents

Avoid Educational Delays when Experiencing Homelessness

- Let your school or homeless liaison know if you need to move so that you can decide together if it is in your child's best interest to stay in his current school or if records should be sent quickly to the new school.
- Enroll your child in school immediately, and contact your child's previous school and ask that records be sent to the new school.
- If you have concerns, contact the principal, school counselor, or local homeless education liaison. The homeless liaison can also support your child when enrolling in school. You can find the **homelessness education liaison** in your child's school division here:
<https://education.wm.edu/centers/hope/liaison-listing/a-b/index.php>

Rights under McKinney-Vento. In addition to the requirements listed previously, your child has the following rights:

- Your child can remain in his school of origin or immediately enroll in the school zoned for your current residence. The school must give you a written explanation if you and the school disagree about which school is in your child's best interest, you can appeal the decision.
- Your child qualifies to participate in free breakfast and lunch programs.
- Your child has the right to participate in extracurricular activities and all federal, state, or local programs for which he/she is eligible.
- Children not accompanied by a parent or guardian and lacking fixed, regular, and adequate housing have these same rights.

Project Hope. The **William and Mary School of Education** coordinates Virginia's Homeless Education Program (**Project HOPE-Virginia**). Through public awareness activities and funding to school divisions, Project HOPE-VA helps ensure that eligible children are enrolled, attend, and are successful in school. . Project Hope provides funding to address areas such as early childhood education, mentoring, tutoring, parent education, summer programs, and domestic violence prevention programs. <https://education.wm.edu/centers/hope/>.

Homelessness is defined in Title IX, Part A of Every Student Succeeds Act as follows:

Living in the following places due to a lack of a fixed, regular, adequate nighttime residence:

- Emergency or transitional shelter
- Motel, hotel, campground due to lack of alternative
- Car, park, public place, bus or train station or abandoned building
- Doubled up with relatives or friends due to housing loss of economic hardship.
- Migratory child in the above conditions.

This definition applies to children living in uncertain housing, a temporary address or no permanent physical address. **These children meet the McKinney-Vento definition of homelessness and may have special education rights. Based on disability.**



PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

8003 Forbes Place, Suite 310 Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org



The contents of this factsheet were developed under a grant from the US Department of Education, **#H328M140013-18**. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

