

Definition of Homeless Children and Youth

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” means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- Children and youth sharing the housing of others due to loss of housing, economic hardship, or similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or abandoned in hospitals
- Children and youth 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
- Children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because they are living in circumstances described in clauses (i) through (ii).

Educational Rights of Children and Youth Experiencing Homelessness

Children and youth experiencing homelessness have the right to:

- Go to school, including public preschool no matter where they live or how long they have lived there
- Continue in the school of origin (the school attended when permanently housed or the school in which last enrolled) if that is the parent’s or youth’s choice and is feasible
- Receive transportation to and from the school of origin
- Enroll in school immediately even if missing records and documents normally required for enrollment
- Enroll and attend classes in the school of choice (either the school of origin or the school in the attendance zone where the family or youth is residing) even while the school and parent or youth seek to resolve a dispute over the selected school
- Receive the same special programs and services, if needed, as provided to all other students served in these programs
- Receive transportation to and from the school and school programs, comparable to that of housed students

Unaccompanied Youth

- An unaccompanied homeless youth is a youth who meets the definition of homeless and also is not in the physical custody of a parent or guardian
- Schools must enroll unaccompanied homeless youth immediately
- Lack of legal guardian or guardianship documents cannot delay or prevent the enrollment of unaccompanied youth
- Schools cannot require caregivers to get legal guardianship to enroll a student in school
- Unaccompanied youth must be informed of McKinney-Vento rights, including the right to remain in the school of origin

National Partners in Homeless Education

- National Association for the Education of Homeless Children and Youth (NAEHCY)
<http://www.naehcy.org>
- National Center for Homeless Education (NCHE)
<http://www.serve.org/nche>
- National Law Center on Homelessness & Poverty (NLCHP)
<http://www.nlchp.org>
- National Center for Homeless Education – P.O. Box 5367, Greensboro, NC 27435
Toll Free Help Line: 1-800-308-2145 - <http://www.serve.org/nche>

Local

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