

# McKinney-Vento Homeless Assistance Act

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## Who Qualifies?

Children and youth who lack a fixed, regular, and adequate night time residence; which includes the following situations:

- Shelter, motel or campground
- Park, abandoned building, bus or train station, or some other inadequate accommodation
- Doubled up with other people due to loss of housing or economic hardship

## Eligible students have the right to:

- Receive the free, appropriate public education to which they are entitled.
- Be enrolled in school immediately, even if lacking documents normally required for enrollment.
- Be enrolled in school and attend classes while the school gathers needed documentation.
- Enroll in the local school near where they're living; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is their preference and is feasible. If the school district believes that the school selected by the student is not in his/her best interest, then the district must provide the student with a written explanation of its position and offer him/her the opportunity to appeal its decision.
- Receive transportation to and from the school of origin, if requested.
- Receive educational services comparable to those provided to all other students, according to the student's needs.
- Go to school, no matter where they live or how long they have lived there.

*These rights are established under Title VII-B of the McKinney-Vento Homeless Assistance Act. The McKinney-Vento Act was originally authorized in 1987 and re-authorized in December 2015 by the Every Student Succeeds Act (ESSA).*

*For more information on parent/youth rights please visit [https://nche.ed.gov/pr/parent\\_booklet.php](https://nche.ed.gov/pr/parent_booklet.php). NCHPEP website (<https://hepnc.uncg.edu/>)*

*Additional NC Data can be found*

*at: (<https://hepnc.uncg.edu/about/>, <http://profiles.nche.seiservices.com/StateProfile.aspx?StateID=33>)*

***For more information on the McKinney-Vento Act please contact:***

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# **The McKinney-Vento Definition of *Homeless***

**Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (per Title IX, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act) defines *homeless* as follows:**

The term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes--

(i) children and youths who are sharing the housing of other persons 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;\*

(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 (within the meaning of section 103(a)(2)(C));

(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 (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).