

# Migrant Children and Youths Experiencing Homelessness: Rights and Services Through the McKinney-Vento Homeless Education Assistance Act

## **McKinney-Vento Definition of Homeless Children and Youths**

"The term 'homeless children and youths' -

(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 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; 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)...."**  
**[725(2)]**

*Migrant children and youths face many educational challenges resulting from mobility and poverty. Particular challenges include moving from one school to another several times during the year, facing difficulties in enrollment or being placed in inappropriate classes due to missing school records, losing instructional and curricular continuity, poor attendance or non-attendance, language barriers, and social isolation. The purpose of this brief is to provide the reader with the information about two important legislative supports that address these challenges for the benefit of migrant students who are experiencing homelessness.*

## **The Migrant Education Program Definition of Migrant Children and Youths**

The Migrant Education Program in Title I, Part C of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, provides definitions of migrant children and eligibility criteria for enrollment in the Migrant Education Program.

(See Migrant Eligibility Flowchart, Appendix A)

## **McKinney-Vento Act Definition of Homeless Children and Youths**

The McKinney-Vento Homeless Education Assistance Act reauthorized as Title X, Part C, of the 2001 No Child Left Behind Act, includes in the definition of homeless children and youths a wide array of circumstances. (See sidebar) Explicitly included are children in migratory families who fit the categories of homelessness in the definition.

## **Rights of Children and Youths Experiencing Homelessness**

When migrant students are identified as eligible for services under the McKinney-Vento Act, they are ensured many rights. Like all students experiencing homelessness, migrant children and youths who are covered by the definition have the right to:

- ☞☞ Go to school, no matter where they live or how long they have lived there.
- ☞☞ Access the same public education, including preschool education, provided to other children.
- ☞☞ Enroll in school without giving a permanent address.
- ☞☞ Enroll immediately and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.

*(continued next page)*

- ☞☞Attend a public school and participate in public school programs with children who are not homeless.
- ☞☞Receive the same special programs and services, if needed, as provided to all other children served in these programs.
- ☞☞Receive transportation to school and to school programs comparable to transportation services received by all other children in the school district.
- ☞☞Continue in the school they attended before becoming homeless or the school they last attended if that is the parents' choice and is feasible.
- ☞☞Receive transportation to the school they attended before the family became homeless if requested by the parent.

The McKinney-Vento Act also applies to unaccompanied youths; migrant youths not in the custody of a parent or guardian are included as well. Each school district has a local homeless education liaison that is the point of contact for families and unaccompanied youths experiencing homelessness. The liaison is responsible for identifying children and youths who may be covered by the McKinney-Vento Act and ensuring that these children and youths receive services relating to educational, health, or basic needs.

## **Determining Eligibility for and Accessing Services through the McKinney-Vento Act**

Despite the specificity of the McKinney-Vento definition, difficulties may arise in determining whether or not a child or youth should be covered by the McKinney-Vento Act. Identification must take place on a case-by-case basis. Homeless education liaisons are required to identify homeless students and should collaborate with migrant staff to work through case-by-case determinations.

Many migrant children and youths, by virtue of their family's transient lifestyle, are likely to fit the McKinney-Vento definition of homeless and to be eligible for services. However, the decision to provide services should be based on the student's needs and access to school services. The migrant recruiter or local homeless education liaison should determine whether a migrant student is accessing appropriate school services. If not, the migrant recruiter and homeless liaison should determine whether the McKinney-Vento Act should be used to increase the students' access to educational opportunities.

Of particular relevance to migrant students, coverage by the McKinney-Vento Act facilitates immediate enrollment by eliminating barriers related to records required at the time of enrollment. In addition, by facilitating access to services that meet the particular needs of migrant youths, the McKinney-Vento Act may play a critical role in encouraging migrant youths who are not attending school to enroll and attend regularly.

## **How can a child in a migrant family or unaccompanied migrant youth access services through the McKinney-Vento Act?**

If migrant recruiters identify children or youths who are not accessing needed educational services, they should contact the local homeless education liaison to discuss ways that the rights and services provided through the McKinney-Vento Act might complement services provided through the migrant education program. Providing services through both the migrant education program and homeless education program is not only allowable under federal law, it is a strategy for ensuring that migrant students and unaccompanied youths are provided a full range of services. The collaboration between the migrant and homeless education programs also ensures that services are not duplicated.

## **How can migrant and homeless education staff target resources to students with the greatest needs?**

The McKinney-Vento Act provides rights to access educational services as well as supplemental support services. In the broadest interpretation of the McKinney-Vento definition of homeless, most migrant students could be covered by the Act. Those who have encountered barriers accessing school services will benefit from the McKinney-Vento Act's immediate enrollment provisions. Most migrant students could also benefit from supplemental services provided through both migrant education and homeless education resources.

### **Collaboration between Migrant and Homeless Education Staff**

Critical to the determination of McKinney-Vento eligibility and provision of services to mobile migrant children and youths is the collaboration between migrant education recruiters or home-school consultants and local homeless education liaisons at the regional or school district level. On the state level, migrant education directors and homeless education coordinators should collaborate as well.

Migrant education recruiters and home-school consultants can provide the following to homeless education liaisons:

- ☞☞ Insights on the work patterns of local migrant communities.
- ☞☞ Understanding of education, health, emotional or social needs unique to migrant children.
- ☞☞ Locations of migrant camps and communities.
- ☞☞ Contact and communication with migrant families (in the native language when necessary) whose children may need educational services provided by the McKinney-Vento Act (e.g., students who are barred from enrolling while awaiting an immunization record or students who are denied entry because they do not have proof of residency or guardianship).
- ☞☞ Contact and communication with migrant employers that may result in their cooperation with identifying children who may be covered by the Act and in posting notices of rights under McKinney-Vento.

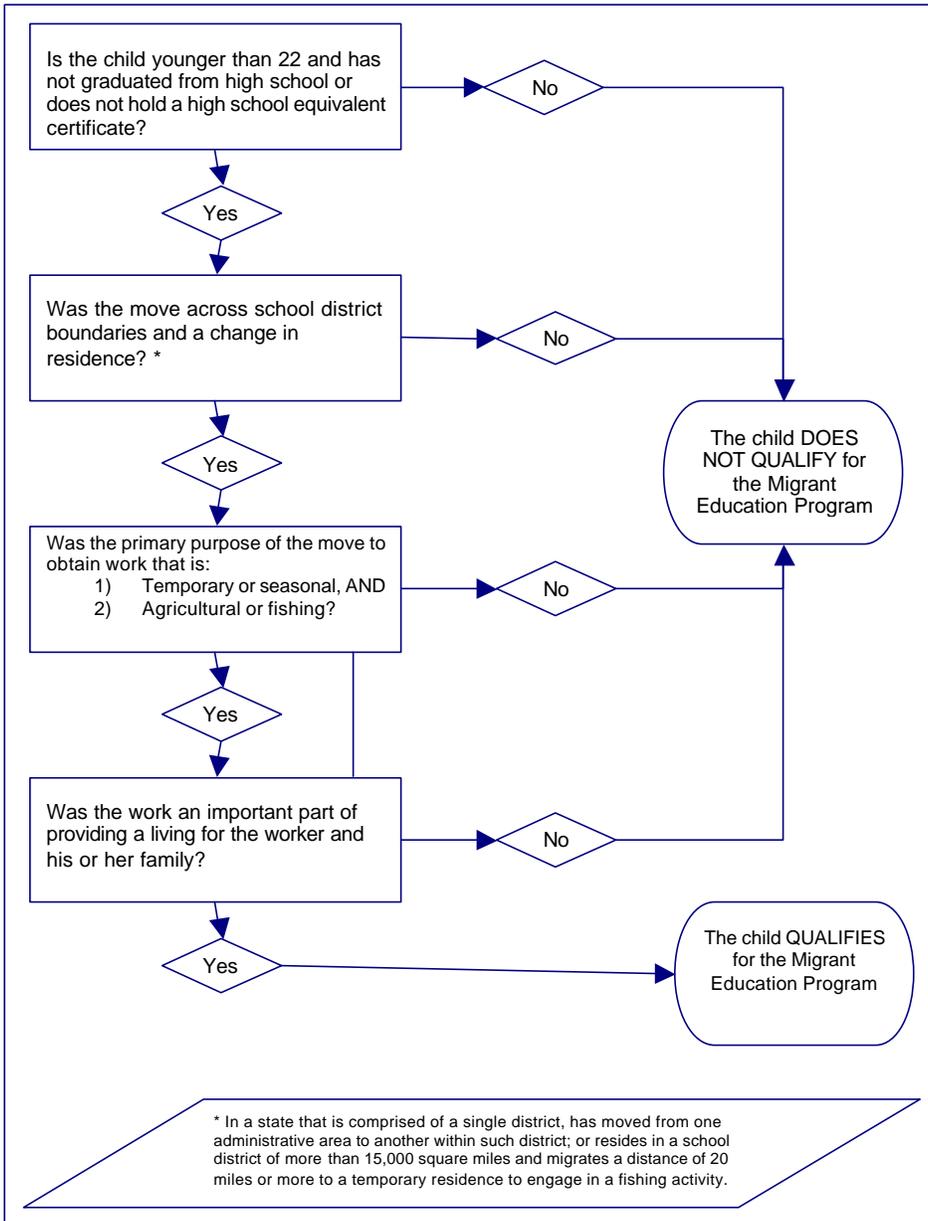
Local homeless education liaisons can provide the following to migrant education recruiters and home-school consultants:

- ☞☞ Understanding of the provisions of the McKinney-Vento Act and ways it may be used to provide services to migrant children identified as eligible.
- ☞☞ Assistance with integrating migrant children into the public school system and accessing federal, state, school district, and community resources, including services through Title IA funds reserved for students experiencing homelessness.

At the state level, migrant directors and homeless coordinators should work together to:

- ☞☞ Review and revise policies that may serve as barriers to both migrant and homeless students.
- ☞☞ Establish educational policies that will meet the needs of both populations.
- ☞☞ Communicate these policies to regional and school district migrant and homeless education staff and other school district staff; ensure that policy notices "trickle down" to staff who are responsible for enrolling students, e.g., school secretaries and counselors.
- ☞☞ Require and facilitate collaboration between regional and school district migrant and homeless education staff that results in targeting resources to students most in need.

## Migrant Eligibility Flowchart



**Office of Migrant Education**

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<http://www.ed.gov/programs/mep/index.html>

**Migrant State Directors:**

<http://www.ed.gov/programs/mep/contacts.html>

**Migrant Services Directory: Organizations and Resources (2003):**

<http://ed.gov/about/offices/list/oese/ome/migrantdirectory.pdf>



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Every state is required to have a coordinator for the education of homeless children and youth; and every school district is required to have a liaison for



homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHÉ website at [www.serve.org/nche](http://www.serve.org/nche).

For further information on the McKinney-Vento Act and resources for implementation, call the NCHÉ HelpLine at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).

**Local contact information:**