

Who is Homeless?

Subtitle VII-B of the McKinney-Vento Act defines the term “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence, including

- 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;
- 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).

For more information, download *Determining Eligibility for McKinney-Vento Rights and Services* at <https://nche.ed.gov/resources>.

Educational Rights

Under the McKinney-Vento Act, homeless children and youth have the right to

- ▶ receive a free, appropriate public education.
- ▶ enroll in school immediately, even if lacking documents normally required for enrollment.
- ▶ enroll in school and attend classes while the school gathers needed documents.
- ▶ enroll in the local school; or continue attending the school of origin (the school they attended when permanently housed or the school in which they were last enrolled), according to each student’s best interest.
- * If the school district believes that the school selected is not in the student’s best interest, the district must provide the parent, guardian, or unaccompanied youth with a written explanation of its position and inform the parent, guardian, or youth of the right to appeal its decision.

- ▶ receive transportation to and from the school of origin, if requested.
- ▶ receive educational services comparable to those provided to other students, according to each student’s needs.



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Supporting the Education of Children and Youth Experiencing Homelessness