

THE MCKINNEY-VENTO ACT

As Applied To Foster Youth

The McKinney-Vento Homeless Assistance Act, as reauthorized by the No Child Left Behind Act of 2001, ensures educational rights and protections for homeless children. The key points to bear in mind in relation to the Act's application to foster youth are as follows:

THE ACT'S COVERAGE

The Act's definition of "homeless children and youth" will bring within the reach of the Act many youth in foster care.

- Homeless youth include children "living in emergency or transitional shelters" or "awaiting foster care placement"
- The expansive age range covered under the Act extends to school as well as preschool programs

THE RIGHTS CREATED

Youth covered under the Act have a right to:

- Remain in their school of origin until the end of any academic year or, if longer, the duration of the youth's "homelessness" (see definition above)
- Receive transportation to their school of origin
- School placement decisions guided by the "best interest" of the youth and with an aim to "continue the child's or youth's education in the school of origin" unless doing so is contrary to the wishes of the child or his/her parent or guardian
- Choose between the local school where they are living or the school where they were last enrolled
- Immediate enrollment in the new school even absent records normally required for enrollment such as proof of residency, immunizations, school records, or other documents
- Prompt transfer of school records when a child enters a new school district
- Get various specified school services
- Be free from harassment and isolation
- Prompt resolution of any school placement disputes with ongoing enrollment in the school of origin pending resolution of those disputes