



**STATES AT A GLANCE: AWAITING FOSTER CARE PLACEMENT UNDER
THE MCKINNEY-VENTO ACT**

The McKinney-Vento Act is a federal law designed to increase the school enrollment, attendance, and success of children and youth who lack a fixed, regular and adequate nighttime residence, including those considered to be “awaiting foster care placement.” Although the Act does not define this term, many state and local child welfare agencies and education agencies have developed definitions of who is considered to be awaiting foster care placement in their state or locality.

The following chart summarizes how several states and localities have defined “awaiting foster care placement.” Many other jurisdictions have also adopted policies related to the McKinney-Vento Act and youth in out-of-home care, while others have passed laws or policies providing youth in care with educational rights beyond those of the McKinney-Vento Act. Therefore, this chart is not exhaustive, nor is it meant to highlight best or most effective practices. Rather, the chart is designed simply to share information about the array of definitions of “awaiting foster care placement” currently in use around the country.

If you have questions, additions, or deletions, please email the Legal Center for Foster Care and Education ccleducation@mail.abanet.org or visit www.abanet.org/child/education.

State or Jurisdiction	Definition of Awaiting Foster Care Placement	Source
Anchorage School District, Alaska	<ul style="list-style-type: none"> -Specifically-named emergency foster care homes; -Emergency beds in specifically-named shelters; -Any home where the provider receives the emergency foster home reimbursement rate; -Any home that has received less than 24 hours notice prior to placement; -Any home where the intended stay is less than ten days; and -A hospital or other institution if release is being delayed due to a lack of placement. 	2006 Interagency Agreement between Anchorage School District and the Anchorage Office of Children’s Services
Connecticut	<ul style="list-style-type: none"> -“Emergency or transitional shelter placements”, including Short Term Assessment and Respite Homes (STAR Homes); -Placements on an “emergency basis in a transitional foster home with the plan of being moved within 30 days to a more permanent foster or adoptive home may be considered covered by McKinney-Vento on a case-by-case basis”; and -“SDE and DCF will also consider applying McKinney-Vento on a case-by-case basis to children who have experienced more than three placements in a 12 month period.” 	Joint Memoranda of the CT Department of Children and Families and the Department of Education, August 9, 2007 and February 15, 2005

District of Columbia	“The time when a child is removed from their home until they enter a permanent placement. If a child is legally adopted or placed in a permanent placement, they are no longer entitled to the McKinney-Vento Act.”	McKinney-Vento Homeless Assistance Act State Plan (SY 2009)
Delaware	All children and youth in out-of-home care.	State law: House Bill 279 (14 Del. Code§202(c))
Fairfax County Public Schools, Virginia	Any out-of-home placement that is not likely to be long-term or permanent.	McKinney-Vento homeless liaison’s determination per McKinney-Vento Act; overlaps with Senate Bill 1006 (Va. Code 22.1-3.4)
Maryland	-“A child placed out of the child's home pursuant to a shelter care order or a voluntary placement agreement documented by the Department of Social Services; or -A child committed to the care and custody of the Department of Social Services who is placed into a temporary, short-term placement of not longer than 90 school days, such as in: - An emergency or shelter facility; - A diagnostic center; - A psychiatric respite facility; - An emergency foster home; or - Another temporary, short-term placement.”	COMAR 13A.05.09.02(3)(b)(v)
Massachusetts	-“Temporary, transitional, or emergency living placements,” including shelters, “hotline homes,” “bridge” homes, diagnostic placements, foster homes used as short term placements; and -“Stabilization, Assessment and Rapid Reintegration/Reunification (STARR) Programs.”	MA Department of Elementary and Secondary Education Homeless Education Advisories 2004-9 and 2007-9A: Children and Youth in State Care or Custody
Minneapolis Public Schools, Minnesota	Emergency foster care placements intended to be temporary or short-term while long-term placements are determined and arranged.	McKinney-Vento homeless liaison’s determination per McKinney-Vento Act
Pennsylvania	-Shelters -Emergency, interim or respite foster care; -Kinship care; -Evaluation or diagnostic centers or placements for the sole purpose of evaluation; and -Local school officials should consult with their county children and youth agencies whenever necessary to determine if a child meets the definition of awaiting foster care placement, including, on a case-by-case basis, whether a	PA Department of Education Board of Education Circular (BEC), February 29, 2008

	child who does not clearly fall into one of these categories is nevertheless a child “awaiting foster care placement.”	
Pima County, Arizona	Any placement not directly related to the child’s permanency goals.	Informal Guidance from the McKinney-Vento State Coordinator
Washtenaw Intermediate School District, Michigan	-Any temporary placement, which includes the child’s initial placement upon entering care; -Other situations on a case-by-case basis; and -To serve other children in out of home care, the district adopted a policy to provide McKinney-Vento like protections to all youth in out-of-home care ages 14-21.	Informal Guidance from the State Department of Education; Washtenaw Superintendents’ Association Policy Guidelines for Improving Educational Outcomes of Youth Transitioning Out of Foster Care, May 18, 2007
West Virginia	-Any child or youth who: 1) is in the custody of the West Virginia Department of Health and Human Resources, 2) has been placed in out-of-home care, and 3) is not in a permanent placement; -Includes, but is not limited to, children in family foster care, kinship care, emergency shelter care or in a facility used to provide treatment services.	Board of Education Rule 126-81-4.5