INTRODUCTION

The McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act was enacted in 1987 as the first federal legislation intended to comprehensively combat homelessness. Title VII-B of the Act created the Education for Homeless Children and Youth Program, which authorized the appropriation of federal funds to states to ensure that children and youth experiencing homelessness receive a free, appropriate public education. The Act strives to facilitate academic success for students experiencing homelessness by giving students the right to remain in one school despite their residential mobility and guaranteeing access to all appropriate educational opportunities and services. The Act also aims to eliminate the barriers that can delay or prevent a homeless student’s access to public education. These barriers include proof of residency requirements, records requirements (including school records, birth certificates, and immunization and other medical records), guardianship requirements, and lack of transportation to school.

The Education of Homeless Children and Youth (EHCY) Program of the McKinney-Vento Homeless Assistance Act was reauthorized in January 2002 through the enactment of the No Child Left Behind Act.

The education provisions of the McKinney-Vento Act originated in policies and practices that proved successful at the local and state levels. The Act draws on the insight and experience of frontline educators, service providers, and advocates who strive to ensure that the educational needs of homeless students are met. The Act has widespread support among educators who work with children and youth in homeless situations. When implemented correctly, the McKinney-Vento provisions reflect strategies that have been shown to enhance students’ academic and social growth and at the same time permit schools to benefit from the increased test scores and other achievements that are the result of educational continuity. Since the Act’s reauthorization in 2002, notable progress has been made. A Department of Education report to Congress highlighted some of the accomplishments of the McKinney-Vento Act’s EHCY program:
States and local educational agencies (LEAs) have generally made significant progress in reducing the barriers that homeless children and youth face in enrolling, attending, and succeeding in school. The legislation has prompted States and LEAs to focus more on the needs of homeless students and has helped facilitate the expansion of local support networks to meet those needs. More recently, McKinney-Vento has been an invaluable tool for assisting students who were left homeless by Hurricanes Katrina and Rita. Although the appropriation levels for this program are relatively small, the impact of the program has been very widespread.2

In addition, federal data from school districts with McKinney-Vento subgrants indicate that the number of homeless students included in state testing is increasing and that academic performance in reading and math is improving. However, the same federal data also reveal that many barriers persist, most notably transportation, records and other enrollment barriers, and general lack of awareness about the provisions of the law. Much work remains to be done toward ensuring that all students experiencing homelessness enroll, attend, and succeed in school.

The suggested implementation strategies in this book come from best practices—tried and true policies and techniques used by the frontline personnel in school buildings, by visionary school districts, and by judicious state administrators across the country. In this revised edition, we have included additional strategies designed to assist communities to exceed compliance and move toward greater commitment—to embody not only the letter but also the spirit of the law. Other additions include expanded sections on definitions, preschool children, and unaccompanied youth, and insights on application of the Act in response to disasters, as well as new chapters on the 2004 amendments to the Individuals with Disabilities Education Act and students involved in the child welfare system.

When the principles of access are denied to our most fragile group of citizens—our children and youth—the ABA’s voice has been clear. The ABA Commission on Homelessness and Poverty has long fought for...
more inclusion of, and services to, homeless children and youth. As part of its initiative on Homeless Children and Youth, in 2009, the Commission released *Runaway and Homeless Youth and the Law: Model State Statutes*, to assist advocates and policymakers to improve their policies that relate to this population. Over the years, the Commission has consulted with states and internationally on how to better care for these children and youth, working not only with lawyers, but school personnel, social workers, and program administrators, as well. In this vein, we are pleased to present the fourth edition of this publication, on behalf of homeless children and youth, in order to better ensure that they do not suffer the consequences of homelessness in their adult lives.