

School Stability for Foster Children and Other Homeless Youth

Background: Children staying in homeless shelters, moving from one person's house to another, or moving from one foster home to another frequently face unnecessary school disruptions, which significantly harm their education. The federal McKinney-Vento Homeless Assistance Act¹ is intended to address this harm by providing children with two important rights:

- The right to attend their "school of origin" – the school they had been attending prior to their housing instability– and to have transportation assistance to attend that school; and
- When attending their school of origin does not serve their best interests, the right to enroll immediately in a new school, even without regular enrollment papers.

The District of Columbia receives McKinney-Vento funds and District law recognizes these rights.²

Who does McKinney-Vento Cover?

All "homeless" children and youth are protected, a category which includes:

- All children without "a fixed, regular, and adequate nighttime residence;"
- Children living in shelters, in motels or sharing housing due to lack of alternative housing, or anywhere not "ordinarily used as a regular sleeping accommodation;" and
- Children "awaiting foster care placement."

McKinney-Vento applies to children in public pre-school programs.³ Federal law imposes no upper age limit, but District law limits coverage to students under 19. Students can attend their school of origin for the entire school year they were homeless, even if they become housed during that year.

What kind of transportation assistance does a covered student get?

The McKinney-Vento Act entitles "homeless" students to receive "comparable" transportation assistance to non-homeless students.

- The District has not yet defined "comparable transportation services." The District's state plan requires it to provide Metro fare to homeless students and their parents.⁴

How does McKinney-Vento apply to children and youth in foster care?

- Current law covers many foster children – those living in emergency shelters operated by the foster care system, and those awaiting a new foster care placement.
- The District's state plan defines "awaiting foster care" to include *all* foster children – meaning McKinney-Vento covers all foster children in the District.⁵

I represent a homeless family. What can I do to protect their McKinney-Vento rights?

- Speak with the homeless liaison at the child's school (each school should have one). Inform them that the child is homeless and remind them of the child's McKinney-Vento rights.
- Complete a confidential McKinney-Vento referral form⁶ with OSSE and call the OSSE Transitory Services office (202-741-0470) to advocate for transportation services.
- Questions about a case? Call the Children's Law Center Helpline, 202-467-4900 ext. 4.

¹ 42 U.S.C. § 11431 *et seq.*

² 5 D.C.M.R. §§ 5-2010 & 5-5099.

³ 42 U.S.C. §§ 11431(1), 11432(g)(1)(F)(i).

⁴ McKinney-Vento Homeless Assistance Act State Plan at 10,

http://www.osse.dc.gov/se/frames.asp?doc=/seo/lib/se/mckinney-vento_state_plan_0910.pdf

⁵ *Id.* at 3.

⁶ <http://osse.dc.gov/se/frames.asp?doc=/seo/lib/se/pdf/hcypreferrallform.pdf>.

