

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Mercy Children's Hospital, ProMedica Toledo Children's Hospital, and University Pediatrics at the University of Toledo Medical Center.

KNOW YOUR RIGHTS: HOMELESS CHILDREN AND THE RIGHT TO AN EDUCATION

What is the McKinney-Vento Act?

The McKinney-Vento Homeless Assistance Act (the Act) was originally passed in 1987 and remains the primary federal law addressing the education of homeless children and youth. The Act provides certain rights to homeless children and youth including the right to enroll in school without satisfying residency requirements and the right to stay in a prior school.

Who are homeless children and youth?

The Act defines homeless children and youth as those who lack "a fixed, regular, and adequate nighttime residence." Lacking any one of these conditions, which are further defined in the Act, would make a child eligible. The Act applies to all school-aged children and youth. Determining whether a particular child or youth fits the definition of homeless is a case-by-case analysis, however, some examples include a child: living in a motel, hotel, trailer park, or camping ground due to the lack of alternative adequate accommodations; living in an emergency or transitional shelter; abandoned in a hospital; awaiting foster care placement; doubled up with family or friends due to economic conditions; or living in a car, park, public space, abandoned building, substandard housing, bus or train station.

What educational rights does McKinney-Vento guarantee for homeless children and youth?

- » Students can remain in their school of origin ("school of origin" means the school a child attended when permanently housed or in which he/she was last enrolled).
- » Students can be eligible for free transportation to and from the school of origin.
- » Students can enroll in school immediately, even if they are missing records and documents normally required for enrollment, such as a birth certificate, proof of residence, previous school records, or immunization/medical records.
- » Students can enroll, attend classes, and participate fully in all school activities while the school gathers records or while disputes are being settled.
- » Students must be given access to the same programs and services that are available to all other students, including special education, vocational education, school nutrition programs, and extra-curricular activities.

Who is responsible for making sure the school follows the Act?

Every school district is required to designate and make available to students and parents at least one McKinney-Vento "Liaison." The Liaison's role is to help students and families in homeless situations with school related issues. For example, they can help with problems related to enrollment, request transportation on behalf of a student, help obtain immunizations or immunization records and birth certificates, and help mediate disputes with the school district.

What if a parent and a school disagree on the application of the Act?

If students and families disagree with a school on how the Act applies in their situation, they also have access to a dispute resolution process through the Ohio Department of Education. The school is required to enroll and maintain enrollment of the student into the school in which enrollment is sought regardless of any dispute and throughout the dispute resolution process.

Resources:

Toledo Public Schools McKinney-Vento Liaison Heather Baker: (419) 671-8229

Ohio Department of Education McKinney-Vento Coordinator Susannah Wayland: (614) 387-7725

National Association for the Education of Homeless Children and Youth: www.naehcy.org



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