

McKinney-Vento Definition of Homeless

Children or youth who lack a **fixed, regular, and adequate** nighttime residence, including children and youth:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
- Living in emergency or transitional shelters, or are abandoned in hospitals
- Living in a public or private place, not designed for or ordinarily used as regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances

Definitions of Homelessness

Program	Unsheltered	In Shelter	Hotels/Motels	“Doubled Up” (Sharing housing)
McKinney-Vento (Education)	YES	YES	YES If due to lacking an adequate alternative (regardless of payment source)	YES If due to loss of housing, economic hardship, or a similar reason
Department of Housing & Urban Development (HUD)	YES	YES	MAYBE <ul style="list-style-type: none"> If govt/charity paying (cat 1) If have to leave in 14 days (cat 2) If fleeing or attempting to flee violence or danger (cat 4) 	MAYBE <ul style="list-style-type: none"> If have to leave in 14 days (cat 2) If fleeing or attempting to flee violence or danger (cat 4)

Source: National Center for Homeless Education

Rights Under the McKinney-Vento Act

- **Equal access** to the same free, appropriate public education, including public preschool education, as is provided to other children and youth
- **Immediate enrollment**, even when records normally required for enrollment are not present
- Remain in the **school of origin**, if it is in the student's best interest, in order to maintain educational stability
- **Access all educational and related services** for which they are eligible, including Title I services and free school meals
- **Full participation** in school, which may include participation in extracurricular activities
- **Transportation**, provided by the LEA, to and from the school of origin

Rights During McKinney-Vento Dispute

If a dispute arises over eligibility, school selection, or enrollment:

- The student must immediately be enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals
- Students have the right to participate fully in school
- Students must receive all services for which they are eligible
- Students must receive transportation, as needed, to and from the school of origin

Duration of Rights

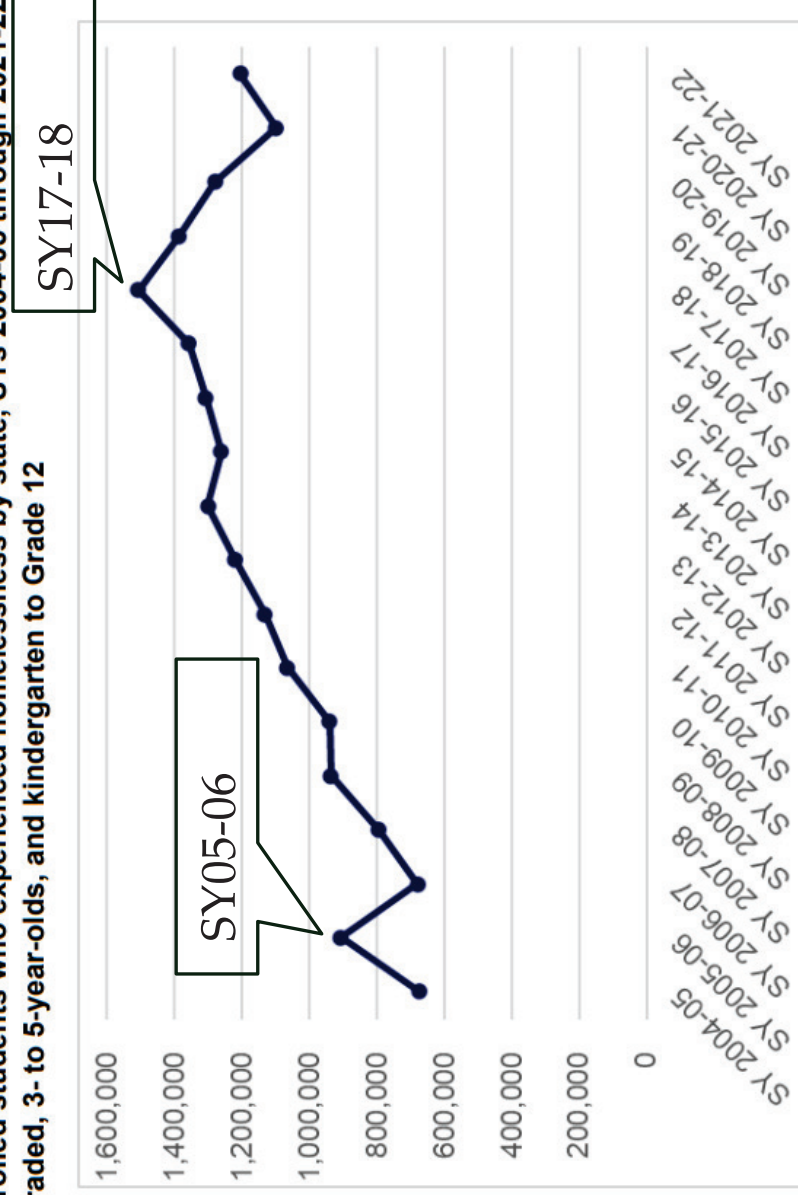
Homeless children and youth have the right to attend the school of origin for the ***duration of homelessness***

- In any case in which a family becomes homeless between academic years or during an academic year
- For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year

Rights under McKinney-Vento apply for as long as the student is experiencing homelessness and up until the end of the academic year in which they become permanently housed

National Trends

Figure 2. Enrolled students who experienced homelessness by state, SYs 2004-05 through 2021-22: Ungraded, 3- to 5-year-olds, and kindergarten to Grade 12



SOURCE: U.S. Department of Education, EDData file specification 118 (2006-2023), SEA level.