

Educational Stability for Youth in Foster Care

The McKinney-Vento Act¹ applies to many children in DFCS custody and provides those children with rights that promote educational stability.

What is the McKinney-Vento Act?

- ❖ McKinney-Vento is a federal law that promotes stability, access, and academic success for homeless youth. McKinney-Vento also provides assistance for homeless youth with enrollment in a new school, transportation to school, and other educational and supplemental services. It promotes educational stability by allowing homeless youth to remain in their school of origin even if homelessness has caused them to move outside the school district. School of origin is defined as the school a student attended before becoming homeless or the school where the student was last enrolled.

Are children in foster care homeless?

- ❖ In order to be eligible for the benefits and services provided for by the McKinney-Vento Act, a student must meet the criteria for homelessness. Some children in foster care meet the criteria and are therefore considered homeless under the Act.
- ❖ The McKinney-Vento Act defines homeless children and youth as "(A) individuals who lack a fixed, regular and adequate nighttime residence...; and (B) includes – (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; *are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement....*"² Thus, some children in DFCS custody are considered homeless for the purpose of the McKinney-Vento Act, specifically children living in shelters, abandoned in hospitals, and children awaiting foster care placement
- ❖ Using McKinney-Vento to secure rights for children in foster care helps to minimize educational disruption. The child is able to remain in the same school, continue with the current academic curriculum, and is less likely to fall behind academically.

Are children covered by McKinney-Vento after they move into a foster home?

- ❖ Once the provisions of McKinney-Vento have been met, an eligible child remains eligible for services for the remainder of that school year even if s/he moves into a foster home.
- ❖ When the next school year begins, if the child continues to live in a foster home, s/he will no longer qualify under McKinney-Vento and at that time may have to transfer to a school in the district where s/he is residing.

What about the documents schools require to enroll a child in school?

- ❖ McKinney-Vento requires schools to immediately enroll homeless children in school even without records normally required for enrollment, such as previous academic records, medical records including immunization records, proof of guardianship, and proof of residency.
- ❖ The enrolling school must contact the last school attended to obtain relevant records to facilitate enrollment and the school should refer the child to the school liaison for assistance in obtaining immunization records.

What if the child has moved out of district and the old school refuses to allow the child to continue to attend?

- ❖ All decisions about where a homeless child shall be allowed to go to school must be made according to the child's best interests. In determining best interests of the child, the local educational agency shall "to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian."³

Created by:

The Barton Child Law and Policy Clinic
Emory University School of Law
Gambrell Hall
Atlanta, GA 30322

Tel 404.727.6664
www.childwelfare.net
childlaw@law.emory.edu

- ❖ Whenever there is a disagreement between a school and a parent, guardian, or youth, the school must:
 - Immediately enroll the student in the school the parent, guardian, or youth chooses;
 - Keep the student at that school until the disagreement is settled;
 - Explain, in writing, its decision and the right to have the disagreement settled; AND
 - Send the parent, guardian or youth to the Georgia Liaison/Coordinator of Education for Homeless Children and Youth to settle the disagreement quickly. Please see the contact information below.

What if it is best to transfer the child to a new school in the district where the foster parents or relative placement live?

- ❖ Homeless children and youth have the right to stay in the school they went to before they lost their housing, to stay at whatever school they were enrolled in last, or to attend the local school where they are now living.

Is there any help with transportation?

- ❖ If McKinney-Vento applies to the child, then the school district must provide or arrange transportation for the student to stay at the school of origin, even if the student moves to a different city, county, or school district.
 - If a student is living in the same school district as the school of origin, then that school district has to provide transportation. If the student moves across district lines, then both districts have to work together to provide transportation.

What type of transportation will the school provide?

- ❖ Schools can provide transportation in different ways, including:
 - Re-routing school buses and making sure buses go to shelters, group homes and other places where students live;
 - Providing passes for public buses and subways, including passes for caretakers when needed;
 - Using the transportation systems social services use;
 - Using approved van or taxi services;
 - Reimbursing parents, guardians or youth for gas;
 - Working with service providers and public assistance agencies to make transportation plans or provide transportation;
 - Getting local businesses or other agencies to help with transportation costs; and

Where can I get more information?

- ❖ The National Law Center on Homelessness & Poverty, www.nlchp.org.
- ❖ Georgia's Education for Homeless Children and Youth Coordinator is Mr. David Davidson. He can be reached at phone 404-651-7555 or e-mail ddavidso@doe.k12.ga.us.
- ❖ The Georgia Law Center for the Homeless, www.galawcenter.org , phone: 404-681-0680.

¹ The McKinney -Vento Act codified as amended at 42 U.S.C.A. §11432 through §11434a(2)(2004).

² 42 U.S.C.A. §11434a(2)(B)(2004)(emphasis added).

³ 42 U.S.C.A. §11432(3)(B)(i)(2004).