

**Guiding the Discussion on School Selection**



The McKinney-Vento Homeless Assistance Act guarantees a child qualified as homeless the right to attend one of two schools: the school of origin or the local attendance area school. This brief explains the relevant legal provisions and provides a framework to assist in the decision-making process. For the McKinney-Vento (M-V) definition of “homeless,” see the panel to the left.

**Which School?**

“The local educational agency [LEA or school district] serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

- (i) continue the child's or youth's education in the school of origin for the duration of homelessness--
  - (I) in any case in which a family becomes homeless between academic years or during an academic year; or
  - (II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.” [M-V: 722(g)(3)(a)]

**Who is homeless?**

**(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)**

The term “homeless children and youth”—

- A. means 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 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;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
  - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - iv. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

**Schools Defined**

School of Origin: “the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled” [M-V: 722(g)(3)(G)]

Local Attendance Area School: “any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend” [M-V 722(g)(3)(A)(ii)]

**Best Interest**

“Best Interest—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

- (i) 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;

*(continued on the next page)*

- (ii) provide written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such a child or youth to a school other than the school of origin or a school requested by the parent or guardian; ..." [M-V 722(g)(3)(B)]

## **U.S. Department of Education Guidance**

"G-4. What should a school district consider when determining the extent to which it is feasible to educate a homeless child in his or her school of origin?"

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and time remaining in the school year." (Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004)

## **How LEAs and Parents or Guardians Can Make Best Interest Decisions**

In order for parents or guardians in homeless situations to make informed decisions about selecting the school that is in their child's best interest, they need to have as much practical information as possible. Parents may have less knowledge and information about the implications of the choice they will make for the student than the local homeless education liaison or other school district staff involved in the enrollment process. The local liaison and school or district staff can play an instrumental role in assisting parents with choosing a school that is in the best interest of their children.

The local liaison, teachers, and other school or district staff can:

- Reinforce the importance of school stability and educational continuity for children.
- Provide input to the parents on the academic, social, and emotional impact that transferring to a new school may have on their children.
- Help the parents find out which programs at the two schools are comparable and appropriate for the child and make arrangements for the parents and child to visit the school considered for a possible transfer.
- Provide information on the distance to the schools under consideration, both in terms of miles and travel time.

## **Key Questions to Consider When Making a School Selection**

1. How permanent does the family's living arrangement appear to be?
2. How deep are the child's ties to his or her current school?
3. How anxious is the child about his or her family's upcoming or recent move?
4. How strong is the child academically?
5. To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child, or at the end of the school year?
8. How would the length of the commute to the school of origin impact the child?
9. Are there any safety issues to consider?

Decisions regarding school selection should be made on a case-by-case basis, giving attention to the circumstances of each individual student. The following checklist may help local liaisons guide a discussion on school-selection options available to the student and the advantages and disadvantages of each option. If a district has large numbers of homeless and mobile students, it may be beneficial to train several staff members to assist parents in this decision-making process.

# School Selection: A Checklist for Decision Making

(adapted from the Texas Homeless Education Office)

School of Origin Considerations	Local Attendance Area School Considerations
<input type="checkbox"/> Continuity of instruction <i>Student is best served due to circumstances that look to his or her past.</i>	<input type="checkbox"/> Continuity of instruction <i>Student is best served due to circumstances that look to his or her future.</i>
<input type="checkbox"/> Age and grade placement of the student <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.</i>	<input type="checkbox"/> Age and grade placement of the student <i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time.</i>
<input type="checkbox"/> Academic strength <i>The child's academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i>	<input type="checkbox"/> Academic strength <i>The child's academic performance is strong and at grade level, and the child would likely recover academically from a school transfer.</i>
<input type="checkbox"/> Social and emotional state <i>The child is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave.</i>	<input type="checkbox"/> Social and emotional state <i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.</i>
<input type="checkbox"/> Distance of the commute and its impact on the student's education and/or special needs <i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/> Distance of the commute and its impact on the student's education and/or special needs <i>A shorter commute may help the student's concentration, attitude, or readiness for school. The local attendance area school can meet all of the necessary educational and special needs of the student.</i>
<input type="checkbox"/> Personal safety of the student <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/> Personal safety of the student <i>The local attendance area school has advantages for the safety of the student.</i>
<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</i>
<input type="checkbox"/> Length of anticipated stay in a temporary shelter or other temporary location <i>The student's current living situation is outside of the school-of-origin attendance zone, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/> Length of anticipated stay in a temporary shelter or other temporary location <i>The student's current living situation appears stable and unlikely to change suddenly; the student will benefit from the developing relationships with peers in school who live in his local community.</i>

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This brief was developed by:  
National Center for Homeless Education  
800-308-2145 (toll-free HelpLine)  
*www.serve.org/nche*

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Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the

McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at *www.serve.org/nche*.



For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail *homeless@serve.org*.



**Local Contact Information:**