

Foster Care & Education Q&A

WHAT CHILD WELFARE PROFESSIONALS NEED TO KNOW ABOUT “AWAITING FOSTER CARE PLACEMENT” AND THE MCKINNEY-VENTO ACT

Q: What is the McKinney-Vento Act?

A: The McKinney-Vento Act is a federal law designed to increase the school enrollment, attendance, and success of children and youth who lack a fixed, regular and adequate nighttime residence. It provides modest grants to states to provide supplemental services to eligible youth.

Q: Does McKinney-Vento apply to children in out-of-home care?

A: In many cases, yes. The McKinney-Vento Act applies to children and youth living in a wide variety of unstable or inadequate situations. Many children in out-of-home care change living placements frequently. The McKinney-Vento Act specifically applies to such children who are considered to be “awaiting foster care placement.” Although the Act does not define this term, many state and local child welfare agencies and education agencies have developed definitions of who is considered to be awaiting foster care placement in their state or locality. The McKinney-Vento Act’s protections are invaluable in helping children in out-of-home care to succeed in school, as well as contributing to success and stability in the home placement.

Q: What are the special protections that exist for children eligible under McKinney-Vento?

A: The McKinney-Vento Act provides eligible children with many rights and services, including:

- The **right to remain in one school**, even if their temporary living situation is located in another school district or attendance area, as long as remaining in that school is in their best interest. The school is known as the school of origin (defined as the school in which the student was last enrolled or where the student attended when permanently housed).
- The **right to receive transportation** to and from the school of origin.
- The **right to enroll** in school and begin participating fully in all school activities immediately, even if they cannot produce normally required documents, such as birth certificates, proof of guardianship, school records, immunization records, or proof of residency.
- **Supplemental services** such as tutoring and mentorship.

Q: Who should a child welfare professional (caseworker, CASA, attorney, foster parent or other advocate) contact if it is suspected that a child could be eligible under McKinney-Vento?

A: Contact the McKinney-Vento homeless education liaison from the school district immediately. Every school district is required to designate a liaison, who is responsible for determining eligibility under the



Act and ensuring that services are provided. If the school or district office is unable to provide the liaison's contact information, the McKinney-Vento State Coordinator should have that information. A list of State Coordinators is available at

<http://www.serve.org/nche/downloads/sccontact.pdf>.

Many child welfare agencies also employ education specialists who can provide information about the McKinney-Vento Act and assist with communication with the liaison.

Q: What information do educators and child welfare professionals need to know to serve children in out-of-home care under McKinney-Vento?

A: Communication and understanding between educators and child welfare professionals are critical for serving children in out-of-home care under McKinney-Vento. Educators need to know where children in care are living, how their permanency goals may affect school placement and stability, who should make educational decisions on the child's behalf, what special challenges the child may be facing, and when and where the child is likely to move. Child welfare professionals need to know which children in care are eligible for the McKinney-Vento Act's protections, what those protections are, how to enroll children in school, and who to contact with questions or concerns.

It is important for both agencies to collaborate systemically to develop policies and practices to implement the Act smoothly, addressing issues such as: efforts to keep students' placements stable and close to their schools of origin; information-sharing; educational decision-making; training; financial responsibility; and strategies to ensure that children in out-of-home care are enrolled in school, attending, and receiving the support they need to succeed.

Q: How can child welfare professionals work collaboratively with McKinney-Vento programs to best serve children?

A: Many opportunities exist for collaboration between educators and child welfare professionals.

- **Cross-training:** McKinney-Vento liaisons can provide training on the McKinney-Vento Act and other education policies for child welfare professionals; child welfare agencies can teach educators about their policies and the common

needs and challenges of children in out-of-home care. Such information can also be included in each agency's policy manuals.

- **Team meetings:** Regular meetings among child welfare professionals and McKinney-Vento liaisons provide a forum to discuss challenges and develop practical strategies to ensure children in out-of-home care benefit from the school stability and access the Act provides.
- **Joint policies:** Many state and local child welfare and education agencies have developed Memoranda of Understanding (MOUs) defining "awaiting foster care placement" and establishing protocols to apply the Act to children in out-of-home care, choose between the school of origin and local school, ensure immediate enrollment, arrange transportation, share information, and resolve disputes. Many agencies also use joint forms to facilitate implementation of the MOUs.
- **Education specialists:** The child welfare agencies that have added education specialists to their teams report greater ease in ensuring the children in out-of-home care are enrolled in school, attending, and receiving the support they need to succeed.

Q: Where can I find more information about the McKinney-Vento Act?

A: The **National Center for Homeless Education** (NCHE: www.serve.org/nche) and the **National Association for the Education of Homeless Children and Youth** (NAEHCY: www.naehcy.org) offer information about the McKinney-Vento Act.

November 2008: NAEHCY, with support from Casey Family Programs, will publish a report with practical strategies to implement the Act for children in out-of-home care. Check www.abanet.org/child/education for the release.