

Rights and Eligibility Under the McKinney-Vento and Fostering Connections Acts

LAW	WHO'S ELIGIBLE	RIGHTS				
		Remain in School	Transportation	Immediate Enrollment	Expedited Record Transfer	Designated Staff Resource
McKinney-Vento Homeless Assistance Act	Homeless children, including: children in emergency or transitional shelters, unaccompanied homeless youth, or those “awaiting foster care placement” as defined by state or school district policy or at the discretion of the McKinney-Vento Liaison.	If in their best interest, children are entitled to remain in their school of origin unless their parent disagrees.	LEAs are required to provide or arrange transportation to the school of origin. (When disputes between LEAs arise, they must split the cost.)	Schools must enroll children immediately, even without typically required documents (e.g. birth certificate, immunization record).	Schools must maintain records so they are available in a timely fashion when a child enters a new school or school district.	Every SEA has a McKinney-Vento State Coordinator and every LEA must designate a McKinney-Vento Liaison.
Fostering Connections to Success and Increasing Adoptions Act of 2008	Every child in out-of-home care.	Unless not in the child’s best interest, the child welfare agency must work with the education agency to ensure child can remain in their school at the time of placement. ¹	No specific mandate, ² but for IV-E eligible children in out-of-home care, “foster care maintenance payments” may include reasonable transportation to a child’s school.	When staying in the same school is not in the child’s best interest, child welfare and LEAs must provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school.	When staying in the same school is not in the child’s best interest, child welfare and LEAs must provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school.	Not specified.
McKinney-Vento AND Fostering Connections	Children in out-of-home care who are McKinney eligible including: children in emergency or transitional shelters, unaccompanied homeless youth, and those “awaiting foster care placement.”	Unless not in the child’s best interest, the child welfare agency and the McKinney Vento liaison must work together to ensure child remains in the school of origin. ³	Unless another state or local agreement exists between education and child welfare, LEA must provide transportation.	Child welfare agency and education agency must work together to ensure immediate enrollment, even without typically required documents.	Child welfare agency and education agency must work together to expedite record transfers.	Child welfare agency caseworker and liaison must work together to provide for all of the child’s rights under both Acts.

¹ The 2011 Child and Family Services Improvement and Innovation Act clarified in statute that the school stability requirements of Fostering Connections apply at a child’s *initial* placement into foster care, as well as any *subsequent* placement changes. Previous guidance had *encouraged* this, but now it is absolutely clear that the requirements apply throughout the time the child is in care.

² While not explicit in the statute, legislative intent of providing children in foster care with school stability and continuity implies that child welfare’s responsibility to “ensure” school stability for children in foster care, consistent with their best interest, includes providing transportation to the child’s school when necessary and appropriate.

³ While both child welfare agencies and McKinney-Vento liaisons must determine what is best for the child (and best practice would suggest making those decisions collaboratively), if the child is being found eligible under McKinney-Vento, the McKinney-Vento liaison oversees the final decision. If disagreement occurs, the McKinney-Vento dispute procedures can be followed.