



OUSD Transitional Students and Families

McKinney-Vento

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The McKinney-Vento Homeless Assistance Act, reauthorized in January 2002 as Title X, Part C, of the No Child Left Behind Act, is the primary piece of federal legislation dealing with the education of children and youth in homeless situations. Its key themes are school access and stability, support for educational success, and child-centered decision-making.

The McKinney-Vento Act states that children and youth who lack “a fixed, regular, and adequate nighttime residence” will be considered homeless. 42 U.S.C. §11434A(2)(A). The following definitions may provide guidance:

(1) **Fixed:** Securely placed or fastened; not subject to change or fluctuation. A fixed residence is one that is stationary, permanent, and not subject to change.

(2) **Regular:** Normal, standard; constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; recurring, attending, or functioning at fixed or uniform intervals. Consistent. A regular residence is one which is used on a regular (i.e., nightly) basis.

(3) **Adequate:** Sufficient for a specific requirement; lawfully and reasonably sufficient. Fully sufficient; equal to what is required; lawfully and reasonably sufficient. An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

International law defines adequate as follows: “Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost.

How "immediate" is immediate enrollment?

The McKinney-Vento Act requires schools to enroll students experiencing homelessness immediately, even if the student is unable to provide documents that are typically required for enrollment. 42 U.S.C. §11432(g)(3)(C). Enroll means permitting the student to attend classes and participate fully in school activities. 42 U.S.C. §11434A(1). Although the Act does not define immediate, the standard dictionary definition is “without delay.” Therefore, the student must begin attending classes and participating fully in school activities without delay. Generally, that would mean the same or the following day.

Can schools require verification or proof of residency, such as seeing a lease in the case where a family is hosting a student who is not a family member?

No. Schools may not require verification or proof of residency as a condition of enrollment. *However, families should be prepared to show ID verifying their identity.*

When families cannot provide proof of address:

- 1) Where do they receive mail? PO Box? Use the PO Box – Physical address.
- 2) Attend Church? Can you use your church address?
- 3) In a Car? Where do you park your car at night?

What does the OUSD Transitional Families Program provide?

- Assistance with immediate enrollment
- Transportation in the form of AC Transit Bus Tickets
- Housing Referrals & Resources for Rental Assistance
- Job Announcements
- Food Access to the Alameda County Food Bank via the Resource Center
- An ear to listen and troubleshoot concerns
- Help w/navigating other OUSD services (e.g. SPED)