

Special Tips for Students Who are Homeless or in Temporary Situations

The McKinney-Vento Homeless Assistance Act of 2002 and IDEA 2004, ensure the educational rights of children and youth experiencing homelessness. The Act provides grants and legal protections so children and youth in homeless situations can enroll, attend, and succeed in school and preschool programs.

According to this Act, homeless children are defined as follows:

- children or youth who lack a fixed, regular or adequate nighttime residence
- children or youth who are sharing the housing of other persons, living in emergency or transitional shelters or are awaiting foster care placement
- children or youth who are currently living in parks, cars, public spaces, abandoned buildings, or similar settings
- unaccompanied youth – adolescents who are not in the custody of a parent or guardian including residents of group homes and runaways

Students in homeless situations have the right to:

- attend school regardless of current living status
- attend school with children who are not homeless
- have the same opportunities as all students
- receive assistance from the school district's coordinator for Education of Homeless Children and Youth (every school district must have a coordinator to assist families and children with enrollment and education related issues)
- remain in the last school they were enrolled in ("school of origin") before becoming homeless, even if it is out of the district
- get accessible transportation to their school, provided and arranged by the school district
- attend the local school in the area they are living
- receive immediate enrollment and full participation in school activities
- a written explanation if they are denied enrollment and the representation of a coordinator to settle any disputes
- attend school while a settlement of dispute is pending

- receive preschool services, free or reduced school meals, special education and related services, Title I services, vocational/technical education, gifted services and before and after-school care
- receive referrals from coordinators about all available education programs, health, mental health, dental and other services
- If a school does not follow the requirements of the McKinney-Vento Act or IDEA 2004, or you need assistance, please contact:

NM Homeless Education Assistance Hotline (866) 670-3700

APS Project REACH (Resources for the Educational Assistance for Children in Homelessness) (505) 256-8239

Disability Rights New Mexico (formerly P&A)
(505) 256-3100 or (800) 432-4682

PRO (Parents Reaching Out)
(505) 865-3700 or (800) 524-5176

PBDC (Parents for Behaviorally Different Children)
(505) 265-0430 or (800) 273-7232

- If you wish to file a complaint because a school is refusing to follow the requirements of the McKinney-Vento Act or IDEA 2004, please contact:

NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-5800

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