



McKinney-Vento Overview

STUDENT'S RIGHTS UNDER MCKINNEY-VENTO:

- **Immediate Enrollment:** no prior records are needed, but should be obtained by the enrolling school as quickly as possible
- **School Stability:** including the right to remain in the school of origin or attend the school in the area where they are currently spending their nights
 - For the duration of their homelessness
 - By parent's request
- **Equal access** to all programs, i.e., Special Education, Migrant Education, English Language Development programs, Gifted and Talented programs
- **Transportation** to/from school if transportation creates a barrier to attendance
- Automatically qualify for **free and reduced meals**
- Automatically qualify for **Title I services** (even if they do not attend a Title I school)
- Not to be educated in separate schools, separate programs within schools, or separate settings within schools based on their homeless status
- Whenever a dispute arises, the student must be admitted immediately to the requested school while the dispute is being resolved

The McKinney-Vento Homeless Assistance Act, reauthorized in 2015 as part of the Every Student Succeeds Act, is the primary piece of federal legislation dealing with the education of children and youth in homeless situations. Its key theme is to ensure that every child and youth experiencing homelessness has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. The law states that schools must **eliminate barriers to enrollment, attendance, and success in school** for homeless students. Further, the act **obligates schools to appoint a liaison to assist homeless students and their families** and serve as a resource for educators.

The McKinney-Vento Homeless Assistance Act defines "homeless children and youths" as: "individuals who lack a fixed, regular, and adequate nighttime residence." However, because the circumstances of homelessness vary with each family's or unaccompanied youth's situation, determining the extent to which the family or youth fits the definition must occur on a case-by-case basis. Enrollment staff and/or the local homeless education liaison must gather and analyze information from the family or youth, with sensitivity, and make an appropriate determination of eligibility. Expedient determination of eligibility and immediate school enrollment are critical to the child's educational continuity. See more on this in the **Identification** section of the toolkit.