

Q&A: Rights of Students under the McKinney-Vento Act

What is McKinney-Vento and how does it relate to students with disabilities?

The McKinney-Vento Homeless Assistance Act is a federal law enacted to provide support and protection for students who are unhoused. This includes provisions specifically aimed at addressing the educational needs of students who are unhoused, including those with disabilities. ***The term “eligible students” will be used throughout this handout to refer specifically to those students who are eligible under McKinney-Vento.***

Which living circumstances qualify an individual for services under the McKinney-Vento?

McKinney-Vento covers anyone who is school-aged and living in a shelter, motel, car, outdoors, in an inadequate trailer or house, staying temporarily with friends or a relative due to economic hardship or loss of housing, or is living in any other unhoused situation.

What rights do students with disabilities have under McKinney-Vento?

Students with disabilities have the following rights under McKinney-Vento:

- **Immediate Enrollment:** Eligible students have the right to enroll in school immediately, even if they lack the usual documents required for enrollment, such as proof of residency, immunization records, or school records.
- **Immediate Access to Free School Meals:** These must be offered right away for eligible students.
- **School Stability:** Eligible students have the right to remain in their "school of origin" (the school they were attending when they became unhoused) or the school they last attended, even if they move to a new attendance area. The school district must provide transportation to ensure school stability.
- **Access to Support Services:** Eligible students are entitled to receive all the services and accommodations necessary to ensure their education is not interrupted.
- **Dispute Resolution:** McKinney-Vento provides dispute resolution procedures to address disagreements between schools and parents/guardians regarding enrollment, placement, or the provision of services for eligible students.
- **IDEA/504:** In addition to McKinney-Vento educational support services, students with disabilities may have additional rights to services under an Individualized Educational Program (IEP) or Section 504 plan. Review our [Fact Sheets](#) to learn more.

How can schools identify and support eligible students with disabilities who are unhoused?

Schools have a responsibility to identify and support students with disabilities who are unhoused. They can do this by:

- **Awareness and Training:** Schools can provide training to staff to increase awareness of the unique needs and challenges faced by eligible students.
- **Identification and Evaluation:** Schools should implement procedures to identify students with disabilities who are unhoused and conduct evaluations, if necessary, to determine their eligibility for special education and related services.

- **Individualized Education Programs (IEPs):** Schools must develop or update an IEP for students with disabilities who are unhoused to address their unique needs and ensure they receive appropriate educational services.
- **Section 504 plans:** Schools must develop or update 504 plans for students with disabilities needing reasonable accommodations to access or benefit from their education.
- **Collaboration with Agencies:** Schools can work collaboratively with shelters, service providers, and community organizations to identify and support eligible students.

Can eligible students receive transportation assistance under McKinney-Vento?

Yes, McKinney-Vento requires school districts to provide transportation assistance to eligible students, including those with disabilities, to ensure they can continue attending their "school of origin" or the school they last attended. This transportation must be provided at no cost to the student or their family. Students with disabilities may have additional rights to transportation under the Individuals with Disabilities Act or Section 504. See our *School Transportation* handout for more information (available here: [Fact Sheets](#)).

I am not in contact with my parent or guardian. Can I still attend school and receive services?

Yes. Unaccompanied eligible students can work with their school district's McKinney-Vento liaison/coordinator to enroll in school. The school district must not create undue burdens to prevent eligible students from enrolling. This includes requiring the signature of a parent or guardian to enroll in school.

Are there any additional resources or supports available for eligible students?

Yes, in addition to the rights provided by McKinney-Vento, there may be other resources and supports available to eligible students. These can include:

- **Local Liaisons:** Every school district must designate a local education liaison for students who are unhoused who can provide information, assistance, and support to eligible students and their families. This assistance can include additional educational support, services including referrals to health, mental health, dental, and other needed services.
- **Community Organizations:** Various community organizations, shelters, and nonprofits may offer specific services, such as tutoring, counseling, or material assistance, to support the education and well-being of homeless students with disabilities. Eligible students can work with the school district's liaison to access these services.
- **State and Local Programs:** Depending on your location, there may be state or local programs that provide additional resources and supports for eligible students. These programs can vary, but a school district's liaison should have additional information and referrals.

Where can I go for additional information?

- [McKinney-Vento Homeless Education | CDE \(state.co.us\)](#)
- [Homeless Education District Liaisons | CDE \(state.co.us\)](#)