

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

McKinney-Vento Flowchart

The McKinney-Vento Act is a federal law that makes sure children and youth who do not have permanent housing can go to school and preschool. It gives children and youth rights to enroll in school, stay in school, get transportation to school, and do well in school. Because it is a federal law, the McKinney-Vento Act overrules state laws and local policies that disagree with it.

Flow Chart Instructions:

You can use this flow chart to figure out how the McKinney-Vento Act might be able to help you enroll your children, or yourself, in school. Just ask yourself each question. You can use the hints under the question to help you answer each question with a “yes” or “no.” Click on the “yes” or “no” button to go to the next question. You can also look at all the questions by just scrolling down the whole document.

You should know that this flow chart does not explain everything about the McKinney-Vento Act. It is not legal advice, and it does not mean that the Law Center is your lawyer. It is just a tool to help you protect your rights.

If you need help enrolling your children or yourself in school, there are people who can help you. You can contact:

- Your school district’s McKinney-Vento liaison, who is a school district staff member whose job it is to help you (call your school, school district or State Coordinator for the number),
- Your State Coordinator (check www.serve.org/nche for a list of State Coordinators and contact information),
- A lawyer (check your local phone book or www.lsc.gov for legal aid lawyers in your area), or
- The National Law Center (202-638-2535 or info@nlchp.org).

We hope this flow chart helps you know what your rights are and how to make sure you or your children can stay in school!

Flow Chart:

1. Is my child (or, if enrolling yourself, am I) eligible for school or preschool?

Hints:

- 3 to 18 years old and not yet graduated from high school = eligible for school or preschool.
- Under 3 = eligible for some preschool programs. Check with your McKinney-Vento liaison to see what is available in your community.
- 18 to 22 years old and not yet graduated from high school = probably eligible for school. Check with your McKinney-Vento liaison.
- 18 or over and has special education needs = eligible until 22nd birthday.
- Children and youth who are not citizens or legal immigrants are still eligible for education.

**YES: Go To 2 NO: The McKinney-Vento Act does not apply to your case
IF YOU SAY YES, BUT THE SCHOOL SAYS NO: Go To 9**

2. Am I trying to enroll my child (or myself) in a public school or preschool?

Hints:

- Public school or preschool that charges some fees = public.
- Charter school = usually public.
- School or preschool run by the government, but NOT by the school district or state department of education = probably not “public” under McKinney-Vento Act. (For example, preschools run by the Department of Mental Health or schools run by the Department of Defense.)
- Religious or other private school = not public.

**YES: Go To 3 NO: The McKinney-Vento Act does not apply to your case
IF YOU SAY YES, BUT THE SCHOOL SAYS NO: Go To 9**

3. Is my child (or am I) covered by the McKinney-Vento Act? (Do we meet the definition of “homeless”?)

Hints:

- Don't have a fixed, regular and adequate place to sleep = covered.
- Sharing housing because you lost your housing, can't afford a home, or a similar reason = covered.
- Living in a motel, hotel, trailer park or campground because you don't have another place to stay = covered.
- Living in an emergency or transitional shelter, car, park, public place, abandoned building, substandard housing, bus or train station = covered.
- Sleeping in a place that's not supposed to be a sleeping place = covered.
- Waiting for foster care placement = covered.

- School building employees trying to answer this question for particular students should contact their school district’s McKinney-Vento liaison and/or their State Coordinator for guidance.

**YES: Go To 4 NO: The McKinney-Vento does not apply to your case
IF YOU SAY YES, BUT THE SCHOOL SAYS NO: Go To 9**

- 4. Is my child (or am I) enrolled in school now? Or was my child (or was I) enrolled in school recently or before we lost our housing?**

**YES: Go To 5 NO: Go To 7
IF YOU SAY YES, BUT THE SCHOOL SAYS NO: Go To 9**

- 5. Do I want my child (or myself) to keep going to that same school?**

YES: Go To 6 NO: Go To 7

- 6. Your child (or you) can keep going to that same school for as long as you’re homeless. When you find permanent housing, your child (or you) can keep going to that same school for the rest of that school year.
The school district must provide or arrange transportation for your child (or you) to get to and from that school, even if other students do not get transportation.**

Hints:

- Your child (or you) may not be able to keep going to that same school only if it is not “feasible.” That means that it wouldn’t be safe or good for your child (or you) to stay at that same school. It does not mean whether it is “feasible” for the school. Some things to think about are:

- Student’s safety
- Student’s special needs
- Student’s age
- How the commute to school will affect the student
- Where brothers and sisters go to school
- How much time is left in the school year
- Where you’re looking for permanent housing

IF THERE’S A QUESTION ABOUT “FEASIBILITY”: Contact your school district McKinney-Vento liaison and go to 9.

OTHERWISE: Go To 8.

- 7. Your child (or you) must be allowed to enroll in the local school near where you’re staying, immediately, even if you don’t have papers or documents that the school asks for.**

The school district must provide your child (or you) with transportation to and from the local school if other children get transportation.

Hints:

- This means your child (or you) can start school right away, even if you don't have any papers or documents.
- If you don't have school records, the school has to call the last school to get the records.
- Schools can't refuse to release records because you haven't paid some fees.
- If you don't have immunization records, the school district McKinney-Vento liaison has to help you get the records.
- If your child (or you) needs immunizations, the school district McKinney-Vento liaison has to help you find a place to get the immunizations.
- If you are trying to enroll without your parent or guardian, the school district McKinney-Vento liaison must help you do that.

IF THERE'S A QUESTION ABOUT ENROLLMENT: Contact your school district McKinney-Vento liaison and go to 9.

OTHERWISE: Go To 8.

8. Your child (or you) must get all needed school services.

Hints:

- Any student covered by the McKinney-Vento Act (who answers YES to questions 1 and 3) can get free school meals without filling out an application. Contact your McKinney-Vento liaison to find out how to sign up.
- The school must make sure that students who need special education, gifted and talented programs, English language programs, or other services get those services.
- Any student covered by the McKinney-Vento Act (who answers YES to questions 1 and 3) can get extra services from a program called "Title I." Contact your McKinney-Vento liaison to find out how to get those services.

9. If you disagree with the school on any of these questions, your child (or you) must be allowed to enroll in the school you choose immediately. Then, the school has to explain its opinion to you, in writing, and put you in touch with your McKinney-Vento liaison. The liaison has to solve the disagreement. Your child (or you) must be allowed to stay in school until the disagreement is solved.

Hints:

- If the school doesn't do these things, or if you are not happy with the liaison's decision, contact:
 - Your State Coordinator (check www.serve.org/nche for a list of State Coordinators and contact information),
 - A lawyer (check your local phone book or www.lsc.gov for legal aid lawyers in your area), or
 - The National Law Center (202-638-2535 or info@nlchp.org).