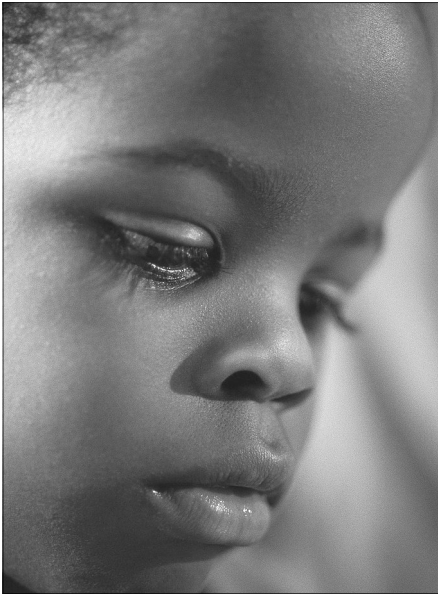


What School District Administrators Should Know About the Educational Rights of Children Displaced by Disasters



School offers structure, stability, and support to children and youth displaced by disasters. The 2005 Gulf Coast hurricanes demonstrated the powerful role that schools can play in helping displaced children overcome the traumas they experience and regain their academic, social, and emotional footing.

The school response to the 2005 hurricanes was made possible by pre-existing federal legislation that addresses the needs of students experiencing homelessness. The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized as Title X, Part C, of the No Child Left Behind Act, ensures educational protections for children and youth in homeless situations. The Act establishes procedures to enroll children quickly, assess their needs, and provide services. This brief explains key aspects of the legislation. Additional briefs on various topics in the law may be found at www.serve.org/nche/briefs.php.

Children and Youth in Many Different Living Situations Are Covered by the McKinney-Vento Act

Children and youth who are displaced by disasters, like other students in homeless situations, are forced to live in a variety of unstable, temporary arrangements. These arrangements include facilities set up by relief and community agencies, as well as motels, cars, campgrounds, and sharing the housing of others. The McKinney-Vento Act contains a specific definition of homelessness that includes a broad array of inadequate living situations (see panel at left for the full definition). Students who are displaced by disasters generally will meet this definition.

Every School District Must Appoint a Liaison

Local homeless education liaisons are district staff members responsible for ensuring the identification, enrollment, attendance, and opportunities for academic success of students in homeless situations. Some of these activities may be carried out independently by the liaison, while others are accomplished through the liaison's collaborative efforts. By linking students and their families to school and community services, liaisons play a critical role in stabilizing students and promoting academic achievement at the individual, school, and district level. Their expertise in working with students who have lost housing makes them uniquely qualified to help address the needs of students displaced by disaster.

Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth”—

- A. *means individuals who lack a fixed, regular, and adequate nighttime residence...; and*
- B. *includes —*
 - i. *children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;*
 - ii. *children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...*
 - iii. *children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and*
 - iv. *migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).*

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Therefore, the McKinney-Vento Act:

- Requires school districts to designate an appropriate staff person as a local homeless education liaison. This person may also be a coordinator for other federal programs.
- Requires local liaisons to ensure that:
 - Eligible children and youth are identified through school personnel and in collaboration with community agencies.
 - Eligible children and youth enroll in, and have full and equal opportunity to succeed in, the schools of the district.
 - Eligible children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered by the district, as well as referrals to health, mental health, dental, and other appropriate services.
 - Public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
 - Enrollment disputes are mediated promptly and in accordance with the McKinney-Vento Act.
 - Parents or guardians are informed of educational and related opportunities available to their children, are provided with meaningful opportunities to participate in the education of their children, and are informed of and assisted in accessing all transportation services, including to and from the school of origin.

The McKinney-Vento Act Requires Schools to Provide School Stability

For children and youth who are displaced by natural disaster, the destabilizing impact of the loss of a home is exacerbated by the loss of school. Each change of residence and change of school compounds the disruption and upheaval and threatens displaced children's social, emotional, and academic well-being. In addition, highly mobile students, including students who are homeless, have been found to have lower test scores and overall academic performance than peers who do not change schools.

Therefore, the McKinney-Vento Act:

- Requires school districts to keep students in their schools of origin, to the extent feasible, unless it is against the parent's or guardian's wishes. (School of origin is defined as the school the child or youth was attending when permanently housed or the school in which the child or youth was last enrolled.) Feasibility decisions must be child-centered and individualized and should take into consideration factors such as time remaining in the school year, length of anticipated stay in a shelter or other temporary location, age of the child or youth, impact of the commute on the child's education, and other relevant factors. Districts have developed procedures to support parents in evaluating feasibility and making sound decisions about whether a displaced student should remain in his or her school of origin. An example of such a procedure is available at www.serve.org/nche/katrina/school_choice_checklist.pdf.
- Permits students to remain in their schools of origin for the duration of their homelessness and until the end of any academic year in which they move into permanent housing.
- Requires school districts to provide transportation to and from the school of origin at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the local liaison.

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- Requires a school to provide a written explanation of its decision and the right to appeal if a student is sent to a school other than that requested by a parent or guardian.
- Requires states and school districts to develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

The McKinney-Vento Act Requires Schools to Provide Immediate School Access

Parents or guardians who are homeless may choose to enroll their children (or, unaccompanied youth may choose to enroll) in the public school in the attendance area where they are living. However, families and youth fleeing disasters often do not have the documents ordinarily required for school enrollment. Enrolling these students in school immediately provides stability and avoids separating children from school for days or weeks while documents are located.

Therefore, the McKinney-Vento Act:

- Requires schools to enroll students in homeless situations immediately even if they do not have required documents, such as school records, medical records, proof of residency, or other documents. The term “enroll” is defined as attending classes and participating fully in school activities.
- Requires enrolling schools to obtain school records from the student’s previous school. Students must be enrolled in school while records are obtained. Given the potential lack of telephone services at their former schools and the potential permanent loss of school records, schools should begin new student files and seek to make appropriate placements based on information gathered from parents and students.
- Requires the local liaison to assist immediately in obtaining immunizations or immunization or medical records for those students who do not have them. Students must be enrolled in school in the interim. Some state public health departments have established databases to assist in the retrieval of immunization information.
- In the case of disputes over school enrollment or selection, requires schools to enroll students immediately in their school of choice while disputes are being resolved.

The Title I Statute Mandates Services for McKinney-Vento Eligible Students

Title I, Part A, targets those students most at risk of failing in school. Among those most at risk are students in homeless situations, including those who are homeless as the result of a disaster.

Therefore, under the Title I statute:

- A child or youth who is homeless and is attending any school in the district is eligible automatically for Title I services, regardless of their current academic performance.
- Districts must reserve (or set aside) funds as necessary to provide services comparable to those provided to children in Title I, Part A, funded schools to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children experiencing homelessness may live.
- Districts may receive funding under Title I, Part A, only if the district has on file with the State Educational Agency an approved Title I, Part A, plan that demonstrates coordination with the McKinney-Vento Homeless Assistance Act.

- Any state desiring to receive funding under Title I, Part A, must submit a plan to the Secretary of Education that demonstrates coordination with the McKinney-Vento Homeless Assistance Act.

The complete text of the McKinney-Vento Homeless Assistance Act may be found at www.serve.org/nche/downloads/mv_full_text.pdf.

This brief was developed by:

National Center for Homeless Education
800-308-2145 (toll-free HelpLine)
www.serve.org/nche

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Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the

McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at www.serve.org/nche.



For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail homeless@serve.org.



Local Contact Information: