

MEMORANDUM

TO: Superintendents and Principals

FROM: Deepali Jani, McKinney-Vento Homeless Education State Coordinator

DATE: October 19, 2018

SUBJECT: Educational Needs of Students Displaced by Disasters

The McKinney-Vento Act requires the rights of children and youth to be implemented fully in all states. Local educational agencies must remove barriers for homeless children and youth and regularly review local policies to ensure an effective learning environment. This includes children and youth experiencing homelessness due to natural or other disasters. If a student is displaced by a natural disaster, such as a flood, fire, hurricane, tornado, etc., and attempts to enroll in an Indiana public school, **the student must be enrolled immediately.**

Students who lack a fixed, regular, and adequate nighttime residence are considered homeless under the law and are eligible for services. Therefore, in most cases, children and youth made homeless by disasters must receive McKinney-Vento services immediately. Students displaced by natural disasters often lack documents typically required for school enrollment. Upon fleeing a disaster, it is unlikely that families would have gathered immunization records, birth certificates, or school records. They are unlikely to be able to produce proof of residency in their temporary locations. Some youth may have been separated from their parents and are staying with others, without any formal guardianship arrangement.

Schools must know who and where students experiencing homelessness are in order to serve them. This requires both: (1) understanding how to apply the McKinney-Vento Act's definition of homeless; and (2) increasing awareness of homelessness and the McKinney-Vento Act in schools and the broader community, including disaster relief agencies. The practical burdens and overall trauma experienced by families and youth affected by disasters requires a coordinated effort at the local and state level in order to serve these families effectively.

Are students who are displaced by a disaster covered by the McKinney-Vento Act?

Yes. Students who lack a fixed, regular and adequate primary nighttime residence due to a disaster (flood, fire, hurricane, tornado, etc.) are considered homeless under the [McKinney-Vento Homeless Education Act](#). They are entitled to the same legal protections and services as other students experiencing homelessness. The [National Center for Homeless Education](#) has many resources related to homeless education and natural disasters.

What is the definition of “homeless” under the McKinney-Vento Act?

An individual who lacks a fixed, regular, and adequate nighttime residence, including children and youth who are:

- ✓ Sharing housing due to loss of housing or economic hardship.
- ✓ Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate housing.
- ✓ Living in emergency or transitional housing.
- ✓ Abandoned in hospitals.
- ✓ Living in cars, parks, public spaces, abandoned buildings, sub-standard housing, and bus or train stations.
- ✓ Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations.
- ✓ Migratory children who qualify as homeless because they are living in the circumstances described above.

What are the educational rights of children and youth experiencing homelessness?

They include waiving certain requirements such as proof of residency when students are enrolling and allowing categorical eligibility for certain services, such as free textbooks. The Act also states:

- ✓ Homeless students may attend their school of origin or the school where they are temporarily residing;
- ✓ Homeless students must be provided a written statement of their rights when they enroll and at least two times per year;
- ✓ Homeless students may enroll without school, medical, or similar records;
- ✓ Homeless students have a right to transportation to school;
- ✓ Students must be provided a statement explaining why they are denied any service or enrollment;
- ✓ Students must receive services, such as transportation, while disputes are being settled;
- ✓ Students are automatically eligible for Title I services, whether or not the students are enrolled in Title I schools;
- ✓ School districts must reserve a portion of Title I, A funds to serve homeless students;
- ✓ School districts must review and revise policies that provide barriers to homeless students;
- ✓ Schools must post information in the community regarding the rights of homeless students, in schools and other places other places such as faith based organizations, local libraries and shelters.

Does every LEA have a staff member that specializes in enrolling displaced children and youth in public schools?

Yes. The McKinney-Vento Act requires every local educational agency to “designate an appropriate staff person” to serve as liaison. 42 U.S.C. §11432(g)(1)(J)(ii). An Indiana statewide list of liaisons can be found [HERE](#), and further resources can be found [HERE](#).

For additional information, contact Deepali Jani, McKinney-Vento State Coordinator at djani@doe.in.gov or (317) 233-3372 or (317) 460-1340 text/direct.