

MEMORANDUM

TO: Superintendents and Principals

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

DATE: August 30th, 2017

SUBJECT: Educational Needs of Students Displaced by Disasters

The McKinney-Vento Act requires the rights of children and youth are implemented fully in all states and local educational agencies to develop, review, and revise their policies to remove barriers to the enrollment and retention in school of children and youth experiencing homelessness. This includes children and youth experiencing homelessness due to natural or other disasters. If a student displaced by Hurricane Harvey presents for enrollment, the student must be enrolled immediately,

While not all students displaced by disasters are eligible for McKinney-Vento services, most are. 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 should receive McKinney-Vento services immediately.

Children and youth experiencing homelessness, including those displaced by 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 friends or relatives or on their own, 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. It is important to note that displaced children and youth may be harder to locate and draw into school than other homeless students. The practical burdens and overall trauma experienced by families and youth affected by disasters may tend to keep them away from school.

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 at: http://center.serve.org/nche/ibt/dis_prep.php

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;
- ✓ School districts must reserve a portion of Title IA 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 organization, local library and shelters.

Does every school district 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). A Indiana statewide list of liaisons can be found at: <http://www.doe.in.gov/student-services/mckinney-vento-liaison>

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