

What Relief Agencies Should Know About the Educational Rights of Children Displaced by Disasters



Mental health experts consider the return to school to be a critical step in the healing process for children and youth whose lives have been disrupted by disasters.¹ Going to school helps these students find the structure, normalcy, and routine that is essential to their health and well-being.

Federal law (The McKinney-Vento Homeless Assistance Act) protects the educational rights of students experiencing homelessness. It provides legal protections so that children and youth in homeless situations can enroll in, attend, and succeed in school and preschool programs. It also establishes procedures to enroll children quickly, assess their needs, and provide services. Finally, the McKinney-Vento Act requires that every school district designate a local homeless education liaison; the local liaison is the district’s point person for addressing needs that derive from loss of housing and is, therefore, a key contact for relief agencies.

Who Is Covered?

Students who are displaced by disasters generally are covered by the McKinney-Vento Homeless Assistance Act. The McKinney-Vento Act (Subtitle B—Education for Homeless Children and Youth) defines homelessness very broadly, as quoted in the panel to the left.

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).

What Are Their Rights?

Students in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there.
- Receive help enrolling and succeeding in school from the local homeless education liaison. Every school district is required to have a local liaison. The district’s central office can put families and youth in touch with the liaison. Liaisons have a special responsibility to help youth who are on their own.
- Stay in the school they went to before losing their housing, or whatever school they were enrolled in last (called the “school of origin”), even if they move out of the district, if that is feasible. 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, and impact of the commute on the child’s education. 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.

(continued on the next page)

- Stay in their school of origin the entire time they are homeless. Students can also finish the school year in their school of origin if they find permanent housing during the year.
- Receive transportation to and from their school of origin, provided or arranged by the school district or a joint effort among school districts.
- Attend the local school in the area where they are living. The school must let students enroll immediately, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them at the time of enrollment or other documents such as proof of residency, immunization or other medical records, or school records. Once students are enrolled, the school must obtain records from the student’s previous school, and the liaison must help students get immunizations or immunization and medical records.
- Receive a written explanation from the school district if the district refuses to send students to the school they choose; the liaison then must implement the dispute resolution process promptly.
- Have disputes settled quickly and attend the school they choose while disagreements are being settled.
- Receive preschool services, free or reduced school meals, services for English language learners, special education, Title I services, vocational/technical education, gifted-and-talented services, and before- and after-school care, as needed.
- Attend school with children who are not homeless. Students cannot be separated from the regular school program because they are homeless. Especially during times of crisis and upheaval, students benefit from the normalcy and resources that a regular school setting provides.
- Receive information and referrals from liaisons, including information about all available educational programs and how parents can participate; public notice about their rights; and referrals to health, mental health, dental, and other services.
- Be provided with the opportunity to meet the same high academic achievement standards as all students.

If a state or local school district has laws or policies that conflict with the McKinney-Vento Act, the Act, as federal law, supersedes the state or local law or policy and must be observed.

To find out more information about the educational rights of displaced children and youth:

- Visit the National Center for Homeless Education website at www.serve.org/nche.
- Call your local liaison or State Coordinator for the Education of Homeless Children and Youth. A list of State Coordinators may be found at www.serve.org/nche/states/state_resources.php.
- Call the U.S. Department of Education’s Education of Homeless Children and Youth Program at (202) 401-0113.

Endnotes

1. “Schools Helping Students Deal With Loss,” UCLA Center for Mental Health in Schools, Guidance [http://smhp.psych.ucla.edu/pdfdocs/loss\(hurricane\).pdf](http://smhp.psych.ucla.edu/pdfdocs/loss(hurricane).pdf)

This brief was developed by:
National Center for Homeless Education
800-308-2145 (toll-free HelpLine)
www.serve.org/nche

Winter 2006

*NCHE is supported by the U.S. Department of Education
Student Achievement and School Accountability Programs.*

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: