



National Center for Homeless Education  
Supporting the Education of Children and  
Youth Experiencing Homelessness  
[www.serve.org/nche](http://www.serve.org/nche)



## CONNECTING SCHOOLS AND DISPLACED STUDENTS BRIEF SERIES

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

### INTRODUCTION

After disasters, displaced families long to return to a sense of normalcy, so reconnecting children to school is especially important during this time. While providing the structure of the typical education setting, schools can help students overcome the trauma of a disaster and regain their academic and social stability. Once children are safely in school, parents have the peace of mind and freedom to focus on other post-disaster details to help their families recover.

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 USC §§11431-11435), reauthorized in 2001 by Title X, Part C of the No Child Left Behind Act (subsequently referred to in this brief as the McKinney-Vento Act), ensures educational protections for children and youth in homeless situations, including many who have lost their housing due to natural disasters. It provides stability and support for students by requiring all public schools to enroll eligible students immediately, assess their needs, and provide or refer them to additional services as needed. This brief explains key aspects of the legislation, particularly as it relates to students affected by natural disasters.

### Who is homeless?

#### Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (as reauthorized by Title X, Part C of the Elementary and Secondary Education Act, as amended)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
  2. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  3. 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...
  4. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  5. 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).

## THE MCKINNEY-VENTO ACT COVERS STUDENTS IN MANY DIFFERENT LIVING SITUATIONS

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. The McKinney-Vento Act's definition of homeless includes a broad array of living situations (see text box for the full definition) such as hotels, motels, campgrounds, cars, parks, and sharing the housing of others. Accommodations set up by relief and community agencies may qualify as well. Students who are displaced by disasters generally will meet the McKinney-Vento definition, yet each student's and family's situation must be reviewed on a case-by-case basis. (See NCHE's brief, [Determining Eligibility for Rights and Services under the McKinney-Vento Act.](#))

## THE MCKINNEY-VENTO ACT REQUIRES EVERY SCHOOL DISTRICT TO APPOINT A LIAISON

The law requires every school district to appoint a staff member as the local homeless education liaison. Having a liaison with the passion and skills to serve in this capacity is critical to making certain that homeless children and youth have access to necessary services. Expertise in working with students who have lost housing makes liaisons uniquely qualified to help identify, enroll, and address the needs of students displaced by disaster. The activities listed below may be performed directly by the liaison or accomplished through the liaison's collaboration with school personnel and community agencies.

According to 42 U.S.C. § 11432 (g)(6)(A), the McKinney-Vento Act says liaisons must 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, all school activities in the district.

- eligible children and youth and their families receive educational services for which they are eligible, including Head 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, guardians, and unaccompanied homeless youth are informed of and assisted in accessing all transportation services, including to and from the school of origin.

## THE MCKINNEY-VENTO ACT REQUIRES SCHOOL STABILITY

For children and youth who are displaced by natural disaster, the destabilizing impact of losing a home is exacerbated by changing schools. Each time students are forced to change schools, the disruptive effects intensify, threatening the social, emotional, and academic wellbeing of the students. 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.) Liaisons work with parents to make school placement decisions that must be student-centered and individualized, considering 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.

NCHE's brief, *Guiding the Discussion on School Selection*, includes a checklist to help select the school that is in the student's best interest.

- permits students to remain in the school 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.
- requires a school to provide a written explanation of its decision and the right to appeal if there is a disagreement between the parent, guardian, or unaccompanied homeless youth and the school related to enrollment or school selection. In the event of a dispute, the school must enroll the student immediately in the school of choice (either the school of origin or the local school) while the dispute is being resolved.
- requires State educational agencies and school districts to develop, review, and revise policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

### THE MCKINNEY-VENTO ACT REQUIRES IMMEDIATE SCHOOL ENROLLMENT

Students experiencing homelessness may enroll in any public school which serves the attendance area where they are staying temporarily. However, families and youth fleeing disasters often cannot provide the documents ordinarily required for school enrollment. Immediately enrolling these students in school provides stability and keeps them from missing school while documents are being located.

The McKinney-Vento Act requires

- schools to enroll eligible students

immediately even if they do not have required documents, such as school records, medical records, proof of residency, or legal guardianship. The term "enroll" is defined as attending classes and participating fully in school activities.

- enrolling schools to obtain school records from the student's previous school. Student must be enrolled in school while records are being obtained. Often after disasters, the transfer of records may be delayed or even impossible because records have been damaged or destroyed. In this case, schools should create new student files and seek to make appropriate placements based on information gathered from parents and students. (For more information on placing students without records, see NCHE's brief, *Prompt and Proper Placement: Enrolling Students Without Records*.)
- the 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. The State Coordinator for Homeless Education should be able to guide you to the appropriate contact. (Visit [http://center.serve.org/nche/states/state\\_resources.php](http://center.serve.org/nche/states/state_resources.php) for your State Coordinator's contact information.)

### PUTTING LAW INTO ACTION

The McKinney-Vento Act enables students made homeless by disasters to return as soon as possible to the normalcy and stability of school, but schools alone cannot meet the numerous and diverse needs of all students. Therefore, effective liaisons establish collaborations before disasters strike, not only with other school district programs but also with community agencies. Initiating such collaborations requires a liaison to invest time and energy on the front end, but that investment can pay huge dividends

for students and families who need services in the aftermath of a disaster. These collaborations strengthen the school district's McKinney-Vento program and ensure that families and students are directed to services that address the variety of needs arising due to disasters. For more about implementing good practices to serve students and families affected by disasters, see *Appendix A. Supporting Students and Families Displaced by Disasters: Goals and Strategies for Local Education Agencies (LEAs)* at the end of this brief.

## NCHE RESOURCES

This brief is one of a three-part NCHE series called *Connecting Schools and Displaced Students*, all of which address how the McKinney-Vento Homeless Assistance Act applies to students displaced by disaster and how the Act can assist these students and their families. The other two series briefs target serving youth experiencing homelessness on their own and relief agencies:

*Meeting the Educational Needs of Students Displaced by Disasters: Youth on Their Own*

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

The four handbooks that comprise the *Connecting Schools and Displaced Students* series can be ordered online at [http://center.serve.org/nche/online\\_order.php](http://center.serve.org/nche/online_order.php).

This series of handbooks was published following the challenges experienced in many states as families relocated throughout the nation following the Gulf Coast Hurricanes of 2005. The handbooks explain how the McKinney-Vento Homeless Assistance Act applies to students displaced by disaster and how the Act can assist these students and their families. Each handbook targets parents, relief agencies, or educators and includes:

- *After the Storm: Information for Parents on How Schools Can Help After Disasters (A Handbook for Parents)*

- *Disaster Relief Agencies and Schools: Working Together to Ensure School Enrollment and Success (A Handbook for Local Liaisons and State Coordinators)*
- *From the School Office to the Classroom: Strategies for Enrolling and Supporting Students Experiencing Homelessness*
- *School as a Safety Net: Connecting Displaced Children With Educational and Support Services (A Handbook for Relief Agency Staff and Volunteers)*

*A McKinney-Vento Toolbox: Constructing a Robust and Rigorous Homeless Education Program, In Case of Disaster and Every Day* is designed to help school districts implement the McKinney-Vento Act fully, so they can address the needs of children and youth experiencing homelessness on a daily basis and in times of disaster. The toolbox contains information and practical lessons learned and resources developed during the recovery process following the 2005 Gulf Coast hurricanes.

## RESOURCES

Bowman, D., Garriss-Hardy, B., & Popp, P. (2010). *State Coordinators' Handbook, Appendix L-1*. Retrieved from the National Center for Homeless Education Web site: <http://center.serve.org/nche/downloads/sc/hb/l.pdf>.

McKinney-Vento Homeless Assistance Act, 42 USC §§11431-11435 (2001).

**Goal 1:** Children and youth made homeless by disaster are able to return as soon as possible to the normalcy afforded by stable schooling.

- a. Families and youth made homeless by disaster are made aware of and understand their educational rights.
- b. The local education agency (LEA) is prepared to address both the academic and the trauma needs of children impacted by disaster.

Challenges	Strategies/Activities/Good Practices – Before, During, and After Disasters
<ul style="list-style-type: none"> <li>• Families may be unfamiliar with the McKinney-Vento (MV) Act and not realize they meet the definition of homeless.</li> <li>• Information on rights and services may be unavailable due to limited communication ability.</li> <li>• Schools may not understand how MV applies to those displaced by disaster.</li> <li>• Schools may be damaged or destroyed.</li> <li>• Schools receiving large numbers of displaced students may not have the capacity to identify, enroll, and serve eligible students.</li> <li>• Schools may resist providing services for an extended time period after the disaster even though families are still in temporary housing.</li> <li>• Families, children, and youth may be traumatized and may experience fear and/or separation anxiety.</li> <li>• Other needs may take precedence over schooling.</li> <li>• Staff may not be equipped to assess trauma needs of children and youth; trauma staff may be scarce in the area where disaster has occurred.</li> </ul>	<p><b>Before:</b></p> <ul style="list-style-type: none"> <li>• Examine the LEA’s plan for disaster response; ensure the local homeless education liaison is prepared to carry out his/her responsibilities.</li> <li>• Liaisons should address disaster response in all trainings (e.g., eligibility scenarios involving families displaced by disaster).</li> <li>• Develop a disaster web page; include link in parent handbooks so parents know this will be a centralized information portal after a disaster.</li> <li>• Identify local emergency resources and ensure they are aware of the MV program; provide this information to school-based MV contacts to ensure services that will quickly return students to school are part of the plan.</li> </ul> <p><b>During:</b></p> <ul style="list-style-type: none"> <li>• If communication is possible, provide short, targeted information to key role groups regarding rights and services for students.</li> <li>• Communicate with leaders in surrounding LEAs to determine the scope of the problem and where evacuees are likely to find safe haven.</li> <li>• Update the disaster web page on a continual basis.</li> <li>• Engage additional staff/volunteers to assist with enrolling large numbers of displaced students and linking them to community resources.</li> <li>• Ensure that schools use the disaster code when enrolling displaced students.</li> <li>• Communicate with LEA administrators to ensure that transportation and food services are expedited at enrollment sites.</li> <li>• Contact counselors and external agencies to provide trauma-informed care.</li> </ul> <p><b>After:</b></p> <ul style="list-style-type: none"> <li>• Provide ongoing support to schools for the educational needs of displaced students.</li> <li>• Collect data on students displaced by disaster to provide to the state education agency.</li> <li>• Update the disaster web page with information and resources for parents.</li> <li>• Convene a work group of school-based personnel, administrators, and service providers to review what went well and what changes need to be implemented in the future.</li> </ul>

<sup>1</sup> Adapted from *State Coordinators’ Handbook, Appendix L-1*, by D. Bowman, B. Garriss-Hardy, & P. Popp, 2010, National Center for Homeless Education.

**Goal 2:** The LEA is prepared to collaborate with other agencies to implement MV rights and services for children and youth impacted by disasters.

- a. Schools have the information and resources needed to ensure appropriate linkages with key agencies in support of educational stability for children and youth made homeless by disaster.
- b. Schools are prepared to link families and youth made homeless by disaster with community services.
- c. Emergency management agencies support educational continuity for children and youth made homeless due to disaster.

Challenges	Strategies/Activities/Good Practices – Before, During, and After Disasters
<ul style="list-style-type: none"> <li>• LEAs may not be familiar with local service providers, including emergency management agencies, and the resources they provide.</li> <li>• Local service providers, including emergency management agencies, may not be familiar with MV rights and services.</li> <li>• Emergency management agencies may not prioritize educational continuity.</li> <li>• Emergency management agencies may be unable to meet with homeless education staff while addressing basic needs of victims.</li> </ul>	<p><b>Before:</b></p> <ul style="list-style-type: none"> <li>• Make sure emergency management agencies know about MV rights and resources. (Refer to or provide them with NCHE’s <i>Connecting Schools and Displaced Students</i> handbook.) Ask them to refer families with school-aged children impacted by disaster to the local homeless liaison.</li> <li>• Develop a resource manual of local resources for those made homeless by disaster.</li> <li>• Provide emergency preparedness task forces with information on the homeless education program and the importance of school continuity in the wake of disaster.</li> </ul> <p><b>During:</b></p> <ul style="list-style-type: none"> <li>• Work with local relief agencies to ask emergency service providers to refer impacted families with school-aged children to the local liaison.</li> </ul> <p><b>After:</b></p> <ul style="list-style-type: none"> <li>• Update the resource manual annually.</li> <li>• Convene a community meeting to determine what went well and what lessons could be learned for future disaster events, specific to linking families to services; jointly develop policies and protocols based on lessons learned and disseminate to LEA and local agencies.</li> </ul>

**Goal 3:** LEA has mechanisms in place to share appropriate data so that children and youth made homeless by disaster are appropriately coded, counted, and provided with immediate support.

Challenges	Strategies/Activities/Good Practices
<ul style="list-style-type: none"> <li>• LEA may not include data elements to ensure accurate data on students made homeless by disaster.</li> <li>• Disaster may have destroyed internal technology capacity to access needed data.</li> <li>• LEA may focus on meeting immediate needs of students and staff and not adequately prioritize collecting student data.</li> <li>• Relationships with community-based relief agencies may not be strong enough to support sharing needed information.</li> <li>• School district staff may be reluctant to share data on students impacted by disaster due to their misunderstanding of FERPA.</li> </ul>	<p><b>Before:</b></p> <ul style="list-style-type: none"> <li>• Work with data staff to establish a uniform code to enroll displaced students.</li> <li>• Review FERPA laws to determine what data can be shared.</li> <li>• Develop a Memorandum of Understanding (MOU) between LEA and local agencies to clarify how data will be shared to meet FERPA requirements.</li> </ul> <p><b>During:</b></p> <ul style="list-style-type: none"> <li>• Ensure enrollment staff understand how to code and track the residency and cause of students made homeless by disaster.</li> </ul> <p><b>After:</b></p> <ul style="list-style-type: none"> <li>• Review data collection and coding process and improve as needed.</li> <li>• Identify data-sharing challenges; develop policies and protocols to resolve.</li> </ul>

**This brief was developed by:**

**National Center for Homeless Education**

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

April 2015

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE is supported by the U.S. Department of Education's Office of Safe and Healthy Students. The contents of this brief were developed under a grant from the Department; however, these contents do not necessarily reflect the views or policies of the Department.

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. 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 [http://www.serve.org/nche/states/state\\_resources.php](http://www.serve.org/nche/states/state_resources.php).



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).

**Local Contact Information:**