

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

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.

- x 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.
- x 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:

- x 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.
- x 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.
- x 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.
- x 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:

- x 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.
- x 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.
- x Districts may receive funding under Title I, Part A, only if the district has on file with the state a plan for Title I services for homeless children and youth.

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

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