



HOMELESS EDUCATION ADVOCACY MANUAL

Disaster Edition

January 2013

including a new August 2017 foreword on Hurricane Harvey



A Report by

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

FOREWORD ON HURRICANE HARVEY

AUGUST 29, 2017

Beginning on August 25, 2017, Hurricane Harvey pummeled south Texas with deadly winds and heavy rains, leaving potentially thousands in the Gulf Coast area displaced due to life-threatening floods. We at the National Law Center on Homelessness & Poverty (Law Center) are particularly concerned for people in the area who were already homeless due to the man-made disaster of the insufficient and inadequate affordable housing. Immediately following natural disasters, families are dispersed to a variety of living situations. Children and youth housed in shelters, hotels, motels, or with family members and friends will likely be categorized as “homeless,” according to the U.S. Department of Education. As hospitality wears thin, and FEMA’s temporary housing assistance ends, many families may remain unable to secure permanent, stable housing. The children in these families may continue to remain homeless for some time to come.

The National Law Center on Homelessness & Poverty’s [Homeless Education Advocacy Manual: Disaster Edition](#), issued first in response to 2005’s Hurricane Katrina and updated in 2012 after Hurricane Sandy, provides further information and resources on how displaced children and youth can remain in school. Children and youth experiencing homelessness, including due to natural and manmade disasters, have the right to attend school under the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), which is the main focus of this manual.

In December 2015, the Every Student Succeeds Act (“ESSA”) reauthorized and amended McKinney-Vento, which includes:

- Improved identification of, and provision of services to, homeless children and youth;
- Revised “best interest” standard to include student-centered factors when making school placement decisions;
- Clarified the definition of “schools of origin” to include preschools and receiving school at the next grade level for all feeder schools;
- Strengthened and clarified procedural safeguards for disputes arising over eligibility, school selection, and enrollment; and
- Improved data collection and coordination of housing and education services.

While this manual has not yet been updated to reflect the reauthorized statute, this guide remains very relevant. In fact, many of the changes to the law in 2015 were to clarify certain requirements that had been open to interpretation. In most cases, we had already recommended that states and school districts follow these requirements, either as our interpretation of the existing law or as a best practice. For updated information on compliance with the reauthorized statute, please see [No Barriers: A Legal Advocate’s Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act](#).

This manual is a guide and resource. It is not intended to serve as a substitute for legal counsel. Laws and legal procedures are subject to frequent change and differing interpretations, so contact an attorney if you need legal advice.

For those recovering from Harvey in Texas, the Texas Education Agency and Texas Homeless Education Office will work with Texas school districts to comply with McKinney-Vento’s mandate. TEA must coordinate efforts with other stakeholders and advocates to ensure displaced students are promptly identified, are able to access appropriate educational services, and are provided with educational continuity and stability.

For immediate help, first [contact your local district liaison](#), then try the [Texas Homeless Education Office](#) at 1-800-446-3142. For those in Louisiana or other locations, you can also contact the National Center for Homeless Education at (800) 308-2145 or homeless@serve.org and the Law Center at 202-638-2535 or email@nlchp.org.

Also, please let us know if this guide helps you!

ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just the symptoms, and works to place and address homelessness in the larger context of poverty.

To this end, we employ three main strategies: impact litigation, policy advocacy, and public education. We are a persistent voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. We also produce investigative reports and provide legal and policy support to local organizations.

You are invited to join the network of attorneys, advocates, students, activists, and committed individuals who support the Law Center. Our network provides a forum for individuals, non-profits, and corporations to participate and learn more about using the law to advocate for solutions to homelessness. For more information about our organization and access to publications such as this report, please visit our website at www.nlchp.org.

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ACKNOWLEDGEMENTS

The National Law Center on Homelessness & Poverty is grateful to the following individuals and organizations for their tremendous contributions to the research and writing of this guide:

The LEAP firms, especially DLA Piper, who committed a staff and hundreds of pro bono hours to researching and updating the law from a previous edition of this guide. In particular Annie Geraghty and Michelle Schaefer of DLA Piper for supervising this project, and Krystle Lamprecht of DLA Piper for updating this guide. Law Center staff present and past, including Karen Cunningham, Cecilia Dos Santos, Jeremy Rosen, Andy Beres, Maria Foscarnis and especially Eric Tars and Lisa M. Coleman for supervising and editing this guide.

The W.K. Kellogg Foundation for its commitment to and support of our work on behalf of vulnerable families and children.

Also, Sandra Lee for her tireless efforts to aid those impacted by Hurricane Sandy.

For those recovering from a disaster, man-made or natural, immediate needs for income and housing may overshadow critical concerns about education of children and youth. However, the needs of displaced students should also be considered. This manual is designed to encourage and assist advocates working with displaced students seeking access to appropriate educational services.

In 2012, Hurricane Sandy devastated the East Coast region of the United States. For many families, efforts to fully recover and return to some sense of normalcy will take months, perhaps years. Other children and youth will be affected by future hurricanes and other disasters. This manual will guide advocates through the steps necessary to help homeless displaced students overcome the obstacles they face.

As used in this manual, the term “advocate” refers to any individual who wants to lend a helping hand and includes attorneys, homeless advocates, education advocates, child advocates, emergency relief workers, community volunteers, family friends, relatives, and of course, displaced families and youth. In the pages that follow, you will find helpful information about the educational needs of homeless children, student rights, and methods of advancing those rights.

Homelessness and the Displaced

Immediately following Hurricane Sandy, families were dispersed to a variety of living situations. **Children and youth housed in shelters, hotels, motels, or with family members and friends can most likely be categorized as “homeless” for education purposes.** Families and children may continue to move between these situations in the coming months. As hospitality wears thin, and FEMA’s temporary housing assistance ends, many families will remain unable to secure permanent housing. The children in these families are “homeless” for education purposes and may continue to be for some time to come.

Future hurricanes and disasters may produce similar patterns of homelessness that leave large numbers of people without permanent housing for extended periods of time.

Education is Critical

Education is a basic human right. The UN Guiding Principles on Internal Displacement emphasize that all human rights must be ensured even as populations are displaced due to disaster or other causes, including education. Connecting children to educational services is important even in times of crisis. Attending school allows children to regain a sense of normalcy while in the midst of chaotic living circumstances. Time away from school disrupts the students’ academic development. It may take a significant amount of time for them to recover from lapses in attendance. Schools can also provide students with important services such as free meals and counseling. They may also form a connection point for volunteers, organizations, and agencies that want to offer clothing, toiletries, school supplies, toys, and other forms of assistance.

Information Sharing

The National Law Center on Homelessness & Poverty (NLCHP) responds to requests for technical assistance. We are also interested in finding out about advocacy efforts in your area. We rely on your success stories, and hurdles yet to be overcome, to help others in the future. To receive assistance or provide information, please contact NLCHP via e-mail (info@nlchp.org) or phone (202-638-2535).

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NLCHP AND ITS EDUCATION PROGRAM

The National Law Center on Homelessness & Poverty (NLCHP) was founded in 1989. The mission of NLCHP is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. By taking this approach, NLCHP aims to address homelessness as a very visible manifestation of deeper causes: the shortage of affordable housing, insufficient income, and inadequate social services. Based in Washington, DC, NLCHP works with a wide variety of groups across the country on issues related to education, civil rights, domestic violence, income, human rights, and housing.

NLCHP's Education Program is based on the concept that adequate education is a basic human right to which all children are entitled. Children and youth experiencing homelessness face unique barriers to academic achievement. NLCHP's advocacy is aimed towards eliminating those barriers, thus preparing young people to break the cycle of poverty in their families. Our strategy includes three primary tools—public education, legislative advocacy, and impact litigation.

Public Education

NLCHP seeks to educate the public about child homelessness, educational barriers, federal legal protections, and best practices for serving this very vulnerable population. In addition to in-depth publications such as this one, our work includes producing fact sheets, pamphlets, and reports designed to inform and assist. The Education program also offers audio and in-person trainings in locations throughout the country. Many of our materials and trainings have successfully helped homeless families, education personnel, attorneys, and service providers.

Legislative Advocacy

The Education Program seeks to influence federal education legislation by informing Congress and federal administrative agencies (e.g. the U.S. Department of Education) of the educational barriers faced by homeless students and offering recommendations for legislative and regulatory change. We have successfully advocated for

improvements to the McKinney-Vento Homeless Assistance Act, the Individuals with Disabilities Education Act, the Child Nutrition Act, and the Head Start Act.

The program also responds to requests for state and local level legislative assistance. We provide advice and recommendations to state legislators, school board members, and local advocates seeking to create and revise laws affecting homeless children.

Impact Litigation

NLCHP's Education Program pursues impact litigation on behalf of large numbers of homeless students, as well as individual students, in order to secure legally required rights and benefits. Our efforts have included two class action lawsuits designed to enforce the education provisions of the McKinney-Vento Homeless Assistance Act.

Project LEARN

In response to the increased demand for assistance for families and students experiencing homelessness, the Law Center formed Project LEARN. Under Project LEARN, volunteer attorneys and paralegals work with the Law Center to provide guidance to homeless liaisons, service providers, advocates and homeless individuals to protect and enforce homeless children's right to free public education.

Project LEARN attorneys assist advocates, homeless children, and families on a range of McKinney-Vento compliance issues including:

- determining whether a youth is homeless;
- developing outreach materials and tool kits;
- providing guidance on transportation issues;
- advising on best practices in the reassessment of homeless youth; and conducting know-your-rights trainings or informational sessions in your community.

For more information about Project LEARN or to request legal assistance or training, please contact the National Law Center on Homelessness & Poverty at nlchp@nlchp.org or (202) 638-2535.

Children and youth displaced by hurricanes and other disasters typically find themselves in temporary living situations that may include hotels, motels, trailers, shelters, cars, or sharing the housing of friends or relatives. For those who were previously living in poverty, these seemingly temporary arrangements may last longer than ordinarily expected. Displaced children without permanent and stable housing are considered “homeless” for education purposes. They have much in common with young people who were made homeless for other reasons. They have similar mobility patterns and face similar educational barriers. The needs of students awaiting permanent housing (displaced or otherwise homeless) are addressed in the federal McKinney-Vento Homeless Assistance Act.

Homelessness and Academic Performance

In general, homeless students exhibit more academic problems than their non-homeless peers. They have a 36% likelihood of repeating a grade, which is twice the rate of other children.¹ Their frequent residential moves have also been associated with lower standardized test scores and a higher likelihood of dropping out of school.²

Educational Barriers Faced By Homeless Children and Youth

Homeless children and youth, including those displaced by hurricanes, face numerous barriers on the road to receiving a quality education. Such barriers include the following:

- **Residential Mobility.** Nearly 100% of homeless families move at least once during the course of a year and approximately one out of five live in three or more different homes during that time period.³ With each move, children must learn to adjust to new environments that include shelters and “doubling-up,” or living with friends and relatives. Both shelters and doubled-up situations are often characterized as being overcrowded and uncomfortable with entire families sharing a single room, sharing bathroom facilities with multiple individuals, and/or
- **Sleeping on couches and floors.** Importantly, children often live with the knowledge that these situations are temporary and must worry about whether they will soon be without a place to live. For displaced children, such current worries are compounded by the trauma of escaping a hurricane and the chaos that immediately followed. Homeless children bring these stresses to school with them each day as they prepare to learn.
- **School Mobility.** Repeated residential moves often lead children to make frequent school transfers. More than half of all homeless students transfer schools at least once a year, more than 15% transfer three or more times each academic year.⁴ Students who frequently transfer, both homeless and non-homeless, suffer academically, psychologically, and socially. Researchers estimate that it takes a child four to six months to recover academically from each school transfer.⁵ Thus, children who make frequent school moves are increasingly disadvantaged with each and every new school they attend. According to the National Association of School Psychologists, children who change schools also need as few as 6 or as many as 18 months to regain a sense of equilibrium, security, and control.⁶ These young people often find it difficult to make new friends and are more likely to experience alienation, withdrawal, or discipline problems.⁷
- **Enrollment Delays.** Homeless children often experience delays when enrolling in new schools. These delays typically stem from local requirements for records such as proof of residency, proof of immunization, birth certificates, and academic records. Displaced and other homeless families tend to lose such documents during the course of frequent and sometimes sudden moves. Doubled-up families are particularly unable to prove residency through items such as lease agreements and utility bills, which usually bear the name of the host family. Students can lose valuable days, and sometimes weeks, of school as parents and schools search for these records.

- **Poor Health and Nutrition.** When compared to their non-homeless peers, homeless children are twice as likely to be in poor or only fair health.⁸ They are more likely to suffer from illnesses such as asthma, ear infections, fevers, and stomach problems.⁹ These conditions are likely caused by overcrowded and unhealthy living situations. Homeless children are in a state of hunger more than twice as often as other children.¹⁰ Often forced to skip meals, homeless children suffer from poor nutrition, which is another contributing factor to poor health. Unfortunately, poor health linked to hunger often causes homeless children to miss valuable days of class.
 - **Stress.** Young people who spent time in the Louisiana Superdome following Hurricane Katrina in 2005 definitely experienced trauma. Similarly, children who were displaced by Hurricane Sandy have likely experienced stress as a result of fleeing their homes, possibly leaving behind their belongings, and having to adjust to some place new. Like other homeless children, they may have very real worries about where they are going to live, where they are going to sleep, and whether they will have food to eat. They may worry about their parents, who are similarly experiencing stress in relation to those issues while also trying to find employment, negotiate with FEMA, and replace belongings.
- **the child was enrolled or the last school attended while permanently housed.** School of origin applies even if students temporarily move to different attendance zones or school districts. School districts are required to provide homeless children with special transportation arrangements that route them to school from their temporary homes. The only limitations on attendance at the school of origin are the wishes of the parent and the best interests of the child (e.g. two hour bus rides may be deemed against a child's best interest).
 - **Immediate Access to New Schools.** Sometimes homeless families enroll their children in new schools due to their own preferences or feasibility concerns that prevent attendance at a school of origin (e.g. the school is out of state or was closed following a hurricane). To alleviate enrollment delays, McKinney-Vento requires schools to immediately enroll homeless children even if they lack typically required documents such as proof of residency, birth certificates, and immunization records.
 - **Funding for Programs to Address Student Needs.** McKinney-Vento provides states with funding to award grants to school districts that want to address the unique needs of their homeless populations. Grants can be used for transportation, tutoring programs, mentoring programs, psychological counseling, school supplies, after-school academic enrichment activities, or for other uses that promote the academic or social growth of homeless children.
 - **Personnel Dedicated to Student Needs.** McKinney-Vento requires state departments of education and school districts to designate personnel to be responsible for the education of homeless students. State Coordinators of Homeless Education train school district employees on legal requirements and best practices for serving this special population. School district homeless liaisons train school personnel, ensure that students are able to enroll in school or remain in their school of origin, oversee the provision of transportation, develop and maintain special programs, and help resolve disputes between schools and families.

How the McKinney-Vento Homeless Assistance Act Helps

The McKinney-Vento Homeless Assistance Act (1987), 42 U.S.C. 11431 et seq., is the primary federal legislation focused on homelessness in America. It includes education provisions that are designed to address and alleviate some of the academic problems experienced by homeless children. The goal of the legislation is to improve life outcomes through the following:

- **Increasing School Stability.** McKinney-Vento allows homeless children to remain in a “school of origin” throughout the duration of homelessness and until the end of the academic year in which they become permanently housed. A “school of origin” is the last school in which

access and help to minimize absences caused by school transfers, records requirements, and a lack of transportation. Increased school attendance not only improves student opportunities for academic success, but it also benefits student health through access to school nutrition programs (free school breakfast and lunch) and physical education.

The Role of Other Education Laws

In addition to the McKinney-Vento Homeless Assistance Act, there are other federal and state education laws, initiatives and resources that can benefit displaced students and those made homeless due to other factors.

Federal laws include the following:

- Title I of the Elementary and Secondary Education Act (aka No Child Left Behind) (20 U.S.C. § 6301 et seq.). Title I funds programs designed to improve the academic achievement of low-income students. Schools and districts commonly use Title I funds for tutoring programs and other academic supports. Homeless children generally benefit from such programming and Title I requires that they receive services even when attending schools that do not receive Title I funding.
- Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et seq.). IDEA enables students with disabilities to receive special education services that cater to their individual needs. This legislation is vital to homeless students who are at higher risk for developmental delays, speech problems, and learning disabilities.¹¹ IDEA includes provisions that account for children who move frequently, decreasing the likelihood that school transfers will result in delays in the provision of necessary services.
- Head Start Act (42 U.S.C. § 9801 et seq.). Head Start is a pre-school program that aims to promote school readiness in low-income children. Homeless children are likely to meet the program's low-income criteria, but there is currently a nation-wide shortage of available slots. Due to high demand, communities typically have waitlists that pose difficulties for homeless children who often move away from a neighborhood prior to reaching the top of a list.
- Child Nutrition Act (42 U.S.C. § 1751 et seq.). The Child Nutrition Act provides low-income children with free and reduced price school meals. The law allows homeless parents to forgo the application and proof of income process, making their children automatically eligible for free school meals. Homeless shelters or a school district homeless liaisons must only provide a list of student names to school lunch programs. The legislation also reimburses homeless shelters for meals served to children and youth.

State laws and resources, including disaster-specific resources, include the following:

- Education for Homeless Children and Students in State Facilities (N.J.A.C. 6:A17-1.1 et seq.). The New Jersey Administrative Code provides a state-specific supplement to the McKinney-Vento Homeless Assistance Act. The law requires the school district of original for a homeless child to be responsible for the education of the child and to (1) determine the school district in which the child will be enrolled, (2) pay the cost of tuition when the child attends school in another school district, and (3) provide transportation for the child. For more information see <http://nj.gov/education/sandy/110512mhttp://nj.gov/education/sandy/110512memo.pdf>.
- New York Education Law §3209 (N.Y. Education Law §3209). In addition to allowing a student to attend the school of origin the entire time the student is homeless and throughout the remainder of the school year in which the student moves into permanent housing, the New York Education Law provides that a student can attend one additional year after becoming permanently housed if it is in the student's terminal year in that school building (i.e., 8th or 12th grade). If the school district is outside of the district in which the student is housed, the student is entitled to receive transportation to and from the school, not in excess of 50 miles each way (except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child). For more information see <http://www.p12.nysed.gov/accountability/homeless/docs/FMSevereWeather.pdf>, <http://www.p12.nysed.gov/docs/extreme-weather-events.pdf> and http://www.nysteachs.org/media/INF_SED. Collectively, these provisions increase school

- The Delaware Department of Education provides useful information on the McKinney-Vento Homeless Assistance Act, Delaware's supplemental regulations regarding education of homeless children and youth (Title 14, 901) and State-specific resources at its website: <http://www.doe.k12.de.us/infosuites/staff/fedstprog/TitleVIIIMcKinney/McKinneyVentoHomelessAssis.shtml>
- Other States' Department of Education websites also include State-specific resources, such as catalogs of local school district homeless liaisons and other contacts, as well as any State-specific regulations or statutes. For example, see the Connecticut Department of Education section on Homeless Education: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=320796&sdePNavCtr=|45493|#45543> and the Virginia Department of Education website for McKinney-Vento funding opportunities: http://www.doe.virginia.gov/school_finance/arra/mckinney_vento/index.shtml

ADVOCACY BASICS: OBTAINING SERVICES FOR INDIVIDUAL STUDENTS

If you are representing or working with a student or the family of a student who has been denied rights guaranteed under the law, it is important to know that McKinney-Vento requires states and school districts to have dispute resolution processes in place. When a dispute arises over school selection or enrollment, the student must 1) be immediately admitted to the school in which enrollment is sought and 2) be provided with a written explanation of the school's decision that includes information about the right to appeal. The student can remain at the desired school at least until the dispute is resolved.

The following are some suggested advocacy steps for resolutions to disputes:

STEP 1: **Call or visit the school.** Explain the situation, your request for services, and the section of McKinney-Vento that applies to the situation. If meeting in person, you may want to bring a copy of the law with you so that you can physically point out relevant sections. A copy of the law can be found in Appendix A to this manual. Be understanding if the school wants to call an administrator at the district or state level to confirm your reading of the law. However, be vigilant in ensuring that this doesn't delay the required immediate enrollment, even in situations where there is a dispute. You

necessary officials while you wait or check back with the school no later than the morning of the next school day. The student should be ready to attend on the day of your first contact or the following morning.

NOTE: Many people, including school staff and administrators, are simply unaware of the law or its requirements. Many problems can be quickly resolved by politely informing schools about the law and how it should apply to homeless displaced students.

STEP 2: **Call your school district's homeless liaison** or homeless coordinator. By law, every school district in the country must appoint someone to ensure that homeless children have access to an education and appropriate related services. If you call the main number for the school district, the operator should be able to refer you to the correct person. If you are unable to come to an agreement with the school, the school is non-responsive, or the school is taking too long to act, it may help to talk to the homeless liaison/coordinator for the school district. The liaison/coordinator can inform the school of

requirement to enroll pending resolution of any dispute. The liaison/coordinator is also responsible for carrying out the district's dispute resolution process. Processes vary from district to district, but they often simply require the liaison/coordinator or superintendent to hear any relevant information and make a decision either in favor of the student or the school.

NOTE: Although the law requires the appointment of a homeless liaison/coordinator, a minority of school districts do not have one in place. Sometimes there is a gap between when one person exits the job and another person is appointed. At other times, the district is simply failing to live up to its responsibilities. You may also encounter liaisons/coordinators who aren't very familiar with McKinney-Vento because they are new to the job or juggling several different responsibilities on behalf of the school district. Bottom line, if you are unable to find a satisfactory resolution by contacting the liaison/coordinator, you should proceed to step 3.

STEP 3: **Contact the state coordinator** for homeless education. By law, each state is required to appoint a state-level administrator to be responsible for the education of homeless children and youth. The names and contact information for the various state coordinators is available in Appendix B to this manual. The duties of the state coordinator include ensuring that school districts comply with the law. Finally, the state coordinator should be able to provide you with information about how to file a state-level appeal of any decision made by the school or school district.

NOTE: Every state does have an identified coordinator. Many of these professionals have significant experience working on homeless education issues and can be extremely helpful with settling disputes. You can ask the school administrator to call

school districts.

Step 4: **Litigate your case in court.** In situations where you believe that the student's rights are clearly being violated and despite your efforts, neither the school district nor the state has appropriately intervened, a lawsuit may be the appropriate next step. A temporary restraining order (TRO) can prevent the student from being removed from the desired school even after the state's dispute resolution process is completed. A TRO can also help students immediately gain access to schools that have been unable to attend. When formulating potential claims, attorneys should research both federal and state law. McKinney-Vento is the primary homeless education law on the federal level. Many states also have laws that either govern the education of homeless students or that relate to other relevant topics (e.g. constitutional right to education, compulsory attendance, flexible enrollment or immunization requirements). Non-lawyers should seek legal assistance from local legal aid organizations or local bar association pro bono programs. If you need litigation support or further assistance in identifying local attorneys, NLCHP regularly offers such services.

In general, it is important to gather as much relevant information as possible, as early as possible. If there is a dispute, it may help to present school administrators, school district liaisons/coordinators, and state coordinators with any available evidence of factors such as homeless status (e.g. a letter from a shelter, documents from FEMA, a parental driver's license from the applicable State), immunizations, and previous academic placements (special education, advanced courses, gifted and talented). However, it is important to note that students should be enrolled in school while these documents are collected and disputes are pending.

its legal obligations, including the

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions:

- **“(f) Functions of the Office of Coordinator.** The Coordinator for Education of Homeless Children and Youths established in each State shall—
 - (6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii) of this section, to ensure that local educational agencies comply with the requirements of subsection (e)(3) of this section and paragraphs (3) through (7) of subsection (g) of this section.” 42 USC 11432(f)
- **“(g) State plan. (1) In general.** Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:
 - (C)** A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths . . .
 - (J)** Assurances that—
 - (ii)** local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A) . . .” 42 USC 11432(g).

“(E) Enrollment disputes. If a dispute arises over school selection or enrollment in a school—

 - (i)** the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
 - (ii)** the parent or guardian of the child or youth shall be provided with a written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
 - (iii)** the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and
 - (iv)** in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.” 42 USC 11432(g)(3)(E).

ADVOCACY BASICS: PURSUING SYSTEM-WIDE CHANGE

System-wide changes move beyond helping an individual child and can greatly improve the educational outcomes of all current and future homeless students within a school district or state. Although such advocacy may require additional resources and time, the benefits can be astounding.

When System-Wide Advocacy Is Appropriate

Advocates should consider system-wide advocacy under the following situations (amongst others):

- Over a period of time, several students experience the same problem or problems, including denials of service, difficulties enrolling, etc.
- There is a widespread lack of awareness about the McKinney-Vento Act and related homeless education issues within a school district or state.
- It becomes apparent that a district or state has an effective program in place, but could potentially expand and do more to address the needs of homeless students (including those displaced by hurricanes).

Methods of Achieving System-Wide Changes

- Work with school district homeless liaisons or state coordinators to identify problems and develop action items for achieving meaningful change.
- Harness the power of the media and public attention. Encourage reporters to develop stories that focus on the educational needs of displaced students, denials of rights or services, and ways in which members of the community can help.
- Seek relevant policy changes from your school, school district office, city council, board of education, state education department, or state legislature. Policy changes can either reflect the requirements of McKinney-Vento or expand upon federal minimums to include greater services and protections. They can be in the form of informal memoranda or policy statements, resolutions,

administrative regulations, or legislation.

- Pursue a class action lawsuit on behalf of homeless displaced students or homeless students more generally. NLCHP is available to assist local counsel seeking to pursue such cases.
- Form independent organizations or volunteer networks that work with school systems to help provide outreach services to homeless families and youth, public information materials to educators and members of the public, and/or needed supplemental services. If appropriate organizations or volunteer networks are already in place, encourage them to expand their work to include homeless children and youth (displaced or otherwise homeless).
- Work with school districts to help identify private sources of funding (e.g. grants, corporate sponsorships, etc.) that could help to expand or support local homeless education programs.

Additional Pointers for Pursuing System-Wide Changes

- Research the problems and needs of displaced and otherwise homeless youth that exist in your community. Allow your findings to guide your efforts. Valuable information can be obtained by speaking to young people and their families, community agencies, relief agencies, educators, and governmental officials. Depending on your individual or organizational capacity, you may want to publish reports, articles, or advocacy materials.
- Form strong coalitions that consist of diverse groups of people such as attorneys, grassroots advocates, educators, social workers, mental health service providers, relevant government agency officials, parents, and homeless youth.
- Identify potential supporters who may be unable to participate in coalition activities, but who nevertheless care about the cause. Examples include companies or philanthropists who may

be able to donate funding. They could also consist of political players such as lobbyists, city council members, or members of the state legislature.

Advocacy Spotlight—Massachusetts Advocates for the Education of Homeless Children and Youths (MAEH CY)

In Massachusetts, various advocates formed a coalition called Massachusetts Advocates for

the Education of Homeless Children and Youths (MAEH CY). Its membership includes attorneys, child advocates, homeless advocates, and service providers from across the state. Leveraging its joint resources, MAEH CY has achieved passage of a state law establishing a multi-agency steering committee on the education of homeless children and youth, assisted the McKinney-Vento State Coordinator in developing the state's McKinney-Vento plan and dispute resolution policies, and is leading trainings and outreach campaigns.

DEFINING HOMELESSNESS

Displaced students who have yet to find permanent housing qualify for services under the federal McKinney-Vento Homeless Education Program. The law applies to all homeless children throughout the United States and defines “homelessness” as “lacking a fixed, regular, and adequate nighttime residence.” McKinney-Vento also provides some examples of living situations that qualify as being “homeless.” Some of the examples are common to evacuee children and include the following:

- Sharing the housing of others due to a loss of housing, economic hardship, or similar reason;
- Living in motels, hotels, or trailer parks due to the lack of alternative adequate accommodations; and
- Living in emergency or transitional shelters.

Advocacy Pointers

Length of Homelessness

It is not uncommon for a homeless family to remain in a temporary housing arrangement for an extended period of time. For instance, a displaced family may live in a motel for nearly 6 months while searching for work and trying to secure permanent housing. Another common scenario would be for a family to move in with a parent or grandparent for nearly a year while trying to get back on its feet. Many such extended stays are the result of unaffordable market rate rents and/or an inability to save security deposits

while also living in poverty.

Schools and districts may seek periodic updates from families to ensure that they are still homeless and eligible for services. It is important to note that McKinney-Vento does not include an express time limit on homelessness. Thus, families are “homeless” and protected by the Act for however long they fit the definition of “lacking a fixed, regular, and adequate nighttime residence.”

While checking in with families, school district personnel may also evaluate whether a current living situation is starting to appear “fixed, regular, and adequate.” This can be an issue for doubled-up families who have remained in the same home for a long period of time. If such families continue to believe that they should qualify as homeless, it would be helpful if they could demonstrate that their current housing truly is temporary. For instance, they may be actively searching for an apartment or employment and expect to move soon. Perhaps they are awaiting receipt of FEMA housing assistance, a Section 8 voucher, or placement in transitional or public housing. Finally, they may be expecting their host family to ask them to leave sometime soon. Any of the above family circumstances (or related issues) should be shared with a school district homeless liaison.

Varying Definitions Amongst Government Programs

Advocates may be assisting families with various non-educational needs that involve housing and other social services. They may also be developing strategic partnerships with other advocates and governmental agencies not involved in the world of education. In engaging in such activities, advocates should be aware that McKinney-Vento's definition of homelessness is different, and typically more expansive, than that which exists under other federal and state programs.

Combating Stereotypes

Many members of society have stereotypes about homelessness that often involve images of people sleeping on the streets and panhandling for money. These notions don't match the definition of "homeless" under the education provisions of McKinney-Vento. Although some children may be living on the streets, most are in the situations described above. As a result of these stereotypes, many families may not consider themselves to be homeless and may be reluctant to accept the stigma often associated with the label. Further, school personnel unfamiliar with the law may rely on the stereotype rather than the McKinney-Vento definition when determining which students are homeless.

For displaced students, this issue is compounded by the use of the terms "evacuees" and "displaced," which causes families and educators to think of such students as being different from other homeless children and youth. This may be true even as displaced students and those made homeless for other reasons face the same educational challenges and qualify for the same protections under McKinney-Vento.

Finding effective ways to combat stereotypes is one way to ensure that displaced students receive appropriate services. Some advocacy ideas include the following:

- When working with families, explain how the law can help and the reasons for the law (e.g. transferring schools too often is

academically harmful or students shouldn't miss school because they don't have records) before mentioning that is a "homeless" law.

- Develop materials (posters or pamphlets) that de-emphasize the word "homeless" while focusing on the categories of children covered under the act (e.g. sharing the housing of others, living in a shelter).
- Work in conjunction with school district homeless liaisons to provide McKinney-Vento trainings to school staff.

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions:

“(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and

(B) includes—

(i) 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;

(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 (within the meaning of section 11302 (a)(2)(C) of this title);

(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 (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).” 42 USC 11434a(2).

SCHOOL OF ORIGIN

Allowing displaced students who have yet to find permanent housing to qualify for services under the McKinney-Vento reduces school transfers by allowing children to remain in “schools of origin” while experiencing homelessness. A “school of origin” is a school that a student attended when permanently housed or the school in which the student was last enrolled. Homeless children and youth can attend a school of origin until the end of the academic year in which they become permanently housed.

The ability to continue in a school of origin may be limited by the best interests of the child, feasibility, or the preference of a parent or guardian. McKinney-Vento requires school placement decisions (school of origin versus new local school) to be made according to the child or youth’s best interests. The law assumes that attending the school of origin is in the best interests of the child. However, other factors (e.g. length of travel or safety concerns) may lead to a decision that the child’s best interests are served by attending a new school.

School of origin may also be limited by feasibility or whether it’s actually possible for the student to stay in the same school. For instance, it wouldn’t be feasible for a child living in a shelter in Florida to attend a school in New Jersey. (However, transportation crossing state lines is possible for students separated by shorter distances from their school-of-origin if it remains in their best interest.) Or if a school of origin has been destroyed or closed as a result of a hurricane or other disaster, it would simply not be possible for the student to continue to attend school there. Finally, a student may not attend a school of origin if parents or guardians decide they want to enroll their children in a new school.

School districts must provide transportation to and from the schools of origin. More information about transportation can be found in Chapter VII.

Advocacy Pointers

Maintaining the School Stability of Displaced Students

When a displaced student's school of origin has been destroyed and/or is located far away in another state, educators and families may assume that they will not be able to maintain school stability. However, it is important to inform parents and remind school officials that McKinney-Vento says that a school of origin can be "the school in which the child or youth was last enrolled." But, if it is not possible for students to attend their original schools, they may have to enroll in new schools close to where they are temporarily living. Once they have done so, they have established a new school of origin through the simple act of enrolling. For example, if Ryan from New Jersey Public School 1 (NJPS1) is evacuated to Pennsylvania and immediately enrolls in Pennsylvania Public School Number 2 (PAPS2), PAPS2 becomes his school of origin. Should his family later find housing in neighboring attendance zones or school districts, he could choose to continue attending either NJ PS 1 or PAPS2, whichever was in his best interest.

Communicating Why School of Origin is Important

Sometimes parents, education officials, shelter providers, and other service providers may be unaware of why law makers thought schools of origin were so important for homeless students. Raising awareness in this area may cause those involved to put more effort into ensuring that children and youth are actually able to attend schools of origin.

It may help to point out that school transfers can be academically, socially, and emotionally harmful to young people. School transfers disrupt a child's education and academic progress. Students also crave some form of stability after experiencing such disaster-related traumas as living in chaotic and unsafe shelters, losing their homes and all their worldly possessions, experiencing the death of loved ones, being temporarily separated from parents and other family members, or moving to a new state or community. McKinney-Vento recognizes these

realities.

Advocates have found the following statistics to be useful:

- It takes a child 4 to 6 months to recover academically from each school transfer.¹²
- Children who change schools need 6 to 18 months to regain a sense of equilibrium, security, and control.¹³
- Homeless children who frequently transfer schools are 35% more likely to repeat a grade and 78% more likely to have poor attendance than other homeless students who remain in stable school placements.¹⁴

Best Interests and Feasibility

As noted above, school districts must determine which school placements are in the best interests of homeless students. The law presumes that it is best for a student to continue in a school of origin. Otherwise, it is silent as to the types of issues that should affect best interest determinations. The only other information available is through 2004 guidance produced by the U.S. Department of Education,¹⁵ which provides the following examples of factors that may be considered:

- Age of the child or youth;
- Distance of a commute and the impact it may have on the student's education;
- Personal safety issues;
- Student's need for special instruction (e.g., special education and related services);
- Length of anticipated stay in a temporary shelter or other temporary location; and
- Time remaining in the school year.

Within McKinney-Vento, Congress said that students should remain in a school of origin "to the extent feasible." Thus, if it is possible for a student to attend a school of origin, he or she should do so unless it is against their best interests or the parent/guardian

thinks otherwise.

If a student is sent someplace other than the school of origin, the school district must put its decision in writing and provide information about appeal rights to the parent. Advocates who disagree about best interest and feasibility determinations should be prepared to support their views. Since feasibility concerns often involve transportation it may be helpful to compare what your district believes it is capable of providing with the services offered by similar districts—helpful resources are discussed in Chapter VII.

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions:

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this part shall, according to the child’s or youth’s best interest —

(i) continue the child’s or youth’s education in the school of origin for the duration of homelessness —

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph **(A)**, the local educational agency shall —

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child’s or youth’s parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E) . . .

(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term “school of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.” 42 USC 11432(g)(3).

TRANSPORTATION

McKinney-Vento includes provisions related to the transportation of homeless children and youth. Specifically, it requires the following:

- **School of origin transportation.** School districts must provide transportation to and from schools of origin. This rule applies even when students must cross attendance zones or school district lines.
- **Comparable transportation services.** Homeless students must also receive transportation services that are comparable to those offered to non-homeless students in the schools they attend. Thus, homeless students must have equal access to commonly offered transportation services.

The law does not require specific types of transportation. School districts tend to use a variety of methods including school buses, passes for public transportation, shuttle services, taxis, or gas and mileage reimbursements for shelters and families.

Advocacy Pointers

Transportation Costs Are a Concern for School Districts

Depending on the school district and the individual student circumstances, school of origin transportation can be costly for school districts. Funds provided through the federal McKinney-Vento program often do not meet the needs of school districts and states. Expenses for these services are even higher for districts serving large numbers of evacuees with unstable housing. Concerns about cost may affect the ways in which schools and districts implement school of origin and transportation requirements.

Thus, it is helpful for advocates to be aware of what McKinney-Vento says about transportation. Also, advocates can work with students and districts to identify the most cost effective modes of transportation. Ideas and suggestions can be found in “Increasing School Stability for Students Experiencing Homelessness: Overcoming

Challenges to Providing Transportation to the School of Origin,” and in “Transporting Children and Youth Experiencing Homelessness,” each produced by the National Center for Homeless Education (www.serve.org/nche).

Prompt Provision of Transportation Services

On occasion, homeless children and youth find it difficult to obtain transportation services in a timely manner. The transportation systems that school districts have in place may require or cause delays while paperwork is completed and bus routes are altered. For students who live in one school district, but attend a school of origin in another school district, unnecessary delays may occur while the two districts reach an agreement about who will pay for transportation.

To minimize absences caused by transportation delays, advocates can:

Be vigilant in requesting services. Make follow-up phone calls.

- Work with families to provide necessary information as quickly as possible.
- Work with districts and families to identify methods of providing temporary transportation while buses are being rerouted. Examples could include the district providing taxi service or gas reimbursements for individuals who can offer rides (e.g., shelters or other service providers, parent car pools, community volunteers, friends, or relatives). Such arrangements benefit students who have missed, or could miss, several days of school while awaiting transportation.
- Work with districts to identify methods of making the entire transportation process more efficient. Advocates should research transportation wait times for other students (e.g., regular education, special education) and the systems utilized by similar districts. This research could inform conversations

about how to streamline processes for providing homeless students with transportation services.

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions:

“(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child’s or youth’s living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.” 42 USC 11432(g)(1)(J)(iii).

“Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services . . .” 42 USC 11432(g)(4).

Young people experiencing homelessness, including evacuees and displaced students, have the right to **immediately enroll** in new schools even if they don't have documents that school districts normally require for enrollment (e.g., birth certificates, academic records, proof of residency, proof of immunization or other medical records). To "enroll" in school means to attend classes and participate fully in school activities. The enrolling school is responsible for obtaining academic records and homeless liaisons must assist families and youth with obtaining immunizations or immunization/medical records.

Advocacy Pointers

Academic Records and Assessments

Academic records may not be immediately available. Schools may have to wait for records to be delivered. If the student was living in an area struck by a disaster, delays may last longer than usual if schools are closed or some records are destroyed. Importantly, most states maintain electronic records so that all is not lost even if the disaster has affected the student's actual school building. For instance, states affected by Hurricane Sandy were able to retrieve and transfer electronic records to schools enrolling evacuee children.

Some schools that are more familiar with local policies than McKinney-Vento may hesitate to enroll children without academic records out of a concern that they will be unable to make proper placement decisions. Under such circumstances, advocates can:

- Solicit the involvement of school district homeless liaisons and, if necessary, the state coordinator of homeless education.
- Remind school administrators that McKinney-Vento requires immediate school enrollment even if normally required documents are unavailable. They can further point out that the supremacy clause requires following federal law as opposed to state and local policies.
- Work with students and families to present information about previous school placements. This information will likely be verbal and based on parent and/or student recollection about classes taken and previous academic progress and challenges. Such reports should help schools make preliminary placements.
- Students should be encouraged to participate in available placement tests. However, such tests should not interfere with the immediate enrollment requirement. System-wide advocacy could involve encouraging schools and districts to identify such placement tests and have them ready and available for any homeless student seeking to enroll in school.

Immunizations

Schools and districts typically require students to be immunized and produce immunization records. Evacuees, like other homeless students, often leave their homes suddenly. It is unlikely that they would think to bring immunization records when evacuating. These records may be included within academic records maintained by school districts. They may also be available electronically via state health agencies.

School administrators sometimes apply state and local immunization policies without considering the requirements of McKinney-Vento. They may have concerns about the potential health consequences of enrolling children for whom they do not have official immunization records. Under such circumstances, advocates can:

- Request the assistance of the school district homeless liaisons in obtaining records or immunizations. The law requires them to provide such supports and they can also help to secure enrollment while records are obtained or immunizations are being completed.
- Remind school administrators that McKinney-

Vento requires immediate school enrollment even if normally required documents are unavailable. Advocates can further point out that the supremacy clause requires following federal law as opposed to state and local policies.

- Present information that may alleviate health concerns, such as
 1. The memo released by the Centers for Disease Control following Hurricane Katrina, which states the following: “States affected by Hurricane Katrina had immunization requirements for school and daycare and it is likely that children enrolled prior to the disaster would be vaccinated appropriately. It is not necessary to repeat vaccinations for children displaced by the disaster, unless the provider has reason to believe the child was not in compliance with applicable state requirements.”
 2. Most states have exceptions to the immunization requirements, allowing some students to attend school without being immunized and without fear of a major health risk. Typical exceptions include religious objections and grace periods for students who still need to be immunized.
 3. Most students in the school building have been immunized. Therefore, those individual students are not at risk and there is no risk of an epidemic spreading throughout the school building.

Shelter Classrooms and Other Segregated Facilities

McKinney-Vento prohibits the segregation of homeless students. Children should not be confined to classrooms in shelters or other settings where they would be isolated from their non-homeless peers. The anti-segregation provisions allow children who have experienced the trauma of evacuation to quickly return to a sense of normalcy by daily leaving shelters (and other reminders of homeless status) and

attending regular schools with other kids.

The provisions are also based on the fact that many shelter schools tend to be inadequate educational environments, lacking in supplies, qualified teachers, opportunities for physical fitness, and necessary services such as special education.

Advocates should raise these McKinney-Vento requirements with school or district personnel seeking to educate evacuees in separate settings.

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions of McKinney-Vento:

“(C) Enrollment

(i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).” 42 USC 11432(g)(3)(C).

“The terms ‘enroll’ and ‘enrollment’ include attending classes and participating fully in school activities.” 42 USC 11434a(1).

YOUTH LIVING AWAY FROM PARENTS

Children and youth can find themselves living apart from their parents in the immediate aftermath of a disaster. For instance, Hurricane Sandy caused some families to send their children to live with friends and relatives in other cities and states while parents tried to find employment and rebuild households. Such young people are “unaccompanied youth,” which the law defines as students who are “not in the physical custody of a parent or guardian.” Homeless unaccompanied youth are protected by the McKinney-Vento Act. They are able to immediately enroll in school even if they lack typically required documents such as guardianship papers. They can also maintain a school of origin and benefit from related transportation services.

Additionally, unaccompanied youth should receive special assistance from the school district homeless liaison. McKinney-Vento requires the liaison to assist with placement or enrollment decisions while considering the views of the youth. The liaison is further responsible for 1) notifying unaccompanied

youth of the right to appeal placement decision and 2) ensuring that they are immediately enrolled in school pending resolution of the dispute.

Advocacy Pointers

Proof of Guardianship

Schools and districts typically require a parent or guardian to be a resident and physically available for the enrollment process. Administrators who are unaware of homeless education legal requirements may try to apply those rules out of a belief that they will incur legal liability for enrolling a student without a legal guardian. They may deny enrollment. They may also pressure another adult to assume guardianship, an action that affects the rights of the natural parent. Neither option is appropriate under McKinney-Vento, which allows homeless unaccompanied youth to immediately enroll in school even if proof of guardianship is

unavailable.

If confronted with such a scenario advocates can:

- Present information about relevant laws. Sufficient support can be found in McKinney-Vento’s immediate enrollment provision and in its definitions for “homeless” and “unaccompanied youth.” Inform administrators that they can be found liable for failure to follow the law. If you want to go the extra mile, additional legal support for enrollment may be available within state law. For example, most states have compulsory attendance laws that require children and youth within a certain age group to attend school. State constitutions and statutes may also include an explicit right to a public education.
- Request the assistance of the school district homeless liaison and, if necessary, the state coordinator for homeless education.
- If possible, be prepared to offer an appropriate adult contact person for the student. Sometimes schools are concerned about having someone who can sign report cards, consent to field trips, or assume other similar duties. Parents or guardians may be able to do some of these things from afar. Alternatively, some states and school districts have policies that allow other adult caretakers (e.g., relatives or family friends) to assume such responsibilities. Advocates should be careful not to allow the identification of a contact person to delay enrollment. Even if this is important to the school, homeless students remain entitled to immediate enrollment.

Relevant Segments of McKinney-Vento

This section of the manual refers to the following provisions:

“The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.” 42 USC 11434a(6).

“Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following . . .

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths . . .

(F) A description of procedures that ensure that . . .

(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services.” 42 USC 11432(g)(1).

“In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).” 42 USC 11432(g)(3)(B)

“If a dispute arises over school selection or enrollment in a school—

(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.” 42 USC 11432(g)(3)(E).

SPECIAL SERVICES

Displaced students experiencing homelessness may be eligible for special services that promote educational development and provide for basic needs. This section will highlight a few of the most relevant programs.

McKinney-Vento Services

Some school districts receive McKinney-Vento grants that allow them to provide a broad range of services. Examples include tutoring programs, before and after school programs, summer school, free school supplies, expedited assessments to determine appropriate placements, and counseling services. Advocates should inquire about the availability of such programs and services within the student's school district.

School Meals

Homeless students are automatically eligible for the free school meals program. According to the Child Nutrition Act, homeless families and unaccompanied youth do not have to complete the typically required forms or present proof of income eligibility. Rather, U.S. Department of Agriculture guidance allows service providers and school district homeless liaisons to simply provide a list of eligible students to school nutrition programs. Once signed up for services, children can receive lunches for the remainder of the school year. They may continue to qualify for up to 30 days of the next school year. The 30-day carry-over of the previous year's eligibility for school meals is based on operating days.

A school providing meals to significant numbers of children determined homeless due to a disaster situation can be designated an "emergency shelter" (even though the school is not providing actual shelter) and therefore eligible to participate in the Child and Adult Care Food Program (CACFP). CACFP participants remain eligible for free meal benefits for 12 months.

Advocates may have to inform relevant school personnel of these legal provisions.

Special Education

Displaced students with special education needs greatly benefit from the rights guaranteed under the Individuals with Disabilities Education Act (IDEA). This legislation includes requirements for students who transfer to new school districts. For instance, it allows for a continuation of previously received services. IDEA also encourages the efficient completion of evaluations for services that were interrupted by a school transfer. To learn more about IDEA and its relation to homeless students, please refer to "Connecting Homeless Students to Special Education Services: A Guide to Rights and Resources," which is available on NLCHP's website (www.nlchp.org).

Challenges for displaced students may include the timely transfer of special education records. Disasters may cause records to be destroyed or delayed. Without these documents, new schools may be unsure about placement decisions and appropriate services. Advocates can:

- Ask parent and students to recall as much as possible about previous placements and services. They could then encourage schools to use that informal information to make interim placement decisions while documents are being gathered or students are being re-evaluated for service needs.
- If necessary, encourage schools to complete new assessments as expeditiously as possible.

Relevant Segments of the Law

This section of the manual refers to the following provisions from *Disaster Response*, Memo Code SP 25-2012, CACFP 12-2012, SFSP 10-2012 (April 10, 2012):

“Children residing in or evacuated from disaster areas may be determined homeless under the McKinney-Vento Homeless Assistance Act. These children are categorically (automatically) eligible for free meals in the Child Nutrition Programs. A school district’s homeless coordinator makes a determination of homelessness and provides a list of all children determined homeless due to a disaster situation. The SFA [school food authorities], an institution, or sponsor must certify these children for free meals...Institutions or sponsors that require eligibility information can receive certification of the participant’s homeless status from the agency that assisted with the evacuation or that is providing shelter. If the child is not residing in an emergency shelter, the institution should have an adult living with the child complete an income eligibility form indicating that the child is homeless. No further information is required to certify the child’s eligibility.”

“Emergency shelters that provide temporary housing to displaced families are eligible to participate in CACFP. Where significant numbers of persons are being temporarily housed, State agencies may designate any appropriate facility as an emergency shelter, and may waive institution application requirements in these situations. When State agencies have designated a facility as an emergency shelter, all children through age 18 may receive up to three free meals (breakfast, lunch, and supper) each day.... An “appropriate facility” may include a school or an institution which, although it is not providing actual shelter, is nevertheless providing meals to displaced families who are being temporarily housed elsewhere, in locations that may not have the means to provide meal services to these temporary residents.”

“Their eligibility, including eligibility based on homeless status...remains in effect for the entire school year and up to 30 days in the next school year. CACFP participants remain eligible for free meal benefits for 12 months.... A child’s prior year free or reduced price eligibility continues until eligibility status for the current school year is established or upon the completion of 30 operating days, whichever is less.

HELPFUL RESOURCES

The organizations and agencies listed in this section can serve as helpful resources for understanding education laws and programs that can provide valuable services to homeless students. These groups are likely to provide special disaster-related assistance, information, and publications. They include the following:

- National Association for the Education of Homeless Children and Youth
202-364-7392
www.naehcy.org
- National Center for Homeless Education
1-800-308-2145
www.serve.org/nche
- National Law Center on Homelessness & Poverty
202-638-2535
www.nlchp.org
- U.S. Department of Education
www.ed.gov/programs/homeless

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- 10 *Id.* at 7.
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