

# McKINNEY-VENTO PROTECTIONS FOR STUDENTS DISPLACED BY DISASTERS



---

**Kenya Haynes**, Program Specialist  
National Center for Homeless  
Education (NCHE)  
[khaynes@serve.org](mailto:khaynes@serve.org)

# ABOUT NCHE

---

- **NCHE** is the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program.
  - Website: <http://nche.ed.gov>
  - Helpline: 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org)
  - Products: <http://nche.ed.gov/products.php>
  - Webinars: <http://nche.ed.gov/web/group.php>
  - Listserv: <http://nche.ed.gov/listserv.php>
  - Social media: <https://nche.ed.gov/social-media.php>



# OUTLINE

---

- Definitions of homelessness under the *McKinney-Vento Act*
- Student population and federal funding
- Student rights and eligibility under the Act, including students impacted by natural disaster
- Resources and best practices for school systems

---

# WHO IS CONSIDERED HOMELESS UNDER FEDERAL EDUCATION LAW?

# THE MCKINNEY-VENTO ACT

---

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act:
  - Authorizes the Federal Education for Homeless Children and Youth (EHCY) Program
  - Was reauthorized by Title IX, Part A of the Every Student Succeeds Act
  - Establishes the educational rights and supports available to students who meet the Act's definition of homeless
- Other Federal laws also authorize supports for McKinney-Vento students (IDEA; Child Nutrition Act; Title I, Part A of ESEA)

# ABOUT THE EHCY PROGRAM

---

## ■ Staff

- Every state has a State Coordinator for Homeless Education
- Every district has a local homeless education liaison

## ■ Funding

- States receive funds to reserve for conducting State-level activities and distribute to districts through a competitive subgrant process
- Title I, Part A also provides categorical eligibility for students experiencing homelessness through targeted assistance and school-wide programs, and the Title I homeless set-aside

## ■ Legislation

- Much of the strength of the homeless education program stems from its legislative authority



# Student Homelessness Growing Fastest in Rural America

- Rural student homelessness increased by **11%** to over **162,000** students
- Fewer shelters and limited access to public transportation and regular healthcare
- Disparities are likely compounded in rural areas
- Public policy on homelessness centers around metropolitan areas



Student homelessness in rural America is growing nearly **4X** the national rate



# STUDENT ELIGIBILITY

---

- The McKinney-Vento Act defines a *homeless child or youth* as **children or youth who lack a fixed, regular, and adequate nighttime residence**, including children and youth:
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
  - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
  - Living in emergency or transitional shelters, or are abandoned in hospitals

# STUDENT ELIGIBILITY

---

- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances
- The term *unaccompanied youth* includes a homeless child or youth not in the physical custody of a parent or guardian

# UNDERSTANDING THE DEFINITION

---

- Shelters often are not an option in many communities (the community may have no shelters, or their shelters may be full)
- Many families and youth will explore all other options before entering the shelter system or staying in an unsheltered location
- Shared housing arrangements may provide a temporary place for a family or youth in crisis to stay, but often are unsustainable and may even be unsafe

# MAKING DETERMINATIONS OF ELIGIBILITY

---

- Consult your local liaison
- Pay close attention to the legislative wording
- Make determinations expeditiously on a case-by-case basis based on the circumstances of each student
- Some determinations will be clear; others may require additional information and a nuanced analysis
- Consider the questions in NCHE's Determining Eligibility for McKinney-Vento Rights and Services issue brief at <https://nche.ed.gov/topics/>

# UNIQUE DISASTER CONSIDERATIONS

---

- Consider the following eligibility considerations that may come into play following a disaster:
  - Is the family/youth able to return to their housing?
  - How will delayed returns to housing figure into eligibility determinations?
  - If unable to return to housing, is the family/youth able to secure other fixed, regular, and adequate housing?
- Seek to establish a consistent protocol for making determinations
- Consider what supports may be provided to students affected by the disaster who don't qualify as McKinney-Vento eligible; note that individual states may enact additional supports

---

# WHAT EDUCATIONAL RIGHTS AND SUPPORTS ARE AVAILABLE FOR STUDENTS MADE HOMELESS AS A RESULT OF A DISASTER?

# RIGHTS OF MCKINNEY-VENTO STUDENTS

---

- **Immediate enrollment**, even if lacking documentation normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness
- **School Selection**: Attendance at the “school of origin” or the local attendance area school, whichever is in the best interest of the child
- **Transportation** assistance to the school of origin
- **Dispute Resolution**

# RIGHTS OF MCKINNEY-VENTO STUDENTS (CONT.)

---

- **Free school meals** through a streamlined certification process, see any available state guidance
- **Title I, Part A support** (targeted assistance, schoolwide, homeless set-aside)
- **Special education services**, when necessary
- **Provision of materials** needed to enable the student to attend classes and participate fully in school (e.g. school uniforms, etc.)
- **Referrals to services**, including health care, dental, mental health, substance abuse, housing and other appropriate services

# UNIQUE DISASTER CONSIDERATIONS

---

- Districts should consider state-specific laws or policies that provide flexibility regarding school selection beyond that provided in Federal statute
- Students may need added **mental health supports** to recover from the upheaval of the disaster
- The McKinney-Vento **immediate enrollment** will be key, as documentation may have been destroyed and/or lost

# UNIQUE DISASTER CONSIDERATIONS

---

- **School selection** decisions may need to factor in unique circumstances
  - Returns to the school of origin may not be available for students whose school of origin is not operational; if the school of origin reopens, the student would have the right to return at that time
  - In cases where schools of origin are expected to reopen, districts should communicate early with parents, guardians, and unaccompanied youth about the determinations will be addressed once the school of origin reopens

# UNIQUE DISASTER CONSIDERATIONS

---

- Data collection and student tracking
  - Establish a crisis code in the data system to identify students displaced by a disaster
  - Have a plan to locate students and determine if they will return to their school of origin
- Have a plan in place before a disaster occurs
  - Identify key partners
  - Establish a shared protocol

# SAMPLE LOCAL RESOURCE PAGE

The screenshot shows a web browser window with the address bar displaying "Not secure | theotx.org/resource\_type/disaster-response-tea-mckinney-vento-resources/". The page header features the TEHCY logo and the text "Texas Education for Homeless Children & Youth Support Center". A navigation menu includes "Home", "Resources", "Contact", "TEHCY Subgrantees", and "Liaison Directory". A search bar is located in the top right corner. The main content area has a breadcrumb trail: "Home » Resources » Disaster Response 1 / TEA McKinney-Vento Resources". The primary heading is "Disaster Response 1 / TEA McKinney-Vento Resources" in orange. Below it is a sub-heading: "Texas Resources Available for Dealing with Persons Displaced by Hurricane Harvey". The text describes local, state, and federal agencies directing disaster-related requests for food, clothing, and transportation assistance, with a link to a specific page. A teal callout box on the right says "Order Texas Homeless Education Resources" and contains text about updating posters and brochures to reflect current ESSA and state law provisions, with a target release date of Fall 2019. Another teal callout box below it says "Trainings and Events" and states that there are no events currently scheduled. The browser's taskbar at the bottom shows various application icons and the system clock at 3:05 PM.

← → ↻ Not secure | theotx.org/resource\_type/disaster-response-tea-mckinney-vento-resources/ ☆ G ↻ P ↻ K ↻

**TEHCY** Texas Education for Homeless Children & Youth Support Center

Blog  🔍

Home Resources Contact TEHCY Subgrantees Liaison Directory

Home » Resources » Disaster Response 1 / TEA McKinney-Vento Resources

## Disaster Response 1 / TEA McKinney-Vento Resources

### Texas Resources Available for Dealing with Persons Displaced by Hurricane Harvey

Local, state, and federal agencies are directing disaster-related requests for food, clothing, evacuation/transportation assistance, or other immediate assistance to the organizations and agencies listed on this web page at <http://www.theotx.org/local-state-federal-resources-aid-dealing-hurricane-harvey/>.

**Order Texas Homeless Education Resources**

*The Texas homeless education posters and brochures are in the process of being updated to reflect the current ESSA and state law provisions. The target release date is Fall 2019. An updated ordering process will be made available soon.*

**Trainings and Events**

There are no events currently scheduled. Check back later!

TEA To the Administrator Addressed Letter: Re: Hurricane Harvey

[http://www.theotx.org/resource\\_type/disaster-response-tea-mckinney-vento-resources/](http://www.theotx.org/resource_type/disaster-response-tea-mckinney-vento-resources/)



# NCHE RESOURCES

---

- Disaster response webpage: <https://nche.ed.gov/disaster-preparation-and-response/>
- Homeless education helpline: 800-308-2145, [homeless@serve.org](mailto:homeless@serve.org)
- NCHE homeless education issue briefs:
  - *Meeting the Education Needs of Students Displaced by Disasters: Youth on Their Own*
  - *What School District Administrators Should Know About the Educational Rights of Children and Youth Displaced by Disasters*
  - *What Relief Agencies Should Know About the Educational Rights of Children and Youth Displaced by Disaster*
  - *Connecting Schools and Displaced Students Handbook Series*
  - *Determining Eligibility for McKinney-Vento Rights and Services*
  - *Confirming Eligibility for McKinney-Vento Rights and Services*
  - *Guiding the Discussion on School Selection*

# FEDERAL RESOURCES

---

- FEMA Public Assistance Educational Assistance
  - <https://www.fema.gov/public-assistance-local-state-tribal-and-non-profit>
- Readiness and Emergency Management for Schools Technical Assistance Center
  - <https://rems.ed.gov/>
- Family Educational Rights and Privacy Act (FERPA) Policy Guidance: Disclosure of Student Information Related to Emergencies and Disasters
  - <https://www2.ed.gov/policy/gen/guid/fpco/pdf/ferpa-disaster-guidance.pdf>
- Centers for Disease Control: Caring for Children in a Disaster
  - <https://www.cdc.gov/childrenindisasters/index.html>

