

# Understand Your Legal Issue

Solve Your Legal Problem

[www.floridalawhelp.org](http://www.floridalawhelp.org)



---

## Disaster: Educational Rights of Children Displaced or Homeless Due to Disaster

Authored By: Community Legal Services of Mid-Florida, Inc.

### FAQ

#### What is the McKinney-Vento Homeless Assistance Act?

the McKinney-Vento Homeless Assistance Act gives certain rights to “homeless” or “displaced” children. When a natural disaster strikes, many families are displaced. Their homes are destroyed or they have nowhere left to work. They may lose their schools. Children displaced by natural disasters such as hurricanes, floods, tornadoes, earthquakes, and wildfires are “homeless” under the act. Florida gets Federal money under this act, so every school district must follow this law.

#### How is "homeless" defined by the act?

Any child (Pre-K through 12) without a fixed, regular, or adequate nighttime residence is “homeless” under the McKinney-Vento Homeless Assistance Act. They are children that:

- share the home of others due to loss of housing or other economic hardship
- live in motels, hotels, trailer parks, or camping grounds because there’s no better place to stay (not by choice)
- live in shelters
- left in hospitals
- awaiting foster care placement
- live in a public or private place not meant for sleeping (cars, parks, empty buildings, bus stations, etc.).

Those otherwise known as “migrant” qualify if living in any of these listed conditions. “Unaccompanied Youth” also qualify. These are youth not in the physical custody of a parent or guardian. Children displaced due to natural disasters such as hurricanes, floods, tornadoes, earthquakes, and wildfires are “homeless” under the Act.

## **My child needs to go to school. Where do I start?**

If you had to move because of a disaster, go to the school closest to the place you are staying. Ask to enroll your child. If you let them know you are displaced, they must enroll your child right away. They must take care of your child's school needs.

## **I lost all of my child's school and health records. How can they enroll?**

If the school knows you are displaced they must immediately enroll your child. Tell them. Your child must be enrolled even if you have lost their school records and medical records. If you cannot prove where you currently live or prove your child has had their required shots, they have to be let in. School staff should send you to the Homeless Liaison for help recovering records and getting shots.

## **What if the school will not enroll my child?**

They have to. It's that simple. If they won't, they must say no in writing and say why not. They must also tell you in writing you have the right to appeal (challenge) their decision. They must give you the name and contact information of the Homeless Liaison. Most importantly, they must enroll your child in that school right away and provide transportation. Your child gets to stay in that school until the dispute is settled.

## **What is a "Homeless Liaison" and where do I find them?**

Every school district must have a Homeless Liaison. The Homeless Liaison teaches parents of displaced children about their rights. They make sure children have access to a free and appropriate education. They track down lost records. They settle arguments over school enrollment. It is their job to go out and find all the displaced children in the school district and take care of their school needs. If the staff at the school does not know who or where this person is, have them call the main school board office and find out.

## **I no longer have a car. How will my child get to school?**

The Homeless Liaison arranges transportation so that displaced children can get to school. This can be done by school bus or some other way, such as public bus, or even taxis. However it gets done, it is the school board's job. If they say no, they have to tell you no in writing.

## **The school is saying they have to put my child in a special class or separate school for displaced children. Can they do that?**

No. Displaced children may not be segregated (put aside) in any way just because they are displaced.

## **My child has an IEP. Will he/she continue to receive their Special Education Services?**

Displaced children should get the same education as other children, If your child was in any special program before, they must be now. This means Special Education and Free Lunch programs. The Homeless Liaison will make sure your child gets all their services as required by other laws. They will track down lost papers and educational plans so your child can get the individual education they require.

## **The school isn't doing any of these things. What do I do now?**

The best thing to do if the school or Homeless Liaison is not helping you is to contact your nearest Legal Aid office for help. These things are required by federal law. A legal Aid attorney can help make the schools do their job.

Updated: June 26, 2018

### **Links:**

Educational Rights of Children Displaced or Homeless Due to Disaster  
Homeless Liaisons by County

---

Printed: February 19, 2019

<http://www.floridalawhelp.org/node/163/disaster-educational-rights-children-displaced-or-homeless-due-disaster>

©Understand Your Legal Issue