

# Human Rights Watch

## Children's Rights

**<https://www.hrw.org/news/2005/09/25/us-proposed-waiver-could-keep-child-victims-katrina-out-school>**

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Letter to the U.S. Secretary of Education

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Letter to Secretary of Education Margaret Spellings expressing Human Rights Watch's concern regarding a proposed waiver to education requirements, which would affect children left homeless by Hurricane Katrina.

With more than 370,000 schoolchildren recently displaced by Hurricane Katrina, we have seen that mechanisms put in place by the McKinney-Vento Act have been enormously beneficial, facilitating the swift re-entry into school of large numbers of children evacuated from the Gulf Coast and providing them not only with the opportunity to continue their education with minimal interruption, but also providing them with structure and stability in their lives. Under the McKinney-Vento Act, each state and every school district has designated staff responsible for ensuring the identification and enrollment of homeless students. This structure has enabled many school districts to enroll displaced children quickly and smoothly.

We are deeply concerned that a waiver to the McKinney-Vento Act could have very negative and far-reaching consequences. Although intended to provide school districts with flexibility in responding to large numbers of evacuees, such a waiver could seriously undermine children's access to education without discrimination.

In particular, we are concerned that waivers to the McKinney-Vento Act may allow some school districts to turn children away, denying them their right to education entirely, or to segregate them into separate schools. As you know, the McKinney-Vento Act specifically prohibits states receiving assistance under the act from segregating homeless children in separate schools, separate programs within schools, or separate settings within schools.

Schools could use the waiver system to avoid serving some students, based on socio-economic status, housing status, special needs, or race, or to segregate displaced students from the general school population. Our concerns regarding potential discrimination resulting from a waiver are particularly acute given the disproportionate number of African-American children and children from lower economic status that have been displaced by Hurricane Katrina. At this time, it is more important than ever to maintain existing protections in our legal framework that ensure children's access to education without discrimination.

We also believe that it is in the best interests of the child to be integrated as quickly as possible into existing schools with established educational programs. For children who have been through trauma such as a natural disaster or displacement from their homes, being integrated into established classrooms with students who have not gone through such trauma can help re-establish a sense of stability and normalcy.

Maintaining the provisions of the McKinney-Vento Act, as we have already seen during the initial response to the needs of evacuees, will be essential to ensuring that hundreds of thousands of children have immediate access to education without discrimination, and are able to integrate into stable and positive classroom environments. Rather than seek a waiver to this important piece of legislation, we urge you to uphold these provisions.

Thank you for your consideration.

Sincerely yours,

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