

SCHOOL HELP FOR HOMELESS CHILDREN WITH DISABILITIES: INFORMATION FOR PARENTS

Introduction

If you and your family are dealing with homelessness, it might be tough enrolling your children in school and making sure they attend every day. If your children have special needs, the issues might be even tougher. For example:

- You might not know whom to talk to about school services.
- You might not know if your children's problems in school are caused by a disability or the stress of being homeless.
- You and your family might move from one temporary housing situation to another; or your children might change from one school to another.
- You might have trouble finding time and transportation for meetings at school.
- You might not understand the special education process.



There are two laws that help make sure that homeless children and youth with disabilities can enroll and do well in school. Those laws are:

- The McKinney-Vento Homeless Assistance Act
- The Individuals with Disabilities Education Act

The McKinney-Vento Act gives homeless children and youth the right to enroll in school immediately, even if they do not have documents that are usually required for enrollment. The law gives them the right to attend school immediately, even if they don't have a school uniform or school supplies. The law also gives these children and youth the right to stay in one school, even if they are moving around, and to get transportation to that school. Every school district has a local homeless education liaison, whose job is to make sure that homeless children and youth can go to school and get all the services they need. The National Center for Homeless Education's website has information about the McKinney-Vento Act at <http://www.serve.org/nche>.

The Individuals with Disabilities Education Act (IDEA) guarantees rights and services for children and youth with special needs.

This brief provides information about IDEA and how it can help homeless children with special needs. It is designed for parents, guardians, and other people who are taking care of children and youth.

School Help for Homeless Children with Disabilities: Information for Parents

What is IDEA?

The Individuals with Disabilities Education Act is a law designed to make sure that children and youth with disabilities receive a "free, appropriate public education". This brief is about the part of IDEA (Part B) that covers children and youth from age 3 through age 21. NCHE's website has information about the part of IDEA that covers children under age three (Part C) at <http://www.serve.org/nche>.



How can IDEA help my child?

IDEA gives children and youth with disabilities extra help called "special education" and "related services". "Special education" means teaching and classroom services that are designed especially to help a student with a disability.¹ "Related services" are other kinds of extra help, like transportation, speech therapy, mental health counseling, psychology services, physical therapy, health services, parent counseling and training, and social work services.² Schools provide special education and related services for free.

Who can help me learn more about IDEA and get help for my child?

At the end of this brief, there is a list of groups that can give you more information. One very important group for you to know about is your "Parent Training and Information Center". These centers are all over the country and are there to help parents who have questions about IDEA. You can find the center closest to you by calling, toll free, (888) 248-0822, or looking on the internet at <http://www.taalliance.org/centers/index.htm>.

What are some "disabilities" under IDEA?

Children and youth with disabilities can get help under IDEA if the disability affects how they do in school. IDEA has a list of disabilities that are covered under the law. Some of those disabilities include:

- Learning disabilities
- Mental retardation
- Emotional disturbance (includes many psychological problems)
- Other health impairments (includes Attention Deficit Disorders)
- Hearing impairment or deafness
- Visual impairment or blindness
- Autism³

1) 20 USC §1401(29); 34 CFR §300.39.

2) 20 USC §1401(26); 34 CFR §300.34.

3) 20 USC §1401(3); 34 CFR §300.8.

Can a school give my child special help even if she does not have a disability, or if we're not sure if she has a disability?

Yes. There are many ways the school can help your child even without using IDEA. Sometimes, that special help is called "intervention services". Some intervention services include:

- Providing special programs or plans to help children control their behavior
- Having children sit at the front of the class
- Giving children a mentor or buddy
- Writing down homework assignments or directions
- Having regular meetings with the school counselor
- Giving children extra help before or after school
- Giving children extra time to do homework or take tests

If intervention services do not work, or if I think my child needs special education, what should I do?

The first step is for the school district to test your child to see if he has a disability and needs special education. This testing is called a "special education evaluation". To start the process, you must ask the school, in writing, to do a special education evaluation.⁴ Most school districts have a form you can use to ask for an evaluation. You can also write a short letter that explains why you think your child might have a disability and asks the school to evaluate your child for special education services. It is important to put the date on the form or letter and to keep a copy for yourself. The school can also contact you to ask your permission to do a special education evaluation.



Can I ask for special education evaluations for a child or youth I am taking care of if I am not the parent or legal guardian?

Maybe. Birth parents and adoptive parents have the right to make special education decisions about their children. If a school cannot identify or locate parents, IDEA says that some other adults can ask for evaluations and make special education decisions just like parents. Those adults are:

- Foster parents
- Guardians
- Adults "acting in the place of parents", if the student is living with them
- Adults legally responsible for the student⁵

How can I start special education services for a child or youth if there is no parent, legal guardian, or adult who can make special education decisions under the law?

You need to ask the school for a "surrogate parent" for the child or youth. A surrogate parent can ask

4) 20 USC §1414(a)(1); 34 CFR §300.301(b).

5) 20 USC §1401(23); 34 CFR §300.30(a)(4).

for evaluations and make special education decisions just like parents. “Unaccompanied youth,” who are youth who are homeless and are not with their parents or guardians, have the right to have the school give them surrogate parents. Children and youth who are in foster care also have this right.⁶

How does the school put a surrogate parent in place?

The school district must have a process to put a surrogate parent in place within 30 days of finding out that the needs one.⁷ Surrogate parents might not know the child or youth personally, but they must know about special education and be able to be good advocates. They cannot work for any agency that gives care or schooling to the student (no child welfare workers, school employees, or staff of other agencies involved in the student’s care or education).⁸ You can also ask to be the surrogate parent for a child or youth you are taking care of.

Is there a way to get a surrogate parent more quickly for unaccompanied youth?

Yes. IDEA says that unaccompanied youth (youth who are homeless and are not with their parents or guardians) should be given temporary surrogate parents immediately.⁹ Temporary surrogate parents can make immediate special education decisions while the school district goes through the regular surrogate parent process. Unlike regular surrogate parents, temporary surrogate parents can be employees of shelters, street outreach programs, schools, and other agencies involved in the student’s care or education. You can ask to be the temporary surrogate parent for a youth you are taking care of.



What happens once a parent or surrogate parent asks for a special education evaluation?

Once a parent or surrogate parent asks for a special education evaluation, the school district must do the evaluation to see if the child or youth has a disability and needs special education services. Each state has its own time limit for doing evaluations, usually between 45 and 90 days.

Does the school district have to do an evaluation if I ask for it, even if my child has missed a lot of school or is under a lot of stress?

Yes. When a parent asks for a special education evaluation, the school district must start the evaluation. If the school district refuses to do the evaluation, it must give you written information about why it refuses, and it must explain how you can challenge the school’s decision. It must also give you information about groups that can help you do this.¹⁰

Sometimes, it might seem like a child has a disability, even if his problems in school are really because of missing a lot of school, being under physical or emotional stress, or other issues. It is very important that parents and the school think about school attendance and stresses in the child’s life during the special education evaluation process. IDEA requires that.

⁶) 20 USC §1415(b)(2); 34 CFR §300.519.

⁷) 20 USC §1415(b)(2); 34 CFR §300.519.

⁸) 20 USC §1415(b)(2); 34 CFR §300.519.

⁹) 34 CFR §300.519; preamble to regulations.

¹⁰) 34 CFR §300.503.

Also, parents and schools might agree to try other “intervention services” before or during the special education evaluation, to see if those services are enough to help the student. For example, the school might give the child a mentor, a special seat in the class, extra help before or after school, or extra time to do homework or take tests. Sometimes, IDEA may require the school district to provide those services, so the parents and the school can be sure that the child really has a disability, and that his problems in school are not because of other issues. These kinds of extra help are not as intensive as special education services, and a student with a disability will probably need more help. That’s why it is important to know that a parent can ask for a special education evaluation at any time.¹¹

What if my child changes schools or school districts during the evaluation?

The evaluation continues. Also, the time limits do not start over. IDEA says that if a student transfers to a new school or school district after an evaluation has started, the new school district must finish the evaluation in the original time limit. The only exception to this rule is if the new school district is working hard to finish the evaluation quickly and you agree to give them more time to finish.¹²

What happens when the evaluation is finished?

A group of special education staff and teachers must have a meeting with you to decide if your child needs special education because of a disability. You have the right to be at that meeting and can bring doctors, counselors, advocates, or other community members with you.¹³

How can I prepare for the meeting?

Special education meetings are very important to make sure your child gets the help she needs, so it’s important to be prepared for the meetings. Here are some things you can do:

- Ask the school for copies of all the evaluations and read them before the meeting.
- Ask case managers, doctors, family members, or advocates to read the evaluations and talk about them with you. You can also invite those people to go to the meeting with you.
- Talk to your child’s teacher and school counselor about the evaluations and what your child needs to do well in school.
- Connect with a Parent Training and Information Center. Contact information is at <http://www.taalliance.org/centers/index.htm> or (888) 248-0822 (toll-free).
- The group *Parents Helping Parents* has a free outline on the web that can help you prepare for the meeting; visit <http://www.php.com/include/blurb.php?item=iepprep>.



What if I have a hard time getting to the meeting?

You have the right to be at the meeting, and it is important for you to be there. The school should help make sure you can be at the meeting. Here are some things you can do, if needed:

- Ask the school to be flexible with the time of the meeting so that it does not put your job at risk or make you miss important appointments.

¹¹) 20 USC §1414(b)(4)-(5); 34 CFR §§300.306, 300.309(b)-(c); 71 Fed. Reg. 46656, 46658, 46659; U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) “Topic Brief: Identification of Specific Learning Disabilities”, accessed May 30, 2007 at <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C23%2C>.

¹²) 20 USC §1414(a)(1)(C)(ii); 34 CFR §300.301(d)(2).

¹³) 20 USC §1414(f); 34 CFR §§300.322, 300.328.

- Ask the school to be flexible with the place of the meeting; some good places to have the meeting might be at a shelter or case manager's office, or on a bus line.
- Ask the school for help with transportation to the meeting, such as giving you bus fare.
- If there is absolutely no way for you to make it to the meeting, tell the school you want to participate by phone.

What happens if the evaluations show that my child needs special education because of a disability?

The school district must write an "Individualized Education Program", or IEP, for your child. The IEP is very important, because it is like a map for your child's education. It shows all the special education and other services your child will get from the school. The IEP also shows goals for your child to help you know if he is doing well and if the IEP is working. The school must write the IEP within 30 days of finishing the special education evaluations, or more quickly if time limits in your state are shorter.¹⁴



If my child changes school districts, does the new school still have to follow the IEP?

Yes. The new school must give your child services immediately and must talk to you about the services it is giving your child.¹⁵ The new school must also request your child's school records from the last school, and the last school must send the records to the new school.¹⁶ The new school district then work with you to write a new IEP or use the old IEP. No matter what, the student must always get appropriate services.

If my child changes schools, should I tell the new school about evaluations or an IEP from the last school?

Yes. Even if you don't have copies of the IEP or evaluations, it is very important for you to tell the new school about what happened in the last school. If you do not, the new school might not be able to give your child the services and help she needs. Even if you never asked for an evaluation, if you think your child needs extra help, you should tell the new school right away.

Where can I get more information and help?

Many groups and websites can help you. Some helpful groups are:

Council of Parent Attorneys and Advocates (COPAA): Information about IDEA

<http://www.copaa.org>

This site has a list of lawyers and advocates in every state, at <http://www.copaa.org/find/index.php>

National Association for the Education of Homeless Children and Youth (NAEHCY): Information about the education of children and youth in homeless situations

<http://www.naehcy.org>

¹⁴) 20 USC §1414(d); 34 CFR §§300.320, 300.323.

¹⁵) 20 USC §1414(d)(2)(C)(i); 34 CFR §300.323(e).

¹⁶) 20 USC §1414(d)(2)(C)(ii); 34 CFR §300.323(g).

National Center for Homeless Education (NCHE): Information about the education of children and youth in homeless situations

<http://www.serve.org/nche>

National Disability Rights Network (NDRN): Information about IDEA

<http://www.napas.org>

National Dissemination Center for Children With Disabilities: Information about disabilities in children and youth

<http://www.nichcy.org>

The site has resources for every state at <http://www.nichcy.org/states.htm>.

National Law Center on Homelessness & Poverty: Information about the education of children and youth in homeless situations

<http://www.nlchp.org>

Parent Training and Information Centers: Centers for information and help for parents of children with disabilities

<http://www.taalliance.org/centers/index.htm>, (888) 248-0822

U.S. Department of Education's Office of Special Education Programs: Federal information about education for children and youth with disabilities

<http://www.ed.gov/about/offices/list/osers/osep/index.html?src=mr>

Who are some important contacts in my school district to provide me with more information?

Your child's school, school district directory, or school district website can provide you with contact information for the following staff members:

Local Homeless Education Liaison

Phone:

E-mail:

Coordinator for Special Education

Phone:

E-mail:

Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and*
- B. includes —*
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;*
 - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...*
 - iii. 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 who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).*

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Every state is required to have a State Coordinator for Homeless Education, and every school District is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://www.serve.org/nche/states/state_resources.php.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.

Local Contact Information: