



Homelessness & Special Education

About SchoolHouse Connection

SchoolHouse Connection works to overcome homelessness through education. We provide strategic advocacy and practical assistance in partnership with schools, early childhood programs, institutions of higher education, service providers, families, and youth.



Website

Federal and state policy advocacy

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Coming Soon: Online Modules for School Staff!

- Short modules with videos, quizzes, and certificates of completion
- <https://schoolhouseconnection.org/shc-training-modules>



- Teachers
- School health staff
- School counselors
- Enrollment staff
- Administrators
- Transportation staff
- School resource officers
- School nutrition staff
- Early childhood programs

What brings you here today?

- www.menti.com and use the code 5154 0897
- <https://www.menti.com/alhfbr1776qo>

<https://schoolhouseconnection.org/learn/from-our-inboxes/>

Today's Agenda

#1

Decision-making for unaccompanied youth

#2

Immediate enrollment & Timeliness of evaluations and services

#3

Transportation and costs

Always remember:



If a school is not complying with the McKinney-Vento Act, they're not complying with the Individuals with Disabilities Education Act (IDEA).

- Any state receiving IDEA funds must comply with the McKinney-Vento Act for all children with disabilities who are homeless.

20 USC 1412(a)(11)(A)(iii); 34 CFR 300.149(a)(3)

Scenario 1

An unaccompanied youth who receives special education services is residing with her grandmother. She has no communication at all with her parents. I want to make sure we are following parental rights as outlined in McKinney-Vento as well as the IDEA.

Who can make special education decisions for the student?

Decision-making for unaccompanied youth

Definition of parent:

1. Natural and adoptive parents
2. “Individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives”
3. Surrogate parent
 - a. Temporary surrogate parent

Scenario 2

I have an unaccompanied youth who is not in agreement with his parents about his IEP. He is currently living in a youth shelter until he turns 18. The student is working hard to advocate for himself, and the parents are creating many barriers to his education.

Can my student have another adult identified as the signer of IEPs?

Do his parents retain the right to sign the IEP?

Scenario 3

One of our students has an IEP from their previous school district. We are trying to enroll them immediately in the local school, but the special education team is saying:

- They can't start school until we get a copy of their current IEP.
- They can't start school until we complete a new IEP.
- They can start school, but won't get any special education services until we complete a new IEP.

What is the correct process for this student?

Immediate Enrollment for Students with IEPs

- If the IEP is current, **the new LEA must immediately provide appropriate services.** 20 USC 1414(d)(2)(C)(i); 34 CFR 300.323(e)
 - Appropriate means “services comparable to those described” in the previous IEP, in consultation with parents. 20 USC 1414(d)(2)(C)(i); 34 CFR 300.323(e)
- The new LEA **must** promptly obtain the child’s records from the previous school, and the previous school **must** promptly respond to records requests.
- The new LEA can either adopt the old IEP, or develop a new one. 20 USC 1414(d)(2)(C); 34 CFR 300.323(e),(g)

Immediate Enrollment for Students with IEPs

- The McKinney-Vento Act requires **immediate enrollment**, even without required documents, such as **school records**, records of immunization and other required health records, proof of residency, **guardianship**, or other documents.
- Enrollment means “attending classes and participating fully in school activities.”
- Immediate means “without delay.”

Scenario 4

One of our students was in the middle of the process of being evaluated for special education services in his previous school district. We enrolled him in the local school, but they are saying:

- They need to start the evaluation process over from the beginning.
- He can't start school until the evaluation process is complete.

What is the correct process for this student?

Immediate Enrollment for Students in the Evaluation Process

- The clock continues to run when students change LEAs, unless:
 - a. the new LEA is “making sufficient progress to ensure a prompt completion of evaluations,” AND
 - b. “the parent and the LEA agree to a specific time when the evaluation will be completed.” 20 USC 1414(a)(1)(C)(ii); 34 CFR 300.301(d)(2)
- Also, schools must coordinate with prior schools “as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.” 20 USC 1414(b)(3)(D); 34 CFR 300.304(c)(5)

Immediate Enrollment for Students in the Evaluation Process

SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of McKinney-Vento students.

Scenario 5

We're getting resistance to doing special education evaluations for McKinney-Vento students who have changed schools frequently or missed a lot of school, as well as for new students who are receiving RTI services.

What are the rules about evaluating such students?

Attendance and Special Education Evaluations

- LEAs cannot find a student eligible for special education “if the determinant factor for such determination is lack of appropriate instruction in reading... [or] lack of instruction in math...” 20 USC §1414(b)(5); 34 CFR §300.306.
- However, IDEA clearly states that such issues must be considered “**upon completion of** the administration of assessments and other evaluation measures.” 20 USC §1414(b)(4).
- “[O]nce parental consent has been obtained for an initial evaluation to determine if the child needs special education and related services, the school district must not delay completion of the evaluation because an MTSS or response to intervention (RTI) process is pending..” Nov. 10, 2022 letter from OSERS to State Directors of Special Education.

Scenario 6

When a McKinney-Vento student with an IEP is placed in a public or private special education program that is not physically located in their school or district of origin, do they have rights to continue in that program the following school year if they return as a McKinney-Vento student? Do they have the right to transportation to that school?

How do school of origin and transportation provisions apply?

The right to remain in the school of origin

Each LEA shall, according to the child's or youth's best interest:

- Keep the student in the school of origin for the duration of homelessness, and until the end of the academic year in which the student becomes permanently housed; *or*
- Enroll the student in a local school,
- There is a **presumption** in favor of the school of origin, as well as parent/unaccompanied youth wishes.

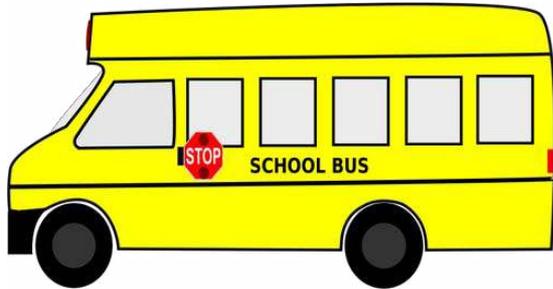


School Placement Decisions

- Must be student-centered and individualized
- Factors to consider:
 - The age of the student
 - Distance of the commute, and the impact it has on the student's education
 - Safety
 - Specialized instruction, such as special education and related services
 - Anticipated length of stay in temporary situation
 - Time of the school year

School of Origin Considerations (Check if yes)		Local School Considerations (Check if yes)	
<input type="checkbox"/>	Overall continuity Has your child attended the school of origin for a long time?	<input type="checkbox"/>	Overall continuity Has your child attended the school of origin for only a brief time?
<input type="checkbox"/>	Length of anticipated stay at current residence Do you expect that you and your child will have to move again very soon, or are you unsure how long you can stay?	<input type="checkbox"/>	Length of anticipated stay at current residence Do you expect that you and your child will be able to stay where you are staying now for a while?
<input type="checkbox"/>	Time of year Is it late in the academic year?	<input type="checkbox"/>	Time of year Is it early in the academic year?
<input type="checkbox"/>	Personal safety of the student Does the school of origin have advantages for the safety of your child?	<input type="checkbox"/>	Personal safety of the student Does the local school have advantages for the safety of your child?
<input type="checkbox"/>	Interaction with peers Is maintaining school friends important to your child's emotional well-being, meaningful school experience, and participation?	<input type="checkbox"/>	Interaction with peers Would your child benefit from developing relationships with school peers who live closer to his/her new community?
<input type="checkbox"/>	Academic strength Is your child likely to fall far behind if he/she transfers to another school?	<input type="checkbox"/>	Academic strength Is your child likely to recover academically from a school transfer?
<input type="checkbox"/>	Social and emotional state Has your child developed strong ties to the current school, and does not want to leave the school? Do changes in the environment or routine provoke anxiety or other difficulties for your child?	<input type="checkbox"/>	Social and emotional state Has your child experienced challenges at the current school, and/or does not mind transferring to a new school?
<input type="checkbox"/>	Impact of the commute on the student's education Do the advantages of continuing to attend the school of origin outweigh any potential disadvantages presented by the commute?	<input type="checkbox"/>	Impact of the commute on the student's education Would a shorter commute help your child's concentration in, attitude toward, or readiness for school?
<input type="checkbox"/>	Student's need for special instruction Does your child receive, or is he/she currently being evaluated for, special education or other special services at school? Is it best for your child to continue receiving those services or complete the evaluation at the school of origin?	<input type="checkbox"/>	Student's need for special instruction If your child receives, or is currently being evaluated for, special education or other special services at school, can the local school better meet your child's needs?
<input type="checkbox"/>	Participation in extracurricular activities Is your child active in extracurricular activities that are meaningful and important to him/her at the school of origin, and will your child be able to continue those activities while living in your current living situation?	<input type="checkbox"/>	Participation in extracurricular activities Would your child be better able to take advantage of extracurricular activities, if he/she so desired, at the local school?
Total checks:		Total checks:	

The right to transportation



- LEAs must provide students in homeless situations with transportation to the school of origin.
- If crossing LEA lines, the two LEAs must agree on how to share responsibility and cost, or split it 50/50.
- Is transportation a related service on the IEP?

Scenario 7

Sometimes our McKinney-Vento families include children who are under age five and who appear to have some special needs.

What do we do?

Preschool Special Education

- For children age three and above.
- IDEA law and regulations apply.
- The McKinney-Vento Act applies

Early Intervention (IDEA Part C)

- For infants and toddlers younger than age three, with a disability, developmental delay, or physical or mental condition likely to produce a developmental delay.
- Also includes at-risk infants and toddlers in many states.
- Families receive Individualized Family Service Plans (IFSPs).
- <https://ectacenter.org/contact/ptccoord.asp>
- <https://www.parentcenterhub.org/find-your-center/>

Bonus: Child Find and Identification

- The State must ensure that all students with disabilities residing in the State who need special education are identified, located, and evaluated.
- This requirement specifically applies to students experiencing homelessness, including infants and toddlers, and wards of the state.

1412(a)(3)(A), 1435; 300.103



Questions?

Thank you!



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