National Center for Homeless Education
Supporting the Education of Children and Youth Experiencing Homelessness
www.serve.org/nche



Helping You Help Your Child: Information for Parents Brief Series

School Help for Homeless Children with Disabilities: Information for Parents

Introduction

If you and your family are experiencing homelessness, you may be struggling to enroll and keep your children in school. If you have a child with special needs, you may have even more challenges to make sure your child receives the help she needs. Here are some concerns that parents often have:

- not knowing who to talk to about their child's needs;
- not knowing if their child's problems in school are caused by a disability or by the stress of being homeless;
- not being sure how to help their child adjust to a new school after moving to a temporary living situation;
- not being able to arrange time and transportation for parent-teacher conferences or meetings at school; and
- not understanding the process for getting special education services for their child.

This brief will help you with each of these concerns and offer resources for additional assistance. Briefs on additional homeless education topics are available at http://www.serve.org/nche/briefs.php.

McKinney-Vento Definition of *Homeless* 42 U.S.C. § 11434a(2)

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 a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate 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).

Laws that Help Homeless Children and Youth with Disabilities

There are two federal laws that help make sure homeless children and youth with special needs get the support they need to enroll and succeed in school.

- The McKinney-Vento Act
  - » guarantees access to education and educational support for any child or youth who lacks a fixed, regular, and adequate nighttime residence (see the *McKinney-Vento Definition of Homeless* sidebar on page 1 for information on who is eligible for services under 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;
  - » allows them to attend classes and participate in all school activities, even if they do not have school supplies or uniforms; and
  - » allows them to continue in their school when the family moves to a new location, to the extent feasible, if this is in their best interest, and to receive transportation to their school. [42 U.S.C. §§ 11431-11435]
- The Individuals with Disabilities Education Improvement Act (IDEA), Part B[1]
  - » guarantees rights and services for children and youth with special needs at no cost to the parents;
  - » requires schools to evaluate children who may have a disability and if found eligible, develop an Individualized Education Program (IEP) with special services to meet each child's needs;
  - » requires schools to provide
    - special education, which means teaching and classroom services that are designed especially to help a student with a disability; and
    - related services, which are other kinds of extra help, like transportation, speech therapy, mental health counseling, psychological services, physical therapy, health services, parent counseling and training, and social work services; and
  - » requires that a school where a child transfers continues a special education evaluation that was begun at another school within a specific time frame, or provides services immediately for a child with an IEP. [20 U.S.C. §§ 1400-1444]

1 This brief focuses on Part B of IDEA, which provides services for school-aged children and youth. Part C of IDEA addresses the needs of infants and toddlers with disabilities.

Parents' Role in Educational Decisions

It is important for you to be an active partner in making decisions to help your child in school. When your child is having difficulties, you should discuss his problems with his teacher, school counselor, school social worker, or principal. They are there to do whatever it takes for your child to be successful, including assisting with setting up special education services when needed. Being in a homeless situation may pose challenges for you to participate in your child's education, but schools welcome and value parents and will work with you to ensure that you are involved.

In addition, Parent Training and Information Centers and Community Parent Resource Centers are available to assist parents with the process of arranging special education services for a child with a disability. Staff in these organizations will help you with particular questions you have. See the *Parent Training and Information Centers and Community Parent Resource Centers* sidebar on page 3 for information on these resources.

What is the first step when I think my child might have a disability?

If your child is having trouble in school, such as getting bad grades or having behavior problems, the first step is to talk to his teacher. You may want to explain a little about recent difficult circumstances, and his teacher may have some ideas for helping him in the classroom.

If you do not want to talk to his teacher, there are several others who can help you, such as a school counselor, school social worker, the principal, or the school district's homeless liaison. The homeless liaison is the person who assists homeless families and students and works with school staff to make sure homeless students get the help they need in school. The school secretary will give you information to contact any of these people.

Parent Training and Information Centers and Community Parent Resource Centers

Families with a child who has a disability often need information about the disability of their child, about early intervention (for babies and toddlers), school services (for school-aged children), therapy, local policies, transportation, and much more. Every state has at least one Parent Training and Information Center (PTI) to offer families just this kind of information. Many states also have a Community Parent Resource Center (CPRC), which offers the same type of support and training to parents of children with disabilities in underserved communities. PTIs and CPRCs often have staff members who are also parents of children with disabilities. To find your state's Parent Center, visit http://www.parentcenterhub.org/find-your-center.

The parent training and resource network is supported by the Center for Parent Information and Resources (http://www.parentcenterhub.org) funded by the U.S. Department of Education's Office of Special Education Programs.

What are some ways to help my child?

During a conversation with one of the people mentioned above, this person may recommend some interventions to try in the classroom before recommending that your child be evaluated for special education services. Sometimes, it might seem like a child has a disability, but his problems in school may really be due to missing a lot of school, being under physical or emotional stress, or other problems related to experiencing homelessness.

Some things teachers often try are:

- giving your child extra help before or after school;
- providing extra attention and care to make sure your child feels she belongs in the class and is safe;
- moving your child to the front of the class;
- arranging a mentor or buddy for your child;
- writing down homework assignments or directions;
- arranging regular meetings with the school counselor; or
- giving your child extra time to do homework or take tests.

You and your child's teacher should discuss how long to try these interventions, and set up a time to talk about your child's progress after they have been in place for an agreed upon period of time.

If the interventions did not work, or if I think my child needs special education, what should I do?

If you feel that the interventions did not work, the school district should test your child to see if she has a disability and needs special education. To start the process, you must ask in writing for your child to be tested. Someone at the school, such as a teacher or counselor, can help you with this. Most school districts have a form you can use to ask for an evaluation, or you can write a short letter or send an email that explains why you think your child has a disability. Make sure to put the date on the form or letter and keep a

copy for yourself. If sending an email, print or save a copy for yourself. If you have difficulty writing a letter or email, talk to a teacher or counselor at your school to see if this person would be willing to allow you to request an evaluation for your child by phone and provide notes to document your request.

In some cases, the school may contact you to ask your permission to do a special education evaluation. You will need to sign a form for the evaluation to take place. IDEA requires that a school district complete an initial evaluation within 60 days of a parent's consent or within time frames established by the state.

Does the school district have to do a special education evaluation that I request?

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

Can I ask for a special education evaluation 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 for their children. If a school cannot identify or locate a parent, 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 parent," if the student is living with them, or
- adults legally responsible for the student.

If you do not fit in any of the categories above, you will need to ask the school to appoint a surrogate parent for the child or youth. A surrogate parent can ask for evaluations and make special education decisions just like parents.

The special education coordinator in the school district will help determine if you can make special education decisions for the child or youth who is with you or will arrange a surrogate parent. Someone at the school can help you contact the special education coordinator to discuss what is best.

How does the school arrange for a surrogate parent?

The school district must have a process to identify a surrogate parent within 30 days of finding out a child or youth needs one. Surrogate parents might not know the child or youth personally, but they must know about special education and be willing to make good decisions for the child or youth. They cannot be a child welfare worker, school employee, or staff in any other agency that is involved in the student's care or education. You could request to be the surrogate parent for the child or youth staying with you.

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

Yes. IDEA states that unaccompanied homeless youth (youth who are homeless and not living with their parents or guardians) should be provided temporary surrogate parents immediately. Temporary surrogate parents can make immediate special education decisions while the school district goes through the regular process of appointing a surrogate parent. 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 could ask to be the temporary surrogate parent for a youth that is staying with you.

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

If your child transfers to a school in another school district after the special education

evaluation has begun, the evaluation must continue. The process does not have to start all over. IDEA requires that the new school district must finish the evaluation in the time frame established at your child's former school. However, if the new school is working on the evaluation and requests more time to complete it, you may agree to give them more time.

What happens when the evaluation is completed?

Once the evaluation is completed, a group of special education staff members and teachers will set up a meeting with you to decide if your child needs special education services. You have a right to attend the meeting and to bring anyone with you whom you think would help in making the best decisions for your child, such as a doctor, counselor, case manager, advocate, community member, or the school district's homeless liaison.

How can I prepare for the meeting?

Special education meetings are very important in making sure your child gets the help she needs, so you should do several things to prepare:

- 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 discuss them with you.
- Talk to your child's teacher and school counselor about the evaluations and get their ideas of what will best help your child in school.
- Contact a Parent Training and Information Center for assistance. See the *Parent Training and Information Centers and Community Parent Resource Centers* sidebar on page 3 for more information.

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

You have a right to be at the meeting, and it is important for you to be there. The school should help make sure you can attend. 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 cause you to miss important appointments.
- Ask the school to be flexible with where the meeting takes place; the meeting usually takes place at your child's school, but it could take place at a homeless shelter, case manager's office, or location on a bus line.
- Ask the school for help with transportation to the meeting, such as giving you bus fare.
- If you cannot attend a meeting, ask the school if you can participate by phone.

What happens if the evaluations show that my child needs special education services?

If the evaluations show that your child needs special education services, you will be asked to be part of a team that includes teachers and special education staff to write an Individualized Education Program (IEP) for your child. The IEP shows all the special education 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 services are working. The team must write the IEP within 30 days of finishing the special education evaluation, or more quickly, if time limits in your state are shorter. The teacher or special education staff member assigned to coordinate the team will discuss the IEP process and timeline with you.

If my child transfers to a school in a new school district, does the new school have to provide services to my child immediately?

Yes. IDEA guarantees your child ongoing and appropriate services if he moves to a new school district. The new school must provide your child services immediately. The new school must request your child's school records from the last school, and the last school must send the records to the new school. The new school district will either use the IEP from the last school or create a team to develop a new IEP, after discussing this with you.

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

Yes. Even if you do not have copies of the evaluation or IEP, you should tell someone at the new school as much as you can about your child's evaluation or services at the last school she attended. This information will help the new school follow up to make sure your child continues in the evaluation process or receives services without an interruption in her education. Even if you never requested an evaluation at your child's last school, if you think your child needs extra help, you should tell someone at the new school right away.

Additional Resources

NCHE Issue Briefs

For more information on the educational rights of homeless children and youth under the McKinney-Vento Act, view NCHE's brief *McKinney-Vento Act At-a-Glance* at http://center.serve.org/nche/downloads/briefs/reauthorization.pdf.

For more information on the educational rights of homeless children and youth with disabilities, view NCHE's brief *Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Improvement Act* at http://center.serve.org/nche/downloads/briefs/idea.pdf.

Homeless Education Organizations and Agencies

- National Center for Homeless Education: http://www.serve.org/nche
  Contact the NCHE toll-free helpline at 800-308-2145 or homeless@serve.org.
- National Association for the Education of Homeless Children and Youth: http://www.naehcy.org
- U.S. Department of Education's Education for Homeless Children and Youth Program: http://www2.ed.gov/programs/homeless/index.html

Special Education Organizations and Agencies

- Center for Parent Information and Resources (CPIR): http://www.parentcenterhub.org
- Council of Parent Attorneys and Advocates (COPAA): http://www.copaa.org
- National Disability Rights Network (NDRN): http://www.ndrn.org
- U.S. Department of Education Office of Special Education and Rehabilitative Services, Office of Special Education Programs: http://www2.ed.gov/about/offices/list/osers/osep/index.html

Important Contacts in my School District

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

Local Homeless Liaison:

Phone _____

Email _____

School Counselor:

Phone _____

Email _____

School Social Worker:

Phone _____

Email _____

School Principal:

Phone _____

Email _____

Coordinator for Special Education:

Phone _____

Email _____

This brief was developed by:

National Center for Homeless Education
800-308-2145 (Toll-free Helpline)
http://www.serve.org/nche

October 2015

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE is supported by the U.S. Department of Education's Office of Safe and Healthy Students. The contents of this brief were developed under a grant from the Department; however, these contents do not necessarily reflect the views or policies of the Department.

NCHE would like to acknowledge the contributions of Dr. Patricia Popp, Virginia's State Coordinator for Homeless Education, and Ms. Patricia Julianelle, Director of State Projects and Legal Affairs for the National Association for the Education of Children and Youth, in the development of the original version of this brief in 2007.

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:

Marquette-Alger RESA: Rachel Bloch 906-226-5185 or
Patti Karwoski 906-458-0424
NPS: Kaitlyn Augustine 906-475-7803 ext. 103