

Special Education Responsibilities

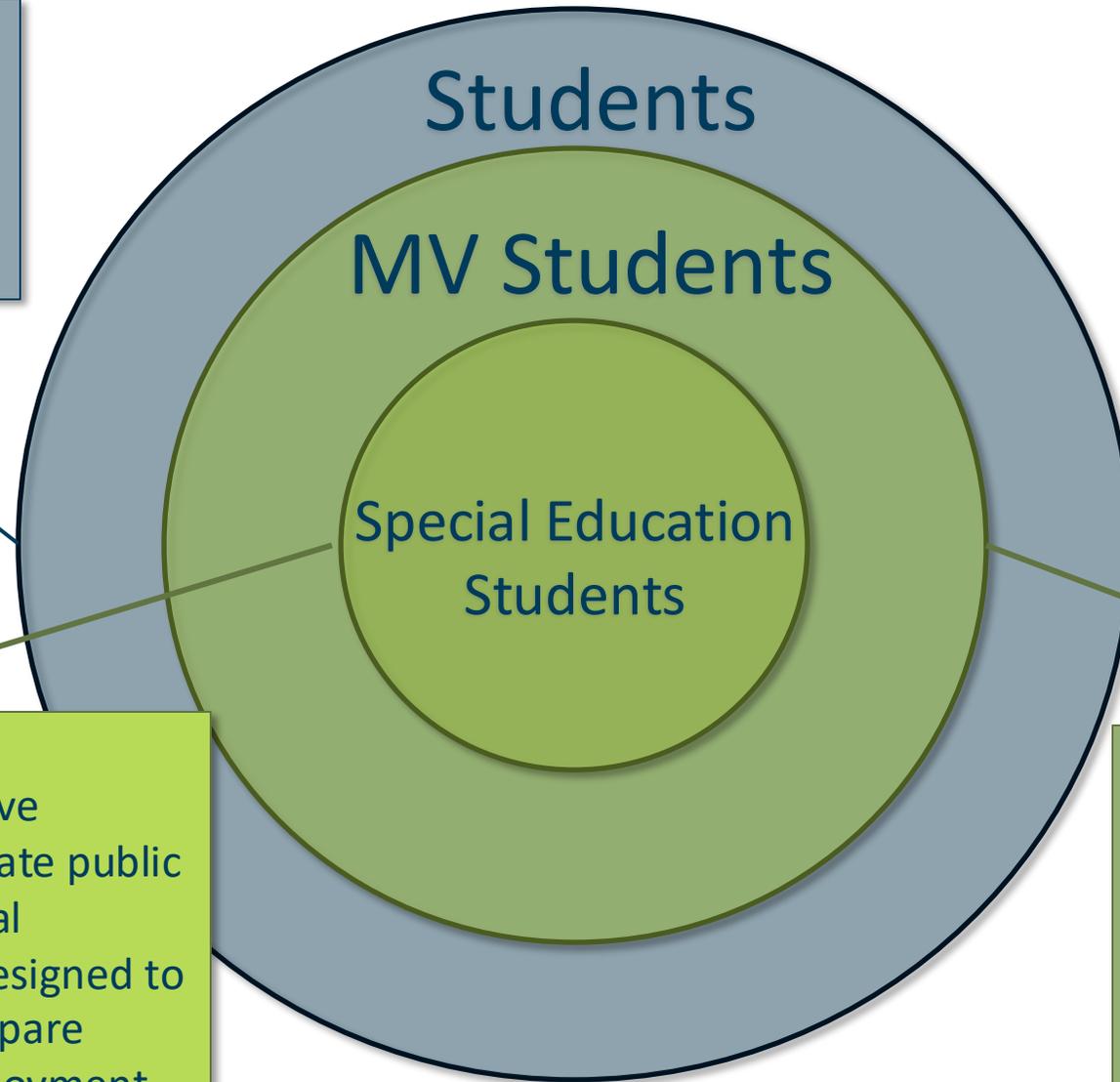
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Article X of the IL Constitution:

“The State shall provide for an efficient system of high quality public educational institutions and services.”



IDEA:

“...all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”

McKinney Vento Act:

“Each SEA shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education...as provided to other children and youths.”

District of Residence



- District of residence is not established in IDEA.
- 105 ILCS 5/14-1.11 & 1.11a provides district of residence information for special education students.
- However, those provisions do not supersede a district's obligations under the McKinney Vento Act to ensure *each* homeless youth has equal access to the same free, appropriate public education as provided to other children and youths.
- In fact, 42 U.S.C. § 11431 et seq. provides that any “compulsory residency requirements” including those in laws, regulations, practices, or policies do not act as a barrier in the enrollment or attendance of homeless children and youth.

Evaluations

- Does Child Find still apply under McKinney Vento?
 - Yes, homeless students are specifically included under Child Find (34 CFR § 300.111(a)(1)(i).
 - MV Act does not explicitly include any additional protections regarding Child Find (although it does allow for "expedited evaluations").
 - Additionally, OSERS guidance reiterates that homeless students must be evaluated and recommends that public agencies (i.e., LEAs) “coordinate with staff of emergency shelters, transitional shelters, independent living programs, street outreach programs, and other advocacy organizations to assist in identifying the warning signs of a disability as quickly as possible so that homeless children suspected of having disabilities can be evaluated.”

OSERS Guidance

Evaluations

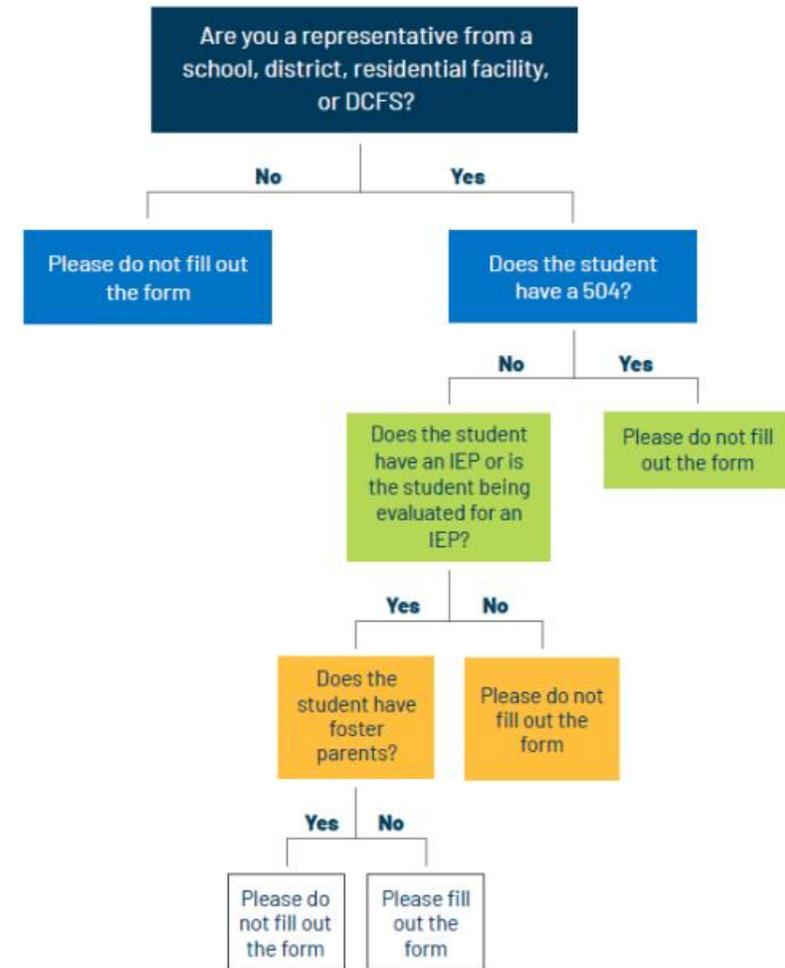
- What is meant by “expedited?”
 - Neither MV Act nor IDEA provide a definition for expedited, however DOE maintains Child Find obligations continue.
 - A district has an obligation to initiate the evaluation whether or not the student is expected to leave.
 - The district is able to use all 60 days if needed, however it may be worthwhile to complete the evaluation prior to 60 days if the student is expected to leave
 - MV Act provides a district is able to leverage subgrants to expedite the evaluation.
- How do teams consider trauma vs. disability?
 - A trauma becomes a disability if it substantially interferes with daily living and/or falls under the criteria outlined in eligible IDEA categories.
 - MV Act cautions that homelessness is “not a sufficient reason to separate students from the mainstream school environment.”

Evaluations

- What if the district feels the student needs to be evaluated but has difficulty obtaining parental consent?
 - Parental consent requirements for evaluations and reevaluations are fully applicable to parents of homeless children.
 - 34 CFR § 300.300(d)(5): LEA must document its attempts to obtain parental consent using the procedures in 34 CFR § 300.322(d).
 - OSERS Guidance includes suggestions on reasonable efforts for a child who is homeless.
 - Consider if student the student needs an Educational Surrogate Parent.
 - If the parent refuses or fails to respond to the request for consent, the district may, but is not required to, use the procedural safeguards to pursue the evaluation (consent override).
 - But – you still need parental consent for the initial provision of services!

Legal Guardians and Educational Surrogate Parents

- Districts must enroll students regardless of the ability to contact a legal guardian (true for all students, not just those who are homeless)
- Per 34 CFR 300.519, children whose parent cannot be located or are unaccompanied homeless youth must have an Educational Surrogate Parent (ESP)
- The definition for this appointee is the same as “parent” under IDEA and provides them with the same rights in the IEP process



Provision of Special Education: Related Services/Supplies

- Districts are responsible for providing anything a special education student needs to access the educational environment including, but not limited to:
 - Assistive technology
 - Mobility aids
 - Specialized transportation
 - Supplies
 - Related Services minutes



Provision of Special Education: Accommodations

- What are examples of reasonable accommodations?
 - Students eligible for special education would have accommodations specific to their needs and circumstances which allow them access to their education.
 - OSERS Q&A offers that districts should additionally offer accommodations when scheduling the meeting, considering meaningful parent participation, and drafting an IEP that is ready to implement on any day of attendance.



Resources

- [Federal Guidance – State General Supervision Responsibilities Under Parts B and C of the IDEA](#)
 - Includes information about Child Find for students experiencing homelessness
- [National Center for Homeless Education – Brief on Students with Disabilities](#)
- [Q&A on Special Education and Homelessness](#)
- [ISBE Residential Guidance 2024](#)
 - Includes information about district of residence
- [ISBE Educational Surrogate Parent Program](#)
- [BEACON](#) (Behavioral Health Care and Ongoing Navigation)

If you have additional questions about special education students who are experiencing homelessness, email your question to:

HOMELESS@isbe.net

Thank you