

# Supporting Displaced Students

## Special Education



### Enrollment and Providing FAPE for Students with Disabilities who have been displaced

There are many ways that children and families can be displaced. There are floods, fires, and other types of natural disasters that can destroy homes or make them uninhabitable for periods of time. Families can also experience hardships that result in major home life changes.

Children who have been displaced, including students with disabilities, often enroll in new schools where they are currently living. The child may have come to Colorado with his/her family or may have been relocated to or within Colorado to stay with extended family or friends. Either way, schools and districts have responsibilities to these students so they can access supports and services that enable them to receive a Free Appropriate Public Education (FAPE).

During these times, children face many challenges in accessing and succeeding in school. To support children and families, the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.), establishes the definition of *homeless* used by U.S. public schools, and the educational rights to which children and youth experiencing homelessness are entitled. Coordination between education for homeless children and youth (EHCY) programs, which implement the McKinney-Vento Act, and special education programs, which implement IDEA, is the key to ensuring that children experiencing displacement receive the full range of services to meet their complex needs.

The term “homeless children and youth” — *(applicable to children who are displaced)*

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; or are abandoned in hospitals;
- 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

### Parents/Families

#### Who can help?

You’ve been through an ordeal. You may not have access to all of your records and are likely under a great deal of stress.

The school is a safe place that can offer you and your child some normalcy during a difficult time.

In Colorado Special Education is administered by Administrative Units (AU). Each AU has a Director of Special Education that can help you to get your child the support they need.

If you have access to the internet, please visit the following links:

#### General Parent Resources:

<https://www.cde.state.co.us/cde/sped/spedparents>

#### Find your local Director of Special Education:

<https://www.cde.state.co.us/cde/sped/sped-dir>

#### Find your District Liaison (homeless/displacement):

<https://www.cde.state.co.us/dro/poutprevention/mvliasons>

You can also call CDE at  
**303-866-6600**



- 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).

Children and youth who are experiencing homelessness as the result of a disaster often live in a variety of unstable, temporary arrangements. The McKinney-Vento Act's definition of *homeless* includes a range of living situations that are not fixed, regular, and adequate and, therefore, qualify as homeless.

The US Department of Education and Office of Special Education Programs (OSEP) provide information and resources related to the Individuals with Disabilities Education Act (IDEA) as it relates to students experiencing homelessness (<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-0392dclhighlymobile.pdf>). This document highlights the importance for school administrators and teachers, including special education administrators and special education teachers, to have accurate and timely information to meet their responsibilities to make a free appropriate public education (FAPE) available to highly mobile children with disabilities under IDEA, including affording all of IDEA's rights and protections to eligible children and their parents when children with disabilities change schools.

### IN STATE Enrollment, what to expect:

Colorado children who have been displaced that enroll in another Colorado district can expect the following:

The new school will ask for permission to get records from the prior school district. (It is helpful if there is a copy of the current Individual Education Program (IEP), but it's not absolutely necessary.)

Special education staff will want to meet with the parent to review the IEP to determine if it will be accepted as is and discuss "comparable services" that will be provided until they can conduct an IEP meeting to develop a new IEP.

The new district may also request parental consent to conduct an evaluation. Parents have a right to meaningfully participate in the development of their child's educational program by providing input during the evaluation process and as an essential member of the IEP team.

### OUT of STATE Enrollment, what to expect:

Children entering Colorado from other states that enroll in Colorado school districts can expect the following:

The new school will request records from the other school and may request consent to evaluate as eligibility criteria can vary from state to state. Special education staff will want to meet with the parents to discuss how comparable services will be provided while determining if the IEP in effect can be transferred to Colorado or if a new evaluation will be conducted.

In both cases ensuring continuity of services is dependent on strong communication between the special education staff and the parents.

## Where can I learn more?

- Parent Resources: <https://www.cde.state.co.us/cdesped/spedparents>
- Administrative Unit/District Resources: [https://www.cde.state.co.us/cdesped/iep\\_resources](https://www.cde.state.co.us/cdesped/iep_resources)
- Homeless Education: [https://www.cde.state.co.us/dropoutprevention/homeless\\_index](https://www.cde.state.co.us/dropoutprevention/homeless_index)
- Natural Disaster Resources (homeless): [https://www.cde.state.co.us/dropoutprevention/homeless\\_natural\\_disaster](https://www.cde.state.co.us/dropoutprevention/homeless_natural_disaster)
- View all CDE fact sheets: [www.cde.state.co.us/communications/factsheetsandfaqs](http://www.cde.state.co.us/communications/factsheetsandfaqs)

Contact CDE at 303-866-6600