



Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001
www.isbe.net

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State Superintendent of Education

MEMORANDUM

TO: Illinois School Districts and Charter Schools

FROM: Randy J. Dunn, State Superintendent of Schools
Ginger M. Reynolds, Assistant Superintendent
Jon Furr, General Counsel

SUBJECT: Student Enrollment in Illinois Schools due to Katrina

DATE: September 1, 2005

This memorandum is to inform you of efforts that the Illinois State Board of Education (ISBE) is making to assist school districts and charter schools in serving students who may have relocated from Louisiana, Mississippi or any other affected states following and due to Hurricane Katrina. Because of the extent of the damage in some parts of those states, a number of school-age children may be present in Illinois for a significant period of time and seek to enroll in Illinois public schools.

Please remember that a child whose family has temporarily relocated to Illinois because of Hurricane Katrina will generally meet the definition of "homeless" under the federal McKinney-Vento Act. [See Footnote 1](#). This federal law entitles them to enroll in the school district in which they are physically present without having to document residency in the district. Any students staying in shelters or with friends or relatives as a result of the hurricane should be presumed to qualify for enrollment in an Illinois school district pending their return to their home state. Please keep in mind that homeless students are eligible for transportation services, compensatory education services, bilingual education services, special education services, school meal programs, and to participate in extracurricular activities (such as sports) or any other programs offered by the local school district.

Where an adult seeks to enroll a student on this basis, a school district may request documentation regarding the student's prior residency in one of the affected states and/or require the adult to sign an affidavit that he or she is seeking to enroll the student as a result of the hurricane. Per McKinney-Vento, the school district may not refuse to immediately enroll a student claiming to be homeless, but the lack of such documentation and/or the refusal to sign such an affidavit may be considered as part of the dispute resolution process should the school district challenge the student's homeless status.

School districts with further questions about relevant homelessness laws may contact Rich Dehart, the State Coordinator for the Education of Homeless Children and Youth, at (217) 782-2948. Also, each school district must have a designated local educational agency liaison who can provide information on local emergency services.

Furthermore, given the nature and scope of this catastrophe and the lack of reliable phone service, it may be a lengthy wait for records, including medical/immunization records and Individualized Education Programs (IEPs). With respect to medical/immunization records, ISBE and the Illinois Department of Public Health are temporarily waiving immunization requirements for children displaced by Hurricane Katrina. As for IEPs, school districts should approach students with disabilities in accordance with Section 226.50(h)(2) of the Illinois Administrative Code (23 Ill. Admin. Code 226.50(h)(2)) ([see Footnote 2](#)) and other applicable federal and state law.

School districts have also asked whether students coming into school districts as a result of the hurricane should be counted for purposes of Adequate Yearly Progress under the No Child Left Behind Act (NCLB). Because NCLB's definition of "full academic year" requires continuous enrollment in a school district from on or before May 1 of the previous school year, students coming to a school district this year as a result of the hurricane (while required to take the appropriate assessments) will not be counted for AYP for the 2005-06 school year.

Because this situation continues to develop, we will provide you with additional information and guidance as issues arise. In the interim, please keep track of the students who enroll in your school district on this basis and their grade level (an ISBE memorandum to school districts regarding the collection of data on these students through IWAS will be forthcoming). I know you will all do what is best for these students who are guests in our state and whose education would otherwise be interrupted. We at ISBE will continue to do all we can to help.

Footnote 1

1. The current federal definition of "homeless" is: Homeless children and youths" is defined at 42 USC Section 11434a(2):

(2) The term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); 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 (within the meaning of section 11302(a)(2)(C) of this title);

(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 (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Footnote 2

If the new school district does not receive a copy of the child's current IEP or a verbal confirmation of the requirements of that IEP from the previous school district when the child is presented for enrollment, the child shall be enrolled and served in the setting that the receiving district believes will meet the child's needs until a copy of the current IEP is obtained or a new IEP is developed by the new school district.

- A) In no case shall a child be allowed to remain without services during this interim.
- B) The new district shall request the student's records from the sending district or school by the end of the next business day after the date of enrollment.
- C) No later than ten days after expiration of the time allotted under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] for the sending district or school to forward the child's records, the new district shall initiate an IEP meeting for the purpose of developing a new IEP, unless the sending district's or school's IEP arrives before this time elapses and the conditions set forth in subsection (h)(1)(A) of this Section apply.

