



TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ <http://www.tea.state.tx.us>

Shirley J. Neeley, Ed.D.
Commissioner

September 29, 2005

TO THE SUPERINTENDENT ADDRESSED:

Re: Enrollment and Services for Students from Hurricane Disaster Areas

This letter is to update you regarding the effects of Hurricane Rita that struck the Texas-Louisiana border region over this past weekend. TEA has been in close contact with local and federal officials to assess the damage to schools and make plans for the coming months. Thankfully, most of our districts in the affected area appear to be able to reopen fairly quickly. Over the next few weeks, we will focus our efforts on those that have more extensive damage and operational disruptions.

I am asking all of the affected school districts to provide a tentative adjusted schedule no later than Monday, October 3rd. Please fax this information to Robert Jocius, Senior Director of State Funding, at (512) 305-9165 or email the information to Robert.jocius@tea.state.tx.us. We will make those schedules available on our website (www.tea.state.tx.us) to help the evacuated families plan their returns. If there are districts whose operations will have to be suspended for a significant period of time, we will work with them and the regional service centers to ensure that all Texas school children are educated without any significant interruption.

School districts and charters in the affected areas may obtain a waiver to shorten their school year by up to ten days due to closures caused by the hurricane, in addition to any existing waivers for staff development. There is no requirement to formally apply, other than a written notice referencing this letter. Any districts closed for more than ten days will be asked to confirm that the remainder of the school year will be completed through the use of inclement weather days or other adjustments to the school calendar. The agency will consider any waiver requests necessary to complete the school year by extended days or weeks on an individual basis. **There is no need to seek agency approval for any other changes in the district calendar to complete the remainder of the school year.**

Please be aware that it is not possible to change the state testing schedule next spring; districts should focus as much as possible on making up any lost instructional time before those assessments are administered. We will work closely with the affected regions and districts to provide alternate testing sites if necessary. An additional voluntary retest opportunity for the exit level mathematics, science, and social studies Texas Assessment of Knowledge and Skills (TAKS) tests will be offered in December in an

"Good, Better, Best—never let it rest—until your good is better—and your better is BEST!"

online format. The agency is also exploring other options for additional retest opportunities for exit level.

We will be implementing policies with regard to disruptions caused by Hurricane Rita very similar to those for dealing with evacuees from Hurricane Katrina. Any school district impacted by Hurricane Rita may obtain a waiver of 22-to-1 student/teacher ratio requirements by notifying the agency of the need. There is no requirement to formally apply beyond that notice referencing this letter. Districts will be asked to maintain documentation of the need for a waiver and track when a waiver is no longer necessary. This waiver is available either for dealing with closed facilities or accommodating the needs of students who have been displaced.

Students who have been rendered homeless are entitled to enroll in any Texas school district under the federal McKinney-Vento Act. This applies to students from other states currently in Texas due to either hurricane, or Texas students displaced by Hurricane Rita. Please note that "homelessness" is a characteristic of the individual and not a result of a home school district being closed temporarily. Students are not homeless simply because their local school may have suspended operations for a short period.

Districts that experience an increase in enrollment due to hurricane evacuations will be able to update their enrollment for textbook ordering, increase entitlements under the federal free and reduced price lunch program and revise attendance for state funding if they enroll a net increase of fifty or more displaced students in the same manner as with Hurricane Katrina. While homeless students are required to be allowed to enroll, we would ask that districts counsel against very short-term enrollment of students who will return home in the next week to ten days.

We are currently working with federal officials and the Texas Association of School Business Officers to establish documentation requirements to support reimbursement for emergency expenses from the Federal Emergency Management Agency, as well as for potential legislation regarding the expenses of educating out-of-state students displaced by the two hurricanes. It will be crucial to have sufficient documentation to support any claims.

We will provide you with additional information and guidance as more is known about the areas of Texas affected by Hurricane Rita. Your selfless efforts to continue the education of students evacuated from Hurricane Katrina has earned the respect and admiration of our entire nation. I know you will continue to do what is best for all students in our state. We at the agency and service centers will continue to do all we can to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Neeley". The signature is fluid and cursive, with a large initial "S".

Shirley Neeley, Ed. D.
Commissioner of Education

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).