

*Evicted? Doubled up?  
Couch Surfing?*

# Your Child Has the Right to Stay in School!

Now with  
info on  
COVID!

## Know-Your-Rights Toolkit for Unaccompanied Youth & Families Who Lack Stable Housing



NATIONAL  
HOMELESSNESS  
LAW CENTER

## Does my child have rights?

**Yes!** This toolkit is about students' rights under a federal law known as the **McKinney-Vento Homeless Assistance Act**.

Students have these rights whether they are homeless alone (in which case they are an unaccompanied youth) or with their families.

**Unaccompanied youth**—including those who are couch-surfing—can exercise all the rights in this Toolkit without a parent or guardian.

The law gives students who experience homelessness the right to **equal access** to the same free, appropriate, public education as all other students.

Students have the rights in this toolkit during the **entire time** they are homeless, even if they are homeless for more than one school year.

These rights apply to all homeless students, even those who are **not U.S. citizens**.

## Who is “homeless”?

Students are homeless if they lack a fixed, regular, and adequate nighttime home.

### **Homeless students include:**

- » Students who are staying with a friend or relative because they lost their housing or cannot afford housing. This includes children who are couch surfing.
- » Students who spend most nights in a shelter or transitional housing.
- » Students who live in a hotel, motel, camp ground, or trailer park.
- » Students who spend most nights in a public space like a car, park, abandoned building, or bus or train station.
- » Children abandoned in hospitals.
- » Children of migratory farm workers who are in similar situations.

# What are my child's rights?

## School Choice

Your child can either stay in the school they attended before you lost your housing—their school of origin—or go to the school near where they stay now.

- » Choose the school that best fits your child's needs.
- » Even if the school thinks your child should not go there, they must enroll them until a final decision in your appeal.
- » Schools cannot charge you an out of district fee.
- » Your child can keep attending this school the whole time they are homeless.
- » After you find permanent housing, your child can stay at their school until at least the end of that school year.

## Enroll Today

You have the right to enroll your child immediately.

- » Schools must enroll homeless students without paperwork such as residency, immunization, or other documents.

- » Schools must enroll homeless students even if it is after the enrollment deadline.
- » If you are an unaccompanied youth and you do not have a parent or legal guardian to sign papers, the school still must enroll you.

## Free Transportation

Your child has the right to transportation help to and from their school of origin.

- » Schools should provide this help without cost to you.
- » Local laws may require that transportation be provided to your child's school of origin even after you find permanent housing.

## School Services

You have the right to the school services you need. This includes:

- » All programs offered to other students such as sports, after school activities, tutoring, gifted and talented programs, and summer school
- » Special education services—schools must implement your child's current IEP right away

Continued...

## What are my child's rights? (continued)

- » English language services
- » Referrals to health, dental, housing, and other services
- » Help applying to and getting ready for college
- » Clothing, uniforms, shoes, books, school supplies, and other things your child needs to attend school
- » Career and technical education programs
- » School nutrition programs

### No Separation

Your child has the right to attend classes, activities, and programs with all other students.

- » Schools cannot put homeless students in separate classes.

### Privacy & Confidentiality

You and your child have the right to privacy.

- » Unless the school has your permission, they cannot share information about your family except with school employees.
- » Schools cannot call a landlord, employer, or someone else and tell them you are homeless.

## Does the COVID-19 pandemic affect these rights?

NEW in  
2020

**No!** Schools are still bound by the McKinney-Vento Act, **even during a pandemic**. They must still identify, enroll, and provide services to students experiencing homelessness and remove barriers to their education.

### What about enrollment?

Even when schools are closed, homeless students must be enrolled immediately. The process may be different in a remote setting – check your school's website or contact the homeless liaison.

### What must schools provide?

Enrollment means "attending classes and participating fully in school activities." In addition to classes, clubs, sports, and other activities in this toolkit, schools must also include homeless students in remote meal programs, distance learning, and any other activities that are new or changed in response to COVID-19.

### What about distance learning?

Schools must "remove barriers" for homeless students to fully participate in school. For virtual

classrooms this may include providing laptops or tablets and even providing an Internet connection for students who don't have Internet access at home, access to child care, or any other accommodation needed.

### **What about reopening schools?**

If masks or other protective equipment, proof of testing or vaccination, or any other materials or documentation are required for students to physically attend school, schools must provide them to homeless students if needed. Even if social distancing changes school bus functions, schools must still provide transportation to school for homeless students.

Even if you don't think you or your child is technically homeless, please refer to the "**Who Is Homeless?**" section of this toolkit. The job and housing instability caused by COVID-19 mean many more students will qualify in the 2020-21 school year.

What if a school violates my child's rights?

### **You can challenge the school's decisions by filing an appeal.**

- » If you challenge the school's decision, they must let the student keep going to that school until a final decision is made.
- » A **lawyer** can be very helpful in challenging a school's decision! See last page for how to find a lawyer.

Which school decisions can I appeal?

### **You have the right to appeal any decision the school makes that you believe violates your child's rights.** This includes but is not limited to:

- » Whether you are homeless
- » Which school your child attends
- » Which programs they can participate in
- » Whether fees should be waived
- » Whether paperwork is required before enrollment
- » Whether the school system must provide transportation

## How do I file an appeal?

**Your school must give you a written notice explaining their decision and how you can appeal it.**

- » For a step-by-step guide outlining the appeals process in your state, go to: [https://www.nlchp.org/MV\\_State\\_Dispute\\_Resolution](https://www.nlchp.org/MV_State_Dispute_Resolution)
- » Ask your child's school for the name and number of the **School Homeless Liaison**. The Homeless Liaison is there to help you fight for your rights.
- » **Don't wait!** Your state may have a deadline for you to file your appeal.

### **Take these steps to file your appeal:**

1. Contact your **Homeless Liaison** to ask for help.
2. If your state has an **appeal form**, fill out the form with as much information as possible. If they have no form, write a letter asking for an appeal.
3. Attach other official papers or photos known as **evidence**. (See next page for examples of evidence and a checklist for use in your case.)
4. **Serve the appeal** on the school: You will need to give the school system your appeal papers and evidence. Ask the Homeless Liaison for help.

## Do I Need a Lawyer?

**Students and families have a much better chance of success when they have a lawyer.**

**See the "How Do I Find a Lawyer" section on the last page.**

**If you cannot find a lawyer, ask your Homeless Liaison to help you with your appeal.**

## What Is Evidence?

**Evidence** is any papers, photos, documents, or receipts that can help prove your case.

### **Evidence is very important.**

In some states, decisions are made based only on the evidence, and you do not get to speak to the decision maker.

On the next page is a list of **types of evidence** you might use to prove your child is homeless, that you cannot afford housing, or that you are staying somewhere that is unsafe or temporary. There may be other documents or evidence you have that is not on this list.

## Potential Evidence

**Photos:** Photos can be very persuasive evidence. Include a description of what is in the photo. For example, you could include a photo of where your child sleeps at night with a caption reading "This is the couch where my child sleeps in our friend's home."

**Letters:** Letters from people who have first-hand knowledge of your situation are also helpful. For example, you could get letters from each person you have stayed with recently.

**Court papers:** Court papers related to eviction or foreclosure can show you are currently homeless. These include notices, orders, or motions.

**Citations or Warnings:** Because these are usually issued by government officials, citations and warnings are very helpful. One example is a citation from the police for camping in public.

**Applications:** Housing applications can help show that you do not have and are searching for permanent housing. Applications for public benefits can help prove you cannot afford housing.

**Utility bills or shut off notices:** A shut off notice from the gas, water, or electric company can help prove the unit you stay in is not safe.

**Inspection notices:** These can be powerful evidence that a unit is overcrowded or unsafe.

**Housing and income receipts** Receipts from payment made to a hotel or campground show that where you stay at night is temporary. Receipts showing you receive government benefits can show you cannot afford housing.

## Which evidence should I use in my case?

Use this evidence list to help you gather the papers you need to prove your case. For all categories that apply to you or your child, **check the boxes next to the evidence you have or that you can get.**

### **You are couch-surfing or doubled-up**

- A letter from your host that says whose home it is, how big it is, how many people stay there, and where your child sleeps
- Letters from other people who you have stayed with recently

### **Your housing is temporary**

- A letter from your host that says you can only stay there short-term
- A letter from someone who is helping you find permanent housing
- A letter showing you are on a wait list for permanent housing
- Copies of applications you have made for permanent housing

### **You cannot afford your own housing**

- Papers showing you have applied for or are receiving benefits like TANF, Social Security, Medicaid, or SNAP
- Papers showing you recently lost a job

### **Your housing is unsafe, or unhealthy**

- A bill or letter showing the electricity, water, or gas has been shut off
- A letter or notice from a caseworker stating there is no heat, water, working toilets, electricity, or hot water
- A letter or notice from an inspector saying the unit is not safe or sanitary, that it failed inspection, or has been condemned

### **Your housing is overcrowded**

- A letter from a person you stay with describing how overcrowded it is, including number of beds in the unit, number of persons in the unit, and where your child sleeps
- Photos of where your child sleeps and a description of the photo
- Notice from an inspector or other government official that the unit is overcrowded

**You recently lost your housing or are about to lose it**

Eviction notice, warning from landlord, court papers

Foreclosure notice or warning

**You are staying in a shelter, transitional housing program, hotel, motel, or campground**

A letter from the shelter or housing program

Receipt from campground, hotel, or motel

**You are staying outside or in other places not meant for sleeping like a car, a bus or train station, an abandoned building, or a park**

Photos of the inside of the car that you are sleeping in

Citations from police for sleeping or camping in areas where it is not permitted

Photos of where you sleep outside or in a station or abandoned building



## Who Can Help Me?

### **School Homeless Liaison**

Every school has a homeless liaison to help homeless students.

Ask your child's school or call your school district's central office for the homeless liaison's name and number. Write your liaison's name and number here:

**Name:** \_\_\_\_\_

**Number:** \_\_\_\_\_

### **State Coordinator**

The State Coordinator must make sure schools follow the law.

If you disagree with decisions made by your school, contact your State Coordinator. Their name and number can be found here:

<https://nche.ed.gov/data/>

Write your State Coordinator's name and number here:

**Name:** \_\_\_\_\_

**Number:** \_\_\_\_\_

## How Do I Find a Lawyer?

For a state by state legal help list:

<https://bit.ly/2Ycmkey> (ABA Homeless Youth Legal Network Directory)

**National Center for Homeless Education:** (800) 308-2145 or [homeless@serve.org](mailto:homeless@serve.org)

**SchoolHouse Connection:** (202) 364-7392 or [info@schoolhouseconnection.org](mailto:info@schoolhouseconnection.org)

**National Homelessness Law Center:** (202) 638-2535 or [email@nlchp.org](mailto:email@nlchp.org)