Evicted?
Doubled up?

Your Child Has the Right to Stay in School!

A Know Your Rights Toolkit for Families who Lack Stable Housing



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 night-time 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?

1. 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.

2. 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.

3. 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.

4. 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
• 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

What are my child's rights? *Continued*

5. 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.

6. Privacy and 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.



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**

• 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 "how do I find a lawyer section" on 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, 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 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.**

1. 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

2. 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

3. 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

4. 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

5. 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 unit is overcrowded

6. You recently lost your housing or are about to lose it

[ ] Eviction notice, warning from landlord, court papers

[ ] Foreclosure notice or warning

7. 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

8. 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/2z2clw6**

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

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

• **National Law Center on Homelessness & Poverty:** (202) 638-2535 or email@nlchp.org

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY