



Center for  
Children's  
Advocacy

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Greater Hartford Legal Aid

# The Legal Rights of Homeless Students

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**So  
who's  
here?**



# Federal Laws Protecting Homeless Students at School

- Purpose is to keep school consistent when all else is unstable; improve academic performance
- All Homeless Students:
  - McKinney-Vento Homeless Assistance Act
- Special Education Students:
  - Individuals with Disabilities Education Act (IDEA)

# Who is Homeless under the law?

- Children and youth who lack a fixed, regular, and adequate nighttime residence:
  - Sharing the housing of others due to loss of housing, economic hardship, or similar reason
    - “Doubled-Up”
  - Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations

# Who is homeless under the law?

- Living in emergency or transitional shelters **and certain transitional housing programs**
- Living in a public or private place not designed for humans to live
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory children living in above circumstances

# Who is homeless under the law?

- *Is there an age range?*

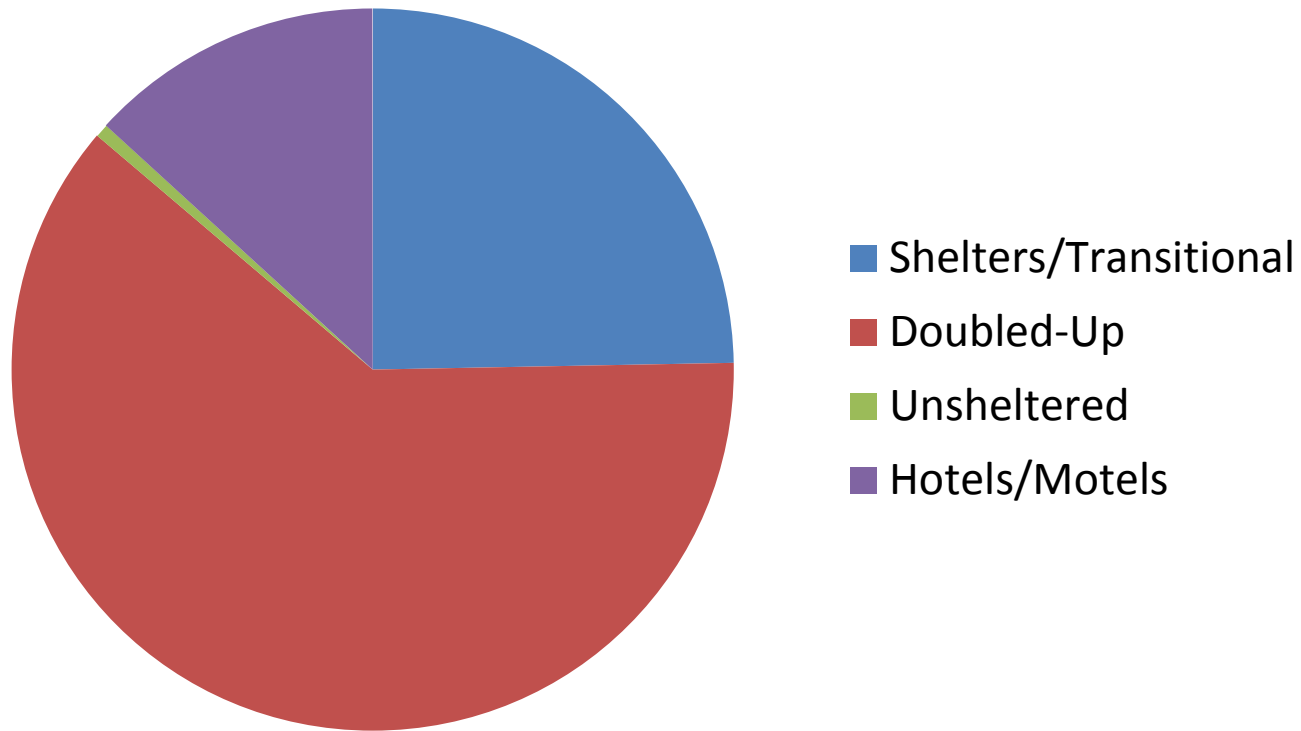
No. McKinney-Vento applies to all school-aged children and youth as defined by state law.

- *Is there a citizenship requirement?*

No. U.S. Supreme Court case makes it unlawful for schools to deny access to undocumented immigrants or ask about immigration status. Law must be equally applied to undocumented students. (*Plyler v. Doe* (1982))

# Who is homeless in CT?

## CT Homeless Students (2014/15)



# What about youth who are homeless on their own?

- “Unaccompanied Homeless Youth”
  - children and youth who are *not in the physical custody of a parent or guardian.*



# What about youth who are homeless on their own?

- Runaway, throwaway
- Separated from family who is homeless
- LGBTQ youth kicked out of home
- Parental incarceration, illness, death
- Victims of sexual abuse, commercial sexual exploitation
- Couch surfing, house hopping, “Staying at my friend’s/grandma’s/cousin’s...”

# Barriers to Education

- Lack of stable housing (affects access to bathing facilities, laundry facilities, etc.)
- Lack of a parent or guardian (support, guidance, signing, etc.)
- Lack of school records and other paperwork
- Emotional crisis / Mental health issues
- Employment: Many are self-supporting and have to balance school and work

# Barriers to Education

- Lack of transportation
- Lack of school supplies, clothing
- Fatigue, poor health, hunger (difficulty meeting basic needs)
- Credit accrual policies, attendance policies
- Concerns about being apprehended by authorities

# School Attendance & Transportation

Children and youth in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there

# School Attendance & Transportation

- Choose between:
  - the local school where they are living,
  - the school they attended before they lost their housing, or
  - the school where they were last enrolled
- **School of origin includes: the designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the school of origin**

# School Attendance & Transportation

- Remain in same school through the end of the school year or throughout the duration of homelessness
- Enroll in school without proof of *residency*, immunizations, school records, or other documents

# School Attendance & Transportation

- Get transportation to & from school, including until the end of the **academic** year when the student obtains permanent housing
- Attend even if students have missed application or enrollment deadlines during any period of homelessness

# School Attendance & Transportation

- States & districts must develop, review & revise policies to remove barriers to the **identification**, enrollment & retention of homeless students, **including barriers due to outstanding fees or fines, or absences.**



# School Attendance & Transportation

- Get all the school services they need
- Be free from harassment and isolation, and
- Have disagreements with the school settled quickly:
  - Dispute resolution process
  - Requires immediate enrollment pending resolution of the dispute (**including all available appeals**)
  - Written explanation

# Homeless Liaisons

- EVERY school district has one
- Must be able to carry out his/her legal duties
- To find, go to the liaison catalogue:  
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=333702>
- Must post public notice of MV rights & disseminate in locations frequented by parents, guardian, and UHY, in a manner & form understandable to them.

# Homeless Liaisons

- Ensure that school personnel providing MV services receive professional development & other support
- Participate in professional development & tech assistance
- State Coordinator is Louis Tallarita @ State Dept of Education

# Liaison Responsibilities to Unaccompanied Youth

- Liaisons must ensure that:
  - Disputes are resolved & assistance to access transportation is provided
  - UHY are enrolled in school
  - Procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies

# Liaison Responsibilities to Unaccompanied Youth

- Liaisons must help UHY choose and enroll in a school, **give priority to the youth's wishes**, and inform the youth of his/her appeal rights.
- CT law allows for unaccompanied homeless youth 15-17 years old to access their birth certificate without a parent/guardian
- Youth must be certified as homeless to be granted access
- Both the homeless youth and the certifier must appear in person

# Special Education & Unaccompanied Youth

- Specific provisions in federal law to identify, locate and evaluate homeless students for special education
- The following people can sign for special education services for an unaccompanied minor: a parent or legal guardian; an adult acting in the place of a parent and with whom the youth is living
- State can assign a surrogate parent (educational decision maker)

# College & Unaccompanied Youth

- Under the Higher Education Act, youth who meet the definition of “independent student” can apply for federal aid without parental information or signature.

# College & Unaccompanied Youth

- Unaccompanied youth are automatically considered independent students.
  - Must be verified as unaccompanied and homeless during the school year in which the application is submitted.
- Youth who are unaccompanied, **at risk of homelessness**, and self-supporting are also automatically considered independent students
  - Must be verified as such during the school year in which the application is submitted.



# College & Unaccompanied Youth

- Verification must be made by:
  - a homeless liaison from the school district, or
  - a HUD homeless assistance program, or
  - a Runaway and Homeless Youth Act program , or
  - a financial aid administrator.

# Resources

- [www.youth-help.org](http://www.youth-help.org)
- CT State Dept of Education: [www.ct.gov/sde](http://www.ct.gov/sde)  
Homeless Education:  
Louis Tallarita, CT State Coordinator at  
[Louis.Tallarita@ct.gov](mailto:Louis.Tallarita@ct.gov)  
Telephone: (860) 807-2058 Fax (860) 807-2062

# Resources

- Legal:

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Statewide Legal Services::

(860)344-0380 & 1-800-453-3320; [www.ct-lawhelp.org](http://www.ct-lawhelp.org)

# CCA Mobile Legal Office



**Lawyers on board to help youth who are on their own, couch surfing or house hopping.**

# Resources

- National Websites:
  - National Association for the Education of Homeless Children & Youth (NAEHCY): <http://www.naehcy.org/>
  - National Center for Homeless Education: <http://center.serve.org/nche/ibt/research.php>
  - National Law Center on Homelessness & Poverty: <http://www.nlchp.org/>
  - National Network for Youth: <http://www.nn4youth.org/>
  - National Runaway Switchboard: 1-800-RUNAWAY <http://www.nrs Crisisline.org>