



Education Justice Program

Advancing education equity and racial justice for all children

Are you and your children homeless or in transition? Your children have the right to be in school!

Children who are homeless or in transition have the right to be immediately enrolled in school with transportation set up if needed. Your children also have the right to free meals, tutoring, and other services to make sure they can access school!

Who is “homeless” under the law?

The law says homeless children are children and youth who do not have a **fixed, regular, and adequate night-time residence**.

- "Fixed" means the place where you stay at night is stationary, permanent, and not going to change.
- "Regular" means the place where you stay at night is available on a predictable or routine basis.
- "Adequate" means the place where you stay at night has what is necessary for your child's physical and psychological needs, including enough quiet space for studying.

You and your family may be considered homeless if you are:

- staying with other family members or friends due to loss of housing and/or financial hardship;
- staying in a motel/hotel, trailer park, or camping ground because you have nowhere else to go;
- staying in a place that is not meant for sleeping;
- staying in poor housing that does not have utilities such as water, electricity, or heat; or
- staying in a shelter or in a car.

Homeless children include unaccompanied youth. Who is an unaccompanied youth?

You may be enrolled and served as an unaccompanied youth if you are:

- not staying with a parent or legal guardian, and
- your living situation meets the definition of “homeless” above.

Where can homeless children go to school?

Children who are homeless can attend:

- their “**school of origin**,” which is
 - the school they attended when they were last permanently housed, or
 - the school where they were last enrolled; OR
- their “**school of residence**,” which is
 - the school in the district where they are staying temporarily, or
 - the school where the child lays their head at night.

How do you figure out where your children go to school?

This depends on what is **in their best interest**. Schools must presume keeping the child enrolled in the school of origin is in their best interest. Other things considered are:

- the age of the child or youth,
- the impact the commute may have on the child's education and personal safety issues,
- how long the child expects to stay in a temporary shelter or other temporary location, and
- the time remaining in the school year.

What should the school do for a homeless child?

- Your child is allowed to enroll where you wish for them to enroll, whether that is in their school of origin or their school of residence. Unaccompanied youth are also allowed to enroll where they wish to enroll.
- The school should **enroll your child immediately** in the school of your choice, even if you don't have the paperwork you need for enrollment or if you have missed application or enrollment deadlines. The school should let your child attend classes right away, including getting any access to online classes.
- The law requires that homeless children be provided **services that are equal to those offered to other students in the school**, and this includes transportation.
- The school must provide your child with **transportation to and from the school without delay** if requested. This should be set up within 24-48 hours of you telling the school you are homeless.
- Whatever transportation the school provides must not create a barrier to your child arriving at school on time, and it should not create an **undue burden** for you or your child.
- The school should give your child free meals, and the Homeless Liaison should make referrals to health, dental, mental health, and substance abuse services, as well as housing and other appropriate services.
- The school must give your child **equal access** to the same **free, appropriate public education** as other children and youth. This means the school must give your child whatever supports are needed so they can be held to the same academic standards as other students.

How long can a child or youth be considered homeless?

There is **no specific time limit** on homelessness. Homelessness does not automatically end at the finish of a school year. Whether a child or youth is homeless depends upon if they continue to meet the definition of "homeless" above.

What if the school makes a decision you do not agree with?

If a school makes an enrollment decision that you do not feel is in your child's best interest, **you have the right to begin the dispute resolution process.**

- First, the school should tell you **in writing** their decision and provide to you the school district's dispute resolution process.
- While the school takes you through the dispute resolution process, your child should be allowed to:
 - enroll where you wish for them to enroll,
 - attend classes, and
 - have access to transportation.

Who should help?

Your school's **Homeless Liaison** should help get your child enrolled and can help answer all your questions. If the school takes you through the dispute resolution process, the Homeless Liaison should help you figure out what you need to do.

What if English is not your first language?

For youths, parents, or guardians whose primary language is not English, **schools must provide translation and interpretation services** for the enrollment process, including the dispute resolution process.

If you have questions about this guide, or your child's education in this time of remote learning, please call Legal Services' **Education Justice Program** at **314.256.8789** or **ejp@lsem.org**

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