



Educational Rights of Students Who Are Considered Homeless

Introduction

If you are a student in preschool through 12th grade and you are considered homeless or you don't have a regular place to sleep, this guide is for you. You have a legal right to an education and support from your school. This guide tells you about your rights, the laws that protect you, and resources to help you. It includes links to laws and regulations. We hope this information will help you speak up for yourself and ask for help when you need it.

All children and youth in the United States and Washington have a right to an education. Students who are considered homeless can face extra challenges going to school and graduating. Schools are an important resource to help you and give you hope for a brighter future.

This guide covers the following topics:

- A. Would I be Considered Homeless?
- B. What are My Rights?
- C. How Can I Enroll in and Attend School?
- D. What Are My Rights As an Unaccompanied Homeless Youth?
- E. How Can I Plan for a Career or College?
- F. What About My Other Concerns?
- G. What Can I Do if the School Will Not Give Me What I Need?
- I. How Can I Do More Research?
- J. How Can I Comment on This Document?

A. Would I be considered homeless?

You would be considered homeless if your situation is similar to one of these examples:

- » You are moving all the time, couch surfing at friends' and relatives' houses.
- » You are temporarily staying with others because you or your family cannot find or afford housing.

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- » You are staying in an overcrowded living situation because you don't have any other options.
 - » You are living in a trailer, camper, garage, or basement without utilities like water or electricity.
 - » You are living in a shelter or temporary transitional housing program.
 - » You are living outside, in a tent, an abandoned building, or park.
 - » You are living in a car or in a campsite.

The definition of “homeless” is a child or youth who does not have a **fixed, regular, and adequate** place to live or sleep at night. These words have specific meanings under the law:

- » **Fixed:** not subject to change or fluctuation.
- » **Regular:** constituted, conducted, scheduled, or done in conformity with established or prescribed usages, rules, or discipline.
- » **Adequate:** sufficient for a specific requirement.

Schools will decide whether you qualify for additional services based on homelessness. This means that schools need to understand your living situation in order to support you.

➤ **Read Your Rights in the Law!**¹

Throughout this document, we include actual texts from the federal law – the McKinney-Vento Education Improvement Assistance Act — which protects your educational rights. We also include information about other laws and resources that may be helpful to you. Check the notes at the end of the document (the endnotes) to read this information. You can read the endnotes by clicking on hyperlinks in “Law” or clicking on the endnote number.

B. What are my rights?

1. What is the law that helps and protects me?

The federal McKinney-Vento Education Improvement Assistance Act helps and protects you. It gives you special rights, protections, and resources if you are considered homeless. The goal of this law is to ensure that you have an opportunity to succeed in school.

For example, you have a right to have someone in your school district who can help you. This person is called a homeless liaison. See [question 3 on page 3](#) below for more information about homeless liaisons.

➤ **Read Your Rights in the Law!**²

2. What are my rights to enroll in, attend, and succeed in school?

Every young person in the United States has a legal right to a free, appropriate public education. Many students who are considered homeless face extra challenges going to school, attending classes, and

graduating. To help address those challenges, the McKinney-Vento Act gives you the following rights and protections:

- » To be immediately enrolled in school, even if you do not have the records normally required for enrollment.
- » To be able to attend the school that you were at before becoming homeless, or to choose a new school where you are living now. See [question 6 on page 4](#) for more information.
- » To receive transportation services to get to and from school every day. See [question 9 on page 5](#) for more information.
- » To access all programs and services that you are eligible for, including career and technical education, gifted and talented programs, magnet schools, charter schools, before- and after-school programs, summer learning, online learning, free lunch, special education services for students with disabilities, language assistance for English learners, and preschool.
- » To challenge or disagree with your school's decision about your eligibility, or about services that you need. For example, you can follow up if you are denied enrollment into the school you'd like to attend, or denied transportation services. See [question 21 on page 9](#) for more information.

➤ [Read Your Rights in the Law!](#)³

3. What are Homeless Liaisons, and how can they help me in school?

Every school district has a Homeless Liaison, a person whose job is to help you and other students considered homeless get into school and succeed in school.

Homeless Liaisons can help you enroll in school. They decide if you are considered homeless. Once they make that decision, they can also help you get special supports that you might need. Examples include:

- » Transportation to and from school.
- » Participating in before- and after-school programs.
- » Solving problems that might keep you from playing sports or joining extracurricular activities.
- » Participating in tutoring or mentoring programs that help you with classes, tests, or homework.
- » Paying for school supplies like books or school uniforms.
- » Paying for extracurricular activities, clubs, fees, and fines.
- » Signing up for free meals during school, including breakfast and lunch.
- » Receiving special education services if you have a disability.
- » Signing up for Advanced Placement classes or International Baccalaureate programs by waiving fees, fines, or waiting lists.

Visit [this website](#) to find out how to contact your school district’s Homeless Liaison.^A

Having problems, such as not being able to reach your homeless liaison or not getting the help that you need? See [question 20 on page 9](#) for information about what to do.

➤ [Read Your Rights in the Law!](#)⁴

4. **Can a Homeless Liaison connect me to services in my community?**

Yes, Homeless Liaisons can help by referring you to health care services, dental services, mental health and substance abuse services, housing services, and others. For example, your Homeless Liaison can help you get:

- » Health care services if you are sick or need to see a doctor.
- » Dental services if you have a toothache or need braces.
- » Substance abuse services for drugs and alcohol treatment.
- » Mental health services if you are feeling overwhelmed or depressed.
- » Emergency housing services if your living situation is not safe.

➤ [Read Your Rights in the Law!](#)⁵

C. **How can I enroll in and attend school?**

5. **What school can I attend?**

You have several options. For example, you can:

- » Stay in the school you attended before you became homeless.
- » Attend school in the district you are currently living in.
- » Attend the next school your classmates are attending. For example, if you finished 8th grade, then you can go to the high school that your classmates are now attending.

➤ [Read Your Rights in the Law!](#)⁶

6. **What does it mean to enroll?**

“Enrollment” covers a lot. It includes enrolling in school so you can attend classes. It also includes participating fully in school activities. Basically, your school must also allow you to participate in school activities, such as sports and after-school clubs. See [question 10 on page 5](#).

^A List of Homeless Liaisons in Washington State: <http://www.k12.wa.us/HomelessEd/ContactList.aspx>.

➤ [Read Your Rights in the Law!](#)⁷

7. What information or documents do I need to enroll in school?

You do not need any information or documents to enroll in school if you are considered homeless. The school must enroll you immediately. You can enroll without paperwork, identification, or immunization records. You don't need a parent or guardian to enroll in school. See [question 11 on page 6](#) if you are experiencing homelessness without a parent or adult. If there are records that the school wants, like immunization records or your records from your prior school, the school should help you get them.

➤ [Read Your Rights in the Law!](#)⁸

8. Can I get credit for work I did at another school?

Yes, you can. Washington state law requires schools to give you partial credit for work you did before you changed schools. It also requires schools to waive classes required for graduation if you already finished similar classes in another school district. For example, your new school cannot require you to take Algebra I to graduate if the Math I class you took in a different district is similar. This law makes it easier for you to get credit for your work and graduate even if you have to move around a lot.

➤ [Read Your Rights in the Law!](#)⁹

9. Can the school help me with transportation to school and back?

Yes, the school can help you with transportation. For example, the school can:

- » Give your parent or guardian money for gas so they can drive you to school.
- » Pay for a taxi.
- » Pay for a bus pass, if it is appropriate and safe for you to take the bus.
- » Send a yellow school bus to pick you up and drop you off, even if you are out of the school district.

Talk to your Homeless Liaison to get help.

➤ [Read Your Rights in the Law!](#)¹⁰

10. Can I participate in sports or extracurricular activities?

Yes. You can participate in sports or other extracurricular activities.

But homelessness can cause barriers to participation. For example, some students who are considered homeless move around often, and they may not meet the residence requirements for sports participation.

Schools must remove barriers in order to help you enroll in school and stay in school, including participating in sports or extracurricular activities. Here are examples of ways that schools can remove barriers:

- » Your school must allow you to participate in sports and extracurricular activities immediately. This is true even if you do not meet the residence requirements that apply to some sports because you have been moving around due to homelessness.
- » Your school can help you pay any fees for sports or extracurricular activities.
- » Your school can help you get any medical exams that you need in order to participate in sports.

➤ [Read Your Rights in the Law!](#)¹¹

D. What are my rights as an unaccompanied homeless youth?

11. What does “unaccompanied homeless youth” mean? Do I have to be living with a parent or guardian to enroll in school?

You are considered an unaccompanied homeless youth if you are living on your own, without a parent or guardian. You do not have to have a parent or guardian with you to enroll in school. You can enroll yourself.

➤ [Read Your Rights in the Law!](#)¹²

12. I am considered an unaccompanied homeless youth. How can I get medical care?

Talk to your Homeless Liaison if you need help. You probably qualify for Medicaid or other health insurance to pay for your health care.

You may need to get permission from an adult for some kinds of health care, like seeing a regular doctor when there is no emergency. School staff can give permission for you if you need it. But they are not required to give permission. In some schools, school staff may not want to give permission. If this happens to you and you need legal advice, call the free Northwest Justice Project Coordinated Legal Education, Advice and Referral (CLEAR) [hotline](#)^B at **1-888-201-1014** available 9:15 a.m. through 12:15 p.m. Monday through Friday.

➤ [Read Your Rights in the Law!](#)¹³

E. How can I plan for a career or college?

13. Can the school help me plan for a career or college, and get financial aid to pay for college?

^B <https://nwjustice.org/clear-hotline>.

Yes, your high school can help you plan for a career or plan for going to college. Your Homeless Liaison can work with your school counselor to help you plan for college. See [questions 14 on page 7](#) and [15 on page 8](#) for more information.

Ask your school counselor to help you with planning for a career. It is a great idea to start planning before you graduate from high school. If you live in Seattle, then Seattle Education Access can also help you. They help low-income young adults get into college and get degrees regardless of legal issues, parenting status, sexual orientation or immigration status. Email them at staff@seattleeducationaccess.org or call **(206) 523-6200**.

➤ **Read Your Rights in the Law!**¹⁴

14. How can I get financial aid? What if my parents can't or won't help?

You can ask your school counselor to help you plan for college and find out how to pay for college. The [Free Application for Federal Student Aid](#) (FAFSA) form^c is an important way to get help paying for college. By filling out this form, you can qualify for financial aid. Financial aid can include grants and scholarships, which you don't have to pay back, and student loans, which you do have to pay back.

Ordinarily, students need to include information about their parents' income on FAFSA forms.

But many students considered homeless do not have contact with their parents, or they cannot get any financial help from their parents. Your Homeless Liaison is responsible for helping figure out whether you are considered independent from your parents. Students who are considered independent do not have to provide parental information in their FAFSA forms. This rule applies if one of the following things is true:

- » You are an unaccompanied homeless youth. See [question 12 on page 6](#).
- » You are an unaccompanied youth who supports yourself financially and you are at risk of homelessness.

Sometimes students considered homeless worry about how they will make ends meet during college, even with financial aid. When you start college, you may be able to get other help. For example, you may be able to get help with mentoring, coordination, referrals to a food and clothing bank, and help with housing when dorms on campus are closed.

Call the [SchoolHouse Connection](#) Director of Youth Leadership and Scholarships at **(202) 364-7392** or visit the National Association for the Education of Homeless Children and Youth (NAEHCY) [website](#) to learn how you can find financial assistance in college.^d

➤ **Read Your Rights in the Law!**¹⁵

^c <https://fafsa.ed.gov/>.

^d Schoolhouse Connection is available at <https://www.schoolhouseconnection.org/learn/higher-education/>, and NAEHCY is available at <http://naehcy.org/educational-resources/higher-ed.>

15. I am a Dreamer. Can I get financial aid for college?

As a Dreamer (someone who entered the country as a child without documentation), you are not eligible for federal financial aid. But you are eligible for financial aid from Washington State. You can apply through the Washington Application for State Financial Aid (WASFA) [website here](#).^E The Washington Student Achievement Council (WSAC) handles state financial aid, including WASFA.

The information you submit on the WASFA form is kept confidential. Application information is shared only with colleges you list. Colleges are not allowed to use this information for other purposes or share it with others.¹⁶

➤ [Read Your Rights in the Law!](#)¹⁷

F. What about my other concerns?

16. I don't have an address. How can I get my mail?

You can ask your Homeless Liaison if you can use the school as a mailing address. You can also ask a convenient post office to let you receive your mail “[general delivery](#)”^F at the post office. Usually there is a time limit for being able to use general delivery. But people experiencing homelessness can ask the post office to make an exception to that rule.

17. Can I be reported to CPS (child protective services) for being homeless?

No, you cannot be reported to CPS for being homeless. School staff are “mandated reporters,” which means that they must make a report to CPS if they believe a student is being neglected or abused. There are many reasons you may be homeless that don't have anything to do with being neglected or abused. For example, you may be living in a shelter because your mother lost her job.

If you are worried that you might be reported to CPS, ask your Homeless Liaison for information about the difference between being homeless and being abused or neglected. If you need more help, get some legal advice—the Northwest Justice Project has a free [hotline](#)^G at 1-888-201-1014 available 9:15 a.m. through 12:15 p.m. Monday through Friday.

➤ [Read Your Rights in the Law!](#)¹⁸

18. What if my classmates tease or bully me for experiencing homelessness?

You have a right to privacy in school. The school cannot tell students or others about your situation unless you give them permission. For example, teachers and other school staff must protect your privacy.

^E <http://www.readyssetgrad.org/wasfa>.

^F General delivery information, <http://postalnews.com/blog/2015/05/28/usps-provides-mail-services-for-the-homeless/>.

^G Clear hotline website, <https://nwjustice.org/clear-hotline>.

You also have a right not to be harassed, intimidated, or bullied in school. If these things happen to you, talk to an adult you trust at school. Your teacher, your Homeless Liaison, or your school counselor can help you.

➤ **Read Your Rights in the Law!**¹⁹

19. I sometimes feel hopeless and alone. What can I do?

It can be overwhelming trying to concentrate on school if you are experiencing homelessness. Sometimes students feel hopeless, overwhelmed, anxious, or depressed. Talk to an adult you trust and ask for help. The adult could be your school counselor, your teacher, or your Homeless Liaison. They can connect you with resources in your school and community that can help you, such as counseling.

If you are having thoughts of suicide or hurting yourself or someone else, call 911 or call the National Suicide Prevention Lifeline at **1-800-273-8255**. It is a national network of local crisis centers. A live person will answer to give you free, confidential emotional support 24 hours a day, 7 days a week.

➤ **Read Your Rights in the Law!**²⁰

G. What can I do if the school will not give me what I need?

20. Is talking to my Homeless Liaison the first step? What can I do if I can't reach my homeless liaison?

Yes, the first step in getting what you need is to find your Homeless Liaison and talk to them about your situation. If you need help with enrollment, records transfer, transportation, or other McKinney-Vento services, you can work directly with your McKinney-Vento liaison. [Here](#)^H is a link to find your school's Homeless Liaison.

If you have difficulty determining who to contact at your local school district, you may contact the State Homeless Education Coordinator at the Office of Superintendent of Public Instruction for assistance in connecting with your local district. The email address is homelessed@k12.wa.us and the voice mail phone number is **360-725-6505**.

Usually the Homeless Liaison can help. However, if you cannot reach your Homeless Liaison, or you feel that they have not been helpful, you can advocate for yourself or find support from other sources.

21. How can I advocate for myself at school?

When you ask for something that you need and the school does not give it to you, you can complain by following the steps below and try to get the decision changed.

Self-advocacy means advocating for yourself to try to address problems and concerns. Usually it includes talking to someone at the school, like the Homeless Liaison, the principal, a teacher, or the assistant principal. Sometimes you might want to write a letter expressing your concern.

^H <http://www.k12.wa.us/HomelessEd/ContactList.aspx>.

Advocating for yourself can be a frightening and unfamiliar task. Have confidence in the process and trust that you have the ability to be successful. If you feel overwhelmed during this process, there are people who can support you. The [Mockingbird Society](https://www.mockingbirdsociety.org/),¹ for example, is a helpful resource for self-advocacy. Check the list of resources in [question 26 to 31, starting on page 12](#) to learn more.

Here are some tips about how to be an effective self-advocate:

- » Gather and organize relevant paperwork. For example, you might need your report card or a letter the school sent you.
- » Do research to understand your rights. This document gives you information about your rights. We have also included links to the law and to other resources. The information in [questions 22 through 29 starting on page 10](#) can also help you do research.
- » Plan what you need to say. Practice saying it to a friend or someone you trust. Stay calm. Make sure you know what you are asking for.

There are different ways that you can advocate for yourself if you are having a problem and your Homeless Liaison does not help you. You don't have to do all three, and you don't have to do them in this order.

- » Follow the “**chain of command**” to complain about the problem. This is an informal way to do self-advocacy, basically meaning that you talk to the supervisor of the person who did something that you don't agree with. See [question 22 on page 10](#) for more information.
- » Make a complaint, called **dispute resolution**. This is a formal right you have under the law. See [question 24 on page 11](#) for more information.

22. How can I follow the chain of command?

Usually it is best to talk to your Homeless Liaison first. If that doesn't help, you can also follow the chain of command by talking or writing to a school administrator, usually the supervisor of the person who won't help you. Find out who the supervisor is by talking to the homeless liaison or an adult you trust at school. For example, the school administrator might be the principal, the assistant principal, a guidance counselor, or the supervisor of the homeless liaison.

23. What other options do I have to solve problems? Do I have legal rights?

You have a legal right to make a complaint through dispute resolution. Dispute resolution is a system required by McKinney-Vento when you disagree with the school's decision. You can use the dispute resolution process to address the following things:

- » Eligibility for McKinney-Vento.
- » Deciding which school you go to.

¹ <https://www.mockingbirdsociety.org/>.

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- » Enrolling in school.
 - » Participating in extracurricular activities.
 - » Obtaining fee waivers, transportation, and other resources.

24. What happens during a dispute resolution?

You can receive services while you are participating in dispute resolution. If the issue you complained about has to do with enrollment, eligibility, or school selection, you should be immediately enrolled in the school you want to attend, while you wait for the final decision to be made. See [question 6 on page 4](#) for an explanation on what “enrollment” includes.

There are three levels in the dispute resolution process. You start with Level I, then go to Levels II and III if your problem is still not solved.

- » **During Level I**, the district’s Homeless Liaison must make a decision in writing.
- » **During Level II**, the district superintendent or someone else the superintendent assigns must have a meeting with you. This meeting is called a personal conference. Then they must make a decision in writing.
- » **During Level III**, the Office of the Superintendent of Public Instruction must make a final decision in writing.

You should talk to the program coordinator if you are not able to access the dispute resolution process. See [question 23 on page 10](#).

There are time limits for each level of the process. Make sure to meet the time limit.

Here is a link that describes the [dispute resolution](#)¹ process in more detail.

- **Read Your Rights in the Law!**²¹

25. Where can I get legal advice or legal representation?

- » [Northwest Justice Project Hotline](#): Call **1-888-201-1014**, available 9:15 a.m. through 12:15 p.m., Monday through Friday, <https://nwjustice.org/clear-hotline>.
- » [Legal Counsel for Youth and Children \(LCYC\)](#): If you live in King County, stop by their intake session on Wednesdays, 12:30pm - 1:30pm, at Youthcare's James Ray Orion Center, 1828 Yale Ave, Seattle, WA 98101. See <http://www.lcycwa.com/contact/>.
- » [TeamChild](#): Call **1-877-295-2714** or email questions@teamchild.org. See <https://teamchild.org/legal-services/>.

¹ www.nlchp.org/documents/MV_State_Dispute_Resolution/Washington.

Please see [question 31 on page 14](#) for more information about getting help.

H. How can I do more research?

26. I would like to learn more about my rights. What other resources are available?

It's good to get to know your rights. Throughout this document, we have explained your rights and included links to the law so you can do more research and find out more about your rights. We also include this section so you can conveniently find more resources if you need them.

27. Resources for students experiencing homelessness.

- » [Here](#) is a link to find your school's Homeless Liaison, <http://www.k12.wa.us/HomelessEd/ContactList.aspx>.
- » Here is a link to the [dispute resolution](#) process which you can use if you are having problems, www.k12.wa.us/HomelessEd/pubdocs/DisputeResolutionPolicy.doc.
- » [Schoolhouse Washington](#) is a state-wide effort to support schools and organizations to better support students considered homeless. Columbia Legal Services, a partner in Schoolhouse Washington, wrote this Know Your Rights document. The Schoolhouse Washington website has reports, infographics, and other important information about student homelessness, and we share information on social media (Twitter and Facebook). The website is here: <https://schoolhousewa.org/>.
- » [Schoolhouse Connection](#) is a national organization that works with youth leaders. Their website has reports and analysis that are helpful for doing research about the law, and they provide free webinars. Visit their website or find them on [Facebook](#) and Twitter [@SchoolHouseConn](#). The website is here: <https://www.schoolhouseconnection.org/>.
- » The State of Washington has information [here](#) about your rights. The website lists a variety of resources: <http://www.k12.wa.us/HomelessEd/Resources.aspx>. The email is mckinneyvento@k12.wa.us homelessed@k12.wa.us and the phone number is **360-725-6505**.
- » [This publication](#) is a Frequently Asked Questions (FAQ) that addresses questions you might have about your education rights under the McKinney-Vento Act. It was written by the National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness and Poverty, and the website is here: https://www.nlchp.org/documents/McKinney-Vento_FAQs.
- » The [National Center for Homeless Education](#) has trainings and links to information about the law. Visit their website, <https://nche.ed.gov/>, call their hotline at **1-800-308-2145**, or email homeless@serve.org.
- » [National Network for Youth](#): Visit their website at <https://www.nn4youth.org/support/>. If you are having a crisis, call **1-800-RUNAWAY** or Text **66008**.
- » [Boys Town](#) (for girls, too), <https://www.boystown.org/hotline/Pages/default.aspx>. If you are having

a crisis, call **1-800-448-3000** 24 hours a day.

28. General resources about youth homelessness.

- » The [Homeless Youth Handbook](http://www.homelessyouth.org/washington/handbook/disclaimer) is a detailed handbook that provides extensive information about your rights as a student experiencing homelessness in Washington State. It focuses generally on homelessness, and it has a chapter on education that may be especially helpful. Find it here: www.homelessyouth.org/washington/handbook/disclaimer.
- » The [Mockingbird Society](https://www.mockingbirdsociety.org/) is an organization that has a mission “to improve foster care and end youth homelessness.” It supports youth in doing public policy advocacy and public speaking. The website is <https://www.mockingbirdsociety.org/>, the email address is information@mockingbirdsociety.org, and the phone number is 206-323-5437.
- » The [Office of Homeless Youth](http://www.commerce.wa.gov/serving-communities/homelessness/office-of-youth-homelessness/). The Washington State Department of Commerce has an office that focuses on the rights of homeless youth. This website has several reports that may be of interest. One report is about host home programs. Another is a report with recommendations about ways to help homeless youth. The website is here: www.commerce.wa.gov/serving-communities/homelessness/office-of-youth-homelessness/.
- » See [this document](#) from Columbia Legal Services for information about how you can get consent to get healthcare. The website is here: <https://www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3924E318-9C45-4556-F8C9-89368DAE1E74/providing-health-care-to-minors.pdf>.
- » You can ask the post office to keep your mail for [general delivery](#). The website is here: <http://postalnews.com/blog/2015/05/28/usps-provides-mail-services-for-the-homeless/>.

29. Resources about college education.

- » The [FAFSA](https://fafsa.ed.gov/) form and the [Washington Application for State Financial Aid](http://www.readysetgrad.org/wasfa) are important resources to get financial aid to pay for college. Find them here: <https://fafsa.ed.gov/> and <http://www.readysetgrad.org/wasfa>.
- » This [Dear Colleague](https://ifap.ed.gov/dpcletters/GEN1516.html) letter from the federal Department of Education explains your rights as an unaccompanied youth who is trying to pay for college. Visit website here: <https://ifap.ed.gov/dpcletters/GEN1516.html>.
- » [Seattle Education Access](http://www.seattleeducationaccess.org/) is an organization that helps low-income young adults gain entry into colleges and complete degrees no matter their legal issues, parenting status, sexual orientation or immigration status. Email them at staff@seattleeducationaccess.org or call (206) 523-6200. Visit their website here: <http://www.seattleeducationaccess.org/>.

30. The laws and rules.

State and federal laws and regulations give you rights. The following are some laws and regulations that may be helpful to you.

- » The [McKinney-Vento](#) homeless Assistance Act is a federal law that protects the rights of students

experiencing homelessness. Read the Act here:
<https://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>.

- » [HB 2801](#) is a Washington State law that prohibits harassment, intimidation, or bullying in schools. Read the House Bill here: <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Passed%20Legislature/2801-S.PL.pdf>.
- » [WAC 388-15-009](#) is a regulation that addresses abuse and neglect. Find the regulation here: <http://apps.leg.wa.gov/WAC/default.aspx?cite=388-15-009>.
- » [SB 5241](#) gives you a right to partial credit for school work. Read the Senate Bill here: <http://lawfilesex.t.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5241-S.SL.pdf>.

31. Getting legal help.

- » The Northwest Justice Project has a Coordinated Legal Education, Advice and Referral ([CLEAR Hotline](#)) for low-income people who need legal help. Call at **1-888-201-1014** available 9:15 a.m. through 12:15 p.m. Monday through Friday. View the CLEAR website here: <https://nwjustice.org/clear-hotline>.
- » [TeamChild](#) provides free legal services that are meant to support you to get back on track at school and to find safe and stable housing. They work with young people who feel unsafe at home, don't have a home, or have trouble finding housing because of a juvenile record. Call **1-206-322-2444 x 101** for the Seattle office. TeamChild also has offices in King, Pierce, Spokane, and Yakima Counties. Visit the website here: <https://teamchild.org/legal-services/>.
- » [Legal Counsel for Youth and Children \(LCYC\)](#) provides free civil legal services to young people between 12 -24 years old who are homeless or are at risk of homelessness. If you are in King County, stop by their intake session on Wednesdays, 12:30pm - 1:30pm, at Youthcare's James Ray Orion Center, 1828 Yale Ave, Seattle, WA 98101. Visit their website here: <http://www.lcycwa.com/contact/>.

I. How can I comment on this document?

32. What can I do if I have comments about this document?

As part of the Schoolhouse Washington partnership, staff at Columbia Legal Services prepared this document with the intention of creating a resource that is helpful to you. We would like to hear from you if you have ideas about ways to make this document more helpful, or other documents that you would like us to write. Please let us know by sending us an email to Columbia Legal Services at info@columbialegal.org.

Special Thanks:

Schoolhouse Washington and Columbia Legal Services would like to thank the following individuals for reviewing this document and providing helpful comments: Scott Boling, Eunsoo Victoria Choi, and Dakota Chronis.

¹ **Definitions of Homelessness:**

§11434(2)(A)(B) The term "homeless children and youths"—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; 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; or are abandoned in hospitals;

(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;

(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 who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

² [This website](https://www.schoolhouseconnection.org/wp-content/uploads/2016/12/TextofMV.pdf) contains the text of McKinney-Vento Act as amended. See <https://www.schoolhouseconnection.org/wp-content/uploads/2016/12/TextofMV.pdf>.

³ See endnote 2.

⁴ **Homeless Liaisons and their duties:**

§11432 (g)(1) **In general...** the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(J) Assurances that the following will be carried out: (ii) The local educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.

§11432 (g)(6)(A) **Duties**

Each local educational agency liaison for homeless children and youths shall ensure that—

(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other organizations and agencies;

(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered

by the local educational agency;

(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

(vi) public notice of the educational rights of homeless children and youths is visible in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

(vii) enrollment challenges are mediated in accordance with paragraph (3)(E);

(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

(ix) school personnel providing services under this part receive professional development and other support; and

(x) unaccompanied youths—

(I) are enrolled in school;

(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

(III) are informed of their status as independent students under section 1087vv of title 20 and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 1090 of title 20.

⁵ **Referral Services:**

§11432(g)(6)(A) Duties

Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

Allowable Usages of McKinney-Vento Funds:

§ 11433(d) Authorized Activities

A local educational agency may use funds awarded under this section for activities that carry out the purpose of this part, including the following:

(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

(12) The provision of specialized instructional support services (including violence prevention counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence and parental mental health or substance abuse problems.

(14) The adaptation of space and purchase of supplies for any non-school facilities made available under subsection (a)(2) to provide services under this subsection.

⁶ §11432(g)(3)(l) **School of origin defined** in this paragraph:

(i) **In general** The term "school of origin" means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

(ii) **Receiving school**

When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

§11432(g)(3)(C)(i) **In general** The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

(II) has missed application or enrollment deadlines during any period of homelessness.

§11432(g)(3)(B) **School Stability** In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

(i) believe that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is against the wishes of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

⁷ **Definition of Enrollment**

§11434a(1) The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

⁸ §11432(g)(3)(C) **Immediate Enrollment**

(i) **In general** The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

(II) has missed application or enrollment deadlines during any period of homelessness.

(ii) **Relevant academic records**

The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) **Relevant health records**

If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

⁹ **Receiving Partial Credit**

§11432(g)(1) **In general** For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(F) A description of procedures that ensure that—

(ii) youths described in section 11434a(2) of this title and youths separated from public schools are identified and

accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

[RCW 28A.320.192](#) also states that—

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

(5) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

¹⁰ **Transportation:**

§ 11433(d) **Authorized Activities** A local educational agency may use funds awarded under this section for activities that carry out the purpose of this part, including the following:

(5) The provision of assistance to defray the excess cost of transportation for students under section 11432(g)(4)(A) of this title, not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 11432(g)(3) of this title.

§11432(g)(6)(A) (viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

¹¹ **Extracurricular Activities**

§11434a(1) The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

§ 11433(d) **Authorized Activities** A local educational agency may use funds awarded under this section for activities that carry out the purpose of this part, including the following:

(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, particularly homeless children and youths who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

¹² **Definition of Unaccompanied Youth**

§11434a(6) The term "unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian.

Rights of Unaccompanied Youth

§11432(g)(6)(A) Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

(x) unaccompanied youths—

(I) are enrolled in school;

(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

(III) are informed of their status as independent students under section 1087vv of title 20 and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 1090 of title 20.

¹³ [This document](#) lists the medical care you can get by yourself, without consent from an adult.

¹⁴ § 11432(g)(1)**In general** For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(K) A description of how youths described in section 11434a(2) of this title will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

¹⁵ §11432(g)(6)(A) **Duties** Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that— (x)unaccompanied youths—

(III) are informed of their status as independent students under section 1087vv of title 20 and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 1090 of title 20.

See this [Dear Colleague](#) letter, DCL ID: Gen-15-16, from July 29, 2015, from the U.S. Department of Education for more information about using the FAFSA form when you are homeless.

¹⁶ See www.readysetgrad.org.

¹⁷ RCW 28B.92.010 **State need grant program established—Purpose.**

The purposes of this chapter are to establish the principles upon which the state financial aid programs will be based and to establish the state of Washington need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education. State need grants under this chapter are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (e) or any person who has completed the full senior year of high school and obtained a high school diploma, either at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington state for at least three years immediately before receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an eligible institution of higher education and has been granted deferred action for childhood arrival status pursuant to the rules and regulations adopted by the United States citizenship and immigration services.

¹⁸ The regulation, [WAC 388-15-009](#)(5)(a), says that neglect can include “[f]ailure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety, “ but “[p]overty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves.”

¹⁹ §11432(g)(1)(J)(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

§11432(g)(3)(G) Privacy

Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 1232g of title 20.

According to [RCW 28A.300.285](#), Washington State law prohibits harassment, intimidation, or bullying in our schools. Schools are required to take action if students report they are being bullied.

²⁰ § 11433(d) **Authorized Activities**

A local educational agency may use funds awarded under this section for activities that carry out the purpose of this part, including the following:

(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

(12) The provision of specialized instructional support services (including violence prevention counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence and parental mental health or substance abuse problems.

²¹ This website has information about the dispute resolution process:
https://www.nlchp.org/documents/MV_State_Dispute_Resolution/Washington.

§11432(g)(3)(E) Enrollment disputes

If a dispute arises over eligibility, or school selection or enrollment in a school—

- (i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- (ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;
- (iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and
- (iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.