



Education Law Center

*Making sure that all of Pennsylvania's children
have access to quality public schools*

THE RIGHT OF HOMELESS CHILDREN TO ATTEND SCHOOL IN PENNSYLVANIA

WHO IS "HOMELESS"?

A child is homeless if she does not have a permanent home, that is, a fixed, regular, and adequate place to stay at night. This includes children living in many different places under many different circumstances. For example, it includes a child who is living with a friend or relative because the family lost their home or can't afford housing. It includes a child who is living in a motel, hotel, trailer park, camping grounds or a space not usually used as a residence (such as a car or abandoned building). A child may also be homeless if she is a runaway or a child who has been kicked out by their parents, (called an "unaccompanied youth"). It also includes a child who is "awaiting foster care placement."

WHO IS "AWAITING FOSTER CARE PLACEMENT"?

A child "awaiting foster care placement" includes a child who is under the jurisdiction of a child welfare agency and is living in a shelter, emergency, respite or interim foster care, kinship care or in an evaluation or diagnostic center or placement.

Other children awaiting placement may also qualify. County children and youth agencies should be consulted on a case-by-case basis.

DO THESE CHILDREN HAVE THE RIGHT TO GO TO SCHOOL?

Yes, homeless children are entitled to the same free public education available to all other students. In addition, as long as a child is homeless, **she can stay in the same school (called the school of origin), if that is what's best for her, even if she has moved to another school district.** If the child obtains a permanent residence and is no longer homeless, she can still stay in the same school for the rest of the school year (or if the child moves between school years for the next academic year). A school district must keep a homeless child in her school of origin if possible,

unless it is against the wishes of the child's parent or guardian. The school district must make sure that the child gets transportation to and from the school of origin. The school district that will be educating the child should take the lead in arranging necessary transportation with the school district in which the child is now living,

WHAT IF A PARENT AND DISTRICT DISAGREE ABOUT THE SCHOOL PLACEMENT OF A HOMELESS CHILD?

Sometimes a school district sends a homeless child to a school that is not the school of origin or the school where the parent wants the child to go. In this situation, the district must give a written explanation to the parent or guardian. This explanation has to include information on the right to appeal the district's decision. If the child is an "unaccompanied homeless youth," the liaison must provide notice to the child of her right to appeal the district's decision. Sometimes the district and parent or unaccompanied child cannot agree on what school the child should go to. In this situation, the liaison must help the parent or child start Pennsylvania's state review procedure right away. While the review procedure takes place, the school district has to immediately enroll the child into the school where the parent wants the child to go or the unaccompanied homeless youth prefers.

WHAT IF A HOMELESS CHILD DOES NOT HAVE REQUIRED ENROLLMENT DOCUMENTS?

If a homeless child is missing a document required for enrollment, **the school district must enroll the child first**, then seek the records. If there is disagreement about where the child should attend school, the child can appeal - **but in the meantime must be enrolled in the school she wants to attend**. Homeless children have the right to go to a regular school program. School districts cannot educate homeless children apart from other children. The school must make sure that homeless children meet the same state academic achievement standards that all students have to meet. Homeless children must get the same kinds of education programs and services that other students receive. Homeless children have a right to transportation to and from school; Title I programs (help for low income students); special education (help for students with disabilities); programs for students who do not speak English well; vocational or technical programs; programs for students who are gifted and talented; public preschool programs; and school nutrition programs. Also, homeless children can get transportation to public preschool programs if the school district provides transportation to other children.

DOES A SCHOOL DISTRICT HAVE TO HELP HOMELESS CHILDREN ENROLL IN AND ATTEND SCHOOL?

Yes, school districts have to help homeless children enroll in school. The school district has to pick a staff person who will help homeless children attend school. This person is called the "liaison" and helps the school and family communicate with each other. The liaison must make sure that the school identifies homeless children and gives them an equal opportunity to succeed in school. The liaison must also make sure that the parents and guardians of homeless children are told about educational opportunities available to their children. The liaison must make sure that parents know how to participate in their children's education. The liaison must help unaccompanied homeless children decide where to enroll in school. The liaison must listen to what the child wants to do. The school must immediately contact the last school attended to get the missing records. The liaison must also help the child get immunized and, if needed, medical records if the child does not have them.

WHERE CAN I GET MORE INFORMATION ON THE EDUCATIONAL RIGHTS OF HOMELESS CHILDREN?

You may find additional information on the educational rights of homeless children by contacting the following agencies and organizations or checking their websites:

The Pennsylvania Department of Education "Basic Education Circular" on Education for Homeless Youth:

<http://www.pde.state.pa.us/k12/cwp/view.asp?Q=54421&A=11&pp=12&n=1>

The Pennsylvania Department of Education's Education of Homeless Children and Youth Program: (717) 772-2813;

http://www.pde.state.pa.us/svcs_students/cwp/view.asp?a=140&Q=69730&svcs_studentsNav=|3875|&svcs_studentsNavPage=|&tx=0.

National Association for the Education of Homeless Children and Youth: (763-545-0064); www.naehcy.org

National Center for Homeless Education: 800-755-3277; www.serve.org/nche;

National Coalition for the Homeless: 202-737-6444; www.nationalhomeless.org;

National Law Center on Homelessness & Poverty: 202-638-2535;
<http://www.nlchp.org>.

National Network for Youth: 202-783-7949; www.nn4youth.org.

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