

## **KNOW YOUR RIGHTS:** A Fact Sheet for Youth on the Special Rights of Students Experiencing Homelessness in Pennsylvania

January 2014

### **Am I considered to be homeless?**

Youth who are experiencing homelessness have special rights under a federal law called the McKinney-Vento Act.<sup>1</sup> This law defines homelessness broadly. You qualify for its protections if you have no consistent, appropriate place to stay.

This includes youth who are “doubled up” with other youth or families due to economic hardship; “couch surfing;” living in a car, motel, hotel, camping grounds, trailer park, or sleeping outdoors or in a public place; or living in a shelter.

The law protects youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason. These youth are called “unaccompanied homeless youth.”

Youth who are in *temporary* foster care placements also qualify. This includes children who are placed through the child welfare system in shelters, emergency foster care placements, transitional foster care or respite care or a placement for purposes of evaluation.<sup>2</sup>

### **How do I enroll in school if I am experiencing homelessness?**

You are entitled to attend public school in Pennsylvania until you graduate or until the year in which you turn age 21—for free.<sup>3</sup> A youth usually needs a parent or legal guardian to enroll in school. However, if you are currently living on your own, without the support of your parents, and have no permanent place to stay, or otherwise are considered to be experiencing homelessness, you have two options for where to attend school:

1. The school you attended when you first became homeless or the school you are currently attending even if you do not live in that school district or attendance area anymore. You can get help with transportation to get to school.
2. You can also choose to enroll in the local school that is close to where you are currently staying. If this is your choice, you have a right to be enrolled in school immediately—the day you make the request—even if you do not have all the documents that are required for enrollment.

Even if you are close to getting housing somewhere, you can still take advantage of this, and will not have to switch schools again this school year, even if you move to a different permanent place.<sup>4</sup>

Your local school district has to help you enroll in school. This includes picking a staff person who will help you, called the “liaison.” Among other things, the liaison must help you decide where to enroll in school—he or she must listen to what you want to do, and help you track down your records if you don’t have them.<sup>5</sup> You can find your local liaison here: <http://homeless.center-school.org/HomelessDirectory/Search.aspx?page=liaison>, or ask a trusted adult at school who the McKinney Vento liaison is for your district.

### **Do I have to go to night school or an alternative program if I am older, have not been in school for a while or because I am experiencing homelessness?**

Not at all. Until you turn age 21 or graduate, you have the same right to access all educational opportunities and programs to the same extent as any other student.<sup>6</sup> You do not have to attend a night school or twilight program unless that is what you want.

### **What can I do if there is a disagreement about where I should go to school?**

You have a right to stay in the school of your choice while any dispute is ongoing. Sometimes the school district may disagree with you about whether you can attend school or where you should enroll. In this situation, the district must give a written explanation, which explains how you can challenge the district’s position. In this situation, and with the help of the liaison, you will start Pennsylvania’s state review procedure right away. While the review procedure takes place, the school district has to immediately enroll you into the school you prefer.<sup>7</sup>

You can find more information about this process in Education Law Center’s publication here: <http://www.elc-pa.org/resource/how-to-enroll-a-child-who-is-homeless/>

### **What if I don’t have all of the required enrollment documents?**

Even if you are missing a document required for enrollment, the school district must enroll you immediately. It can then request and get your records.<sup>8</sup>

### **What if I need help with transportation to and from school if I want to attend my old school?**

You also have a right to transportation to and from school. Your school district liaison can help you work with the transportation department of your school district to set up the transportation you need.<sup>9</sup>

### **What about other things I might need for school – like a uniform, school supplies, free or reduced lunch, tutoring services or SAT fees?**

Under the McKinney-Vento Act, you are entitled to receive a school uniform, school supplies and a free or reduced price lunch.<sup>10</sup> In addition, schools can use extra funds if they are available to help you be successful in school – this includes tutoring, test fees, even eyeglasses and counseling services.

### **How can I enroll in school if I am under age 18 and am living on my own, but I am not homeless?**

If you are on your own and are not living in a stable place, you may fall under the definition of homeless under the McKinney-Vento Homeless Assistance Act and would be entitled to immediate enrollment at school. You do not need the help of a parent to do this.

If you are living on your own and are not homeless, you may be considered emancipated under the school code and be able to enroll yourself. The Pennsylvania School Code defines an emancipated minor as a person under 21 years of age who:

1. is living on his or her own, apart from parents or a guardian, and
2. is not supported by a parent or guardian

Under the school code, a minor living with a spouse is deemed emancipated. In this situation, you do not need a court to declare you emancipated officially.<sup>11</sup> You just must show that you are living away from your parents and how you support yourself.

For more information on this process, see Education Law Center’s publication here: <http://www.elc-pa.org/resource/elc-school-enrollment-guide-for-older-youth/>. This publication contains a sample form you can use to help show that you are emancipated under the school code.

## **How can I get financial aid if I am applying to college and I am homeless or am in or have been in foster care?**

To get financial aid, you need to fill out a form called the Free Application for Federal Student Aid (the “FAFSA”). Usually the FAFSA form requires information about your parents’ finances, but there are some exceptions for “independent students” that may allow you to skip this requirement. If you are considered an “independent student,” you do not have to provide any information about your parent’s income on the FAFSA! “Independent students” include those who are homeless or have been in foster care. These are the specific ways to be considered an “independent student” for the FAFSA:

- You were in foster care at age 13 or older (that includes a youth who was in foster care at age 13 and then was adopted as well as a youth who stayed in foster care until age 18 or 21).
- You have been identified as homeless or at risk of homelessness in the year of application by a homeless youth education liaison or a director of a shelter, or a financial aid administrator
- You are in a legal guardianship arrangement approved by the court
- You have a child for whom you are providing financial support<sup>12</sup>

The law also allows more flexibility to financial aid administrators to determine who can be considered independent. Ask the financial aid administrator at the schools you are applying to whether you may be considered an independent student or whether there is a special circumstance that applies that would allow you to not have to provide your parent’s financial information.

In addition, if you were in foster care or were discharged or adopted from foster care after age 16 you may be eligible for up to \$3,000 per academic year under the Pennsylvania Chafee Education and Training Grant program. For more information on this topic go to:

<http://www.pheaa.org/funding-opportunities/other-educational-aid/chafee-program.shtml>.

## **Where can I get more information and help?**

You can call the Juvenile Law Center information and referral line at 215-625-0551 ext. 103 or toll-free at 1-800-875-8887. You can also call the intake line at Education Law Center at 215-238-6970.

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<sup>1</sup> 42 U.S.C. § 11431 *et seq.*

<sup>2</sup> 42 U.S.C. § 11434a(2), (6); Pa. Department of Education, Basic Education Circular: *Education for Homeless Youth* (Date of Review September 1, 2011), *available at* [http://www.education.state.pa.us/portal/server.pt/community/us\\_codes/7505/education\\_for\\_homeless\\_youth/806365](http://www.education.state.pa.us/portal/server.pt/community/us_codes/7505/education_for_homeless_youth/806365).

<sup>3</sup> 22 Pa. Code § 11.12.

<sup>4</sup> 42 U.S.C. § 11432(g)(1)(J)(iii); (g)(3)(A)-(B), (G).

<sup>5</sup> 42 U.S.C. § 11432(g)(6)(A).

<sup>6</sup> 42 U.S.C. § 11432(g)(1)(F); (g)(6)(A)(ii).

<sup>7</sup> 42 U.S.C. § 11432(g)(3)(E).

<sup>8</sup> 42 U.S.C. § 11432(g)(3)(C).

<sup>9</sup> 42 U.S.C. § 11432(e)(3)(E)(i)(III); 42 U.S.C. § 11432(g)(1)(J)(iii); 42 U.S.C. § 11432(g)(6)(A)(vii); United States Department of Education, *The America Recovery and Reinvestment Act of 2009 (ARRA): Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* at 36-37 (Sept. 2, 2009), *available at* <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

<sup>10</sup> 42 U.S.C. § 1758(b)(A)(iv); 42 U.S.C. § 11432(g)(1)(H)(v); 43 U.S.C. § 11433(d)(15).

<sup>11</sup> 22 Pa. Code § 11.11(a)(1).

<sup>12</sup> 20 U.S.C. § 1087vv(d).