



STUDENTS EXPERIENCING HOMELESSNESS

KNOW YOUR RIGHTS

ACLU

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California

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KNOW YOUR RIGHTS

A Guide from the ACLU Foundations of California

Check out:

www.myschoolmyrights.com/homeless-youth

If you are experiencing homelessness, you have additional rights in school. This Guide will help you understand whether you are considered “homeless” and “unaccompanied” and your most important educational rights in California.

AM I CONSIDERED “HOMELESS”?

You may be considered homeless if you are:

- » Sharing another person’s house, such as a friend’s or relative’s, because your family cannot afford to live alone or because you lost your housing or have nowhere else safe to go. This is often called “doubling up.”
- » Staying in a motel, hotel, trailer park, or camping ground because you do not have other adequate housing.
- » Living in an emergency shelter or transitional shelter, such as a youth shelter, family shelter, domestic violence shelter, or transitional living program.
- » Abandoned in a hospital.
- » Staying in a private or public place not designed for or usually used for sleeping.
- » Living in a car, park, public space, abandoned building, bus or train station, or camping ground.
- » Living in “substandard housing,” which might include housing that does not have water, electricity, or heat; is infested with vermin or mold; lacks a working kitchen or toilet; or presents unreasonable dangers to residents.

Even if your situation does not fit these examples, you may still be considered homeless if you are staying in a nighttime residence that is not “fixed, regular, and adequate.”

- » A “fixed” residence is stationary and permanent. For example, a house or apartment is “fixed,” but a car is not.
- » A “regular” residence is used on a regular and nightly basis. For example, a home your family owns and can stay in for the long term is “regular,” but an emergency shelter is not.
- » An “adequate” residence is one that meets the physical, emotional, and psychological needs that a home typically provides. For example, an “adequate” home is one that is warm, safe, and reliable, but an abandoned building is not “adequate”.

It does not matter how long you are experiencing homelessness. There is no minimum or maximum time to qualify for the rights and services discussed here.

It does matter how old you are. In California, you must be 21 or under to qualify for the rights and services discussed here. If you have a learning disability, you must be 22 or under to qualify.

AM I CONSIDERED AN “UNACCOMPANIED YOUTH”?

You may be considered an “unaccompanied youth” if you are experiencing homelessness and you are living without your parent or legal guardian. Being “unaccompanied” does not mean you do not speak with parents or a guardian, but it does mean you are not living with them. There is no minimum age to be considered an “unaccompanied youth.”

WHAT EDUCATIONAL RIGHTS DO I HAVE IF I AM EXPERIENCING HOMELESSNESS?

If you are experiencing homelessness, you have many educational rights, including:

- » You have a right to attend your “school of best interest,” which could be (1) the school you attended before becoming homeless, also known as your “school of origin,” or (2) the school nearest to where you are living, also known as your “local school.”
- » You have a right to receive free transportation to attend your “school of origin” and any school-related activities. You might also have a right to transportation to attend your “local school.”

- » You have a right to enroll immediately in school even if you do not have the documents or records that are normally required for school enrollment and even if you have missed application or enrollment deadlines while experiencing homelessness.
- » If the school claims that you are not homeless or says you cannot attend the school you chose, you have a right to attend your selected school until you have completed any available appeals and you get a final decision.
- » You have a right to receive “comparable services” to those received by other students who have not experienced homelessness, including comparable transportation, education, and school nutrition services.
- » You have a right to privacy related to your experience with homelessness.

WHAT EDUCATIONAL RIGHTS DO I HAVE IF I AM AN UNACCOMPANIED YOUTH EXPERIENCING HOMELESSNESS?

If you are an unaccompanied youth, you have all of the same rights as any student experiencing homelessness, but you have some additional rights, too.

- » You have a right to immediately enroll in school without proof of guardianship. Many school districts have developed forms for unaccompanied youth to enroll themselves or for a caregiver that is not a guardian to help enroll the youth.
- » You should also receive additional support from your district's homeless liaison. Your liaison should help you to select a school, receive free transportation to school, resolve any disputes with the school, receive notice of your rights, and apply for financial aid for college as an "independent student" without your parent or guardian's consent or financial information.

WHAT IS A HOMELESS LIAISON AND HOW CAN THEY HELP ME?

Every school district has a homeless liaison to serve as the district's main point of contact for students experiencing homelessness.

The liaison has duties to identify students experiencing homelessness, inform them of their rights, refer them to additional services, and ensure they have a full and equal opportunity to succeed in school. The liaison also has special duties to support unaccompanied youths experiencing homelessness.

To find your district's homeless liaison, visit:
www.myschoolmyrights.com/homeless-youth

For more detailed information about your rights if you are experiencing homelessness, visit:
www.myschoolmyrights.com/homeless-youth

If you think your school is not complying with the law, please contact us:

ACLU Foundation of Southern California

www.aclusocal.org

213-977-5253

intake@aclusocal.org

www.aclusocal.org/en/legal-intake

ACLU Foundation of Northern California

www.aclunc.org

415-621-2488

www.aclunc.org/our-work/get-help

ACLU Foundation of San Diego & Imperial Counties

www.aclusandiego.org

619-232-2121

info@aclusandiego.org

www.aclusandiego.org/legal/request-legal-assistance

