

# STUDENTS EXPERIENCING HOMELESSNESS



## 1. Am I considered “homeless”?

You may be considered homeless if you are:

- Sharing another person’s house, such as a friend or relative, 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.” For example, you are doubling up if your family is sharing housing with others because a parent lost a job. As another example, you are doubling up if you move in with a friend to escape domestic violence or abuse;
- 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;
- Being 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; or
- 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 housing situation does not fit any of these examples, you might still be considered homeless if you are staying somewhere that is not a “fixed, regular, and adequate” nighttime residence:

- 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 used on a short-term basis and is not “regular.”
- 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.”

If your housing situation is not fixed, regular, and adequate, then you may be considered homeless.



# STUDENTS EXPERIENCING HOMELESSNESS



## 1a. Does it matter how long I am experiencing homelessness?

**No.** There is no minimum or maximum time to qualify for the rights and services discussed here. You qualify if you experience homelessness for one day or for several years.

## 1b. Does it matter how old I am?

**Yes.** In California, you must be 21 or under to qualify for the rights and services discussed here. If you have a learning disability, you are eligible until you are 22 years old. There is no minimum age to qualify.

## 2. 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.” This school could be the one you attended before becoming homeless, which is sometimes called your “school of origin.” This school could also be the one nearest to where you are living, which is sometimes called your “local school.” Unless you or your family say otherwise, your “school of best interest” is usually your school of origin. For more information about the schools you can attend, see question 5.
- 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 if, for example, the lack of transportation is preventing you from attending the school. For more information about transportation, see question 6.
- 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, such as proof of residency or vaccination forms. You also have a right to enroll immediately even if you have missed application or enrollment deadlines while experiencing homelessness.
- If the school claims that you are not homeless or says you can’t 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. For more information about the appeals process, see question 13.
- You have a right to receive “comparable services” to those received by other students who have not experienced homelessness. This includes a right to the same or similar transportation services, educational services, career and technical education programs, gifted and talented programs, and school nutrition programs that other students in the district receive.
- You have a right to privacy regarding your experience with homelessness. Your school generally should not disclose information about your family or living situation to others without your or your family’s consent.

# STUDENTS EXPERIENCING HOMELESSNESS



## 3. Am I considered an “unaccompanied youth”?

Under the law, you may be considered an “unaccompanied youth” if you are experiencing homelessness, as explained above, and you are living without your parent or legal guardian. Being “unaccompanied” does not mean you do not have a relationship with parents or a guardian, but it does mean you are not living with them. For example, if you are staying at a youth shelter without your parent or guardian, you would qualify. As another example, if you are staying in a camping ground with your grandmother and she is not your legal guardian, you would also qualify.

Remember, to qualify as an “unaccompanied youth,” you must be unaccompanied and experiencing homelessness. There is no minimum age to be considered an “unaccompanied youth.”

## 4. What educational rights do I have if I am an unaccompanied youth?

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.

First, you have a right to immediately enroll in school without proof of guardianship. For example, instead of ordinary 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.

Second, you should also receive additional support from your district’s homeless liaison<sup>1</sup>, which is your district’s main point of contact for students experiencing homelessness. 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. For more information about your liaison and how they can help you, see question 12.

## 5. Which schools can I attend if I am experiencing homelessness?

You have a right to attend your “school of best interest,” which can mean one of two schools:

- First, you can go to the school you attended before becoming homeless or the school you last attended (the “school of origin”).
- Second, you can go to the school near where you are actually living (the “local school”).

You can choose which school to attend, and you may have different reasons for preferring to attend one school or another. For example, you may prefer to attend your school of origin so you can stay close to your friends and teachers without interrupting your coursework. On the other hand, you may prefer to attend your local school because it is closer to where you are staying or because you want a “fresh start.”

---

<sup>1</sup> Generally, a liaison is “a person who acts as a link to assist communication or cooperation between groups of people.” In this context, a homeless liaison is your school district’s primary point of contact for students experiencing homelessness.

# STUDENTS EXPERIENCING HOMELESSNESS



Once you make your choice, the school district may push back. Unless you or your family say otherwise, the district should assume your “school of best interest” is your school of origin. But the district will look at other factors to determine if that is true, such as the impact of travel to and from the school on your academics, your previous education record, your health, and your safety.

If a district decides that it is not in your best interest to attend your requested school, it must give you a written and understandable explanation of the reasons for its decision. Even if the school disagrees with you, you have a right to be immediately enrolled in the school and can continue to attend until the dispute is finally resolved. You can appeal the district’s decision. For more information about the appeals process, see question 13.

## **5a. What school can I attend if I am between grades?**

You should follow the feeder patterns of your school of origin. For example, if you are homeless and between middle and high school, you should be able to enroll in the same high school as other students at the middle school you attended.

## **5b. How long can I continue to attend my school of origin?**

You can continue to attend your school of origin for as long as you are experiencing homelessness.

In addition, after you become permanently housed, in California you can continue to attend your school of origin until graduation (if you are in high school) or until the end of the grade (if you are in grades K-8).

## **5c. How soon can I enroll in school and what documents do I need to enroll?**

A school must immediately enroll students experiencing homelessness, even if you do not have the documents the school normally asks students for, such as previous academic records, medical records, or proof of residency, and even if you have missed an application or enrollment deadline.

## **5d. Can I still enroll even if I have not been in school for a while?**

**Yes.** Your school of origin is the school you last attended. You have a right to continue to attend even if it has been some time since you last attended.

## **5e. Which grade should I attend if I have not been in school for a while?**

**It depends.** Policies vary by school district or even by school. Many districts place students in a grade based on their age, especially at the elementary and middle school level. At the high school level, some school districts place students based on course completion rather than age. For example, Los Angeles Unified School District places students in the high school grades based on the student’s educational history and academic credits. Ask your district’s homeless liaison for help with grade placement.

# STUDENTS EXPERIENCING HOMELESSNESS



## 5f. Can I attend a charter school if I am experiencing homelessness?

**Yes.** A charter school is a public school and must comply with the same rules. In particular, unless the school does not have capacity for additional students, a charter school must enroll you immediately, even if you have missed application, enrollment, or lottery deadlines.

However, if the charter school is at capacity (it already has the maximum number of students), it can put you on a waitlist.

Tip: If the charter school tells you it is full, you should ask to be put on the waitlist and ask to have priority because you are experiencing homelessness.

## 5g. Can I attend a private school?

**Not necessarily.** Many of the federal and state requirements discussed here do not apply to a school that is completely privately funded. Private schools are not required to allow children experiencing homelessness to continue to attend or to provide transportation or financial aid.

## 6. Do I have a right to school transportation if I am experiencing homelessness?

**Yes.** If you are attending your school of origin, the school must provide you with free transportation to attend school and school-related activities.

If you are attending your local school, the school must provide you with free transportation if the lack of transportation interferes with your education or if other students who are not experiencing homelessness receive transportation. For example, the local school needs to provide transportation if not providing transportation would force you to miss part of school or would cause your grades to suffer. The school must also provide transportation, such as a school bus, if it is providing it to other students.

### 6a. When should I receive transportation?

If you are attending your school of origin, the school must promptly provide you with transportation. You have a right to receive transportation to your school of origin for as long as you are experiencing homelessness. You also have a right to receive transportation after you become permanently housed for the remainder of the school year. A school district may decide to provide you with transportation for even longer.

If you are attending your local school, you have a right to transportation if and when the lack of transportation interferes with your education or if other students who are not experiencing homelessness receive transportation.

# STUDENTS EXPERIENCING HOMELESSNESS



## 6b. What type of transportation should I receive?

You have a right to receive “adequate and appropriate” transportation to your selected school. While a school has many options for transporting students experiencing homelessness, the selected mode of transportation should be based on your best interest. In addition, transportation arrangements should ensure you are able to participate in the full school day, neither arriving late nor leaving before the school day has ended.

## 7. What are the high school graduation requirements if I am experiencing homelessness?

If you transferred schools any time after your sophomore year while experiencing homelessness, you generally need to complete only the California state minimum graduation requirements. This means completing, with at least a “D” grade, 3 years of English, 2 years of math, 2 years of science, 3 years in social studies, 2 years of physical education, and 1 year of performing arts, foreign language, or career technical education. The state requirements are often easier to meet than your local school district’s graduation requirements. You continue to be eligible to graduate under the state minimum requirements if you become permanently housed later or if your school did not inform you that you qualified for the exemption. Ask your district’s homeless liaison for help developing a graduation plan.

If you ask your school for an exemption to graduate under the state minimum requirements and are denied, you can file a complaint using California’s Uniform Complaint Procedure. Learn more about this process at <https://www.myschoolmyrights.com/complaint-school/>

## 7a. Can I receive partial credit for coursework?

**Yes.** Schools must accept coursework satisfactorily completed at a prior school, including a public school, juvenile court school, or nonpublic, nonsectarian school, even if the student did not complete the entire course.

If you ask your school to accept prior coursework for partial credit and are denied, you can file a complaint using California’s Uniform Complaint Procedure. Learn more about this process at <https://www.myschoolmyrights.com/complaint-school/>

## 7b. Can I get a fee waiver for any high school equivalency exams?

**Yes.** You can get a fee waiver, which means you do not have to pay a fee, for a high school equivalency test or the California High School Proficiency Examination once they verify your housing status. Your status can be verified by, among others, a shelter that provides services to students experiencing homelessness or another homeless services provider that has knowledge of your status.

## 7c. Can I still go to high school if I turn 18 and have not graduated?

**Yes.** In California, you can attend a public high school until you are 21 or until you are 22 if you have a learning disability.

# STUDENTS EXPERIENCING HOMELESSNESS



## 7d. Do I have to go to school?

**Generally yes.** If you are between 6 and 18, the law requires that you go to school, although there are several exceptions. First, you do not need to go to school if you are at least 16 and have graduated from high school. Second, you do not need to go to school if you have passed a high school proficiency exam and have your parent's or guardian's permission to leave school. There are other exceptions, such as where you are caring for your own child.

## 8. Can I participate in extra-curricular activities or sports?

**Yes.** Your school must ensure you can participate fully in school, school-related activities, and sports. You might also have a right to priority enrollment for before-school or after-school programs.

### 8a. Can I get a fee waiver to participate in extra-curricular activities or sports?

**Yes, although the school probably should not charge a fee to any student.**

California public schools, including charter schools, may not charge fees to any student for participation in classes or extracurricular activities. For example, a school cannot charge students fees for uniforms for sports or cheerleading. On the other hand, public schools can charge fees in some limited circumstances. For example, a school may be able to charge for health insurance for athletic team members.

Even if your school can charge a fee to other students, your school must eliminate all barriers that students experiencing homelessness face that prevent their full participation in school, including barriers "due to outstanding fees or fines." The U.S. Department of Education recommends that school districts ensure that costs do not prevent you from participating in activities by waiving fees and by paying for equipment.

## 9. Am I eligible to receive free school lunches?

**Yes.** Students experiencing homelessness are automatically eligible for free school meals if their school provides lunches. In California, all traditional public schools must provide free or low-cost meals to needy students. Although charter schools are not required to provide free or low-cost meals to students, most charter schools in California do.

### 9a. Can I qualify for CalFresh?

**Yes.** An unaccompanied youth can apply for food assistance without their parent's or guardian's signature or information. An unaccompanied youth can apply for CalFresh on their own or together with a household where they are living. There is no minimum age requirement to be eligible.

## 10. Can my child attend preschool?

**Yes.** A preschool-age child experiencing homelessness has many of the same educational rights as older children and youth experiencing homelessness. A child experiencing homelessness has a right to participate in public pre-K programs, including Head Start and Early Head Start programs.

# STUDENTS EXPERIENCING HOMELESSNESS



## 11. If I am an unaccompanied youth, can I receive financial aid to go to college?

**Yes.** Unaccompanied youth experiencing homelessness or at risk of homelessness may be considered a “independent student” for purposes of applying for federal financial aid. This means that parental financial information is not considered and a student’s federal financial aid package is calculated without the expectation of parental financial support.

Several people are authorized to verify your status as “unaccompanied” and “homeless,” including a district’s homeless liaison, as well as the director of some emergency shelters. Tip: Ask your liaison or shelter director for help verifying your status.

To apply for financial aid, you need to file the Free Application for Federal Student Aid (“FAFSA”), which is available at: <https://fafsa.ed.gov>. Individual schools may have their own forms as well.

### 11a. What if I have been living with a family member or friend who is supporting me?

Unless such a person has been appointed your legal guardian by a court, he or she is not considered a guardian for the purposes of the FAFSA.

### 11b. What mailing address should I use for college applications and financial aid information?

You should use an address that you can access and know will not change, such as your school, a homeless shelter, or a relative’s residence.

### 11c. Can I get a fee waiver for the SAT or ACT exams?

**Yes.** Students experiencing homelessness can apply for fee waivers for the SAT and ACT directly from the entities that administer those tests. To apply, go to [www.act.org/aap/pdf/feewaiver.pdf](http://www.act.org/aap/pdf/feewaiver.pdf) and [www.collegeboard.com/student/testing/sat/calenfees/feewaivers.html](http://www.collegeboard.com/student/testing/sat/calenfees/feewaivers.html).

### 11d. Can I get a fee waiver for college application or for tuition?

**Possibly.** Students who receive a fee waiver for the SAT will automatically receive four free college application fee waivers directly from the College Board that can be used to apply to more than 2,000 participating colleges and universities. In addition, most colleges and universities permit applicants to request an application fee waiver. Also, if a student is using the Common Application, he or she can request a blanket fee waiver for all applications submitted using the Common Application.

In addition, under the California College Promise Grant, students experiencing homelessness may receive a waiver of enrollment fees and tuition at a California Community College. Links to participating schools and applications are available at: <https://home.cccapply.org/money/california-college-promise-grant/terms>.

# STUDENTS EXPERIENCING HOMELESSNESS



## 11e. Am I entitled to priority enrollment in a state college?

**Yes.** Students experiencing homelessness receive priority enrollment at California Community Colleges, California State University, and the University of California.

## 12. What is a homeless liaison and how can they help me?

Every school district has a homeless liaison<sup>2</sup> to serve as the district's main point of contact for students experiencing homelessness. The liaison has a duty 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 homeless youths. You can find your district's homeless liaison here: [www.myschoolmyrights.com/homeless-youth](http://www.myschoolmyrights.com/homeless-youth).

## 13. Can I file a complaint if my educational rights have been violated?

**Yes.** If a disagreement arises over your eligibility as "homeless," school selection, or enrollment, you can file a complaint with your school. Even if the school disagrees with you about any of these issues, you have a right to be immediately enrolled in the school and can continue to attend until the dispute is finally resolved.

### 13a. What is the dispute resolution process like?

After you file your complaint with your school, your school should refer you to the district's homeless liaison to resolve the dispute as quickly as possible. You can seek help from others, including advocates or social service providers. After the school district makes a determination, the district must provide you with a clearly written explanation of its decision, provided in a language that your parent or guardian and you can understand.

### 13b. Can I appeal?

**Yes.** If you are dissatisfied with the school district's decision, you can appeal to the County Office of Education. The county's homeless liaison must review and resolve the appeal within five days of receiving your materials.

If you are dissatisfied with the County Office of Education's decision, you can appeal again to the California Department of Education. The State Homeless Coordinator must review and resolve the appeal within ten days of receiving your materials.

---

<sup>2</sup> Generally, a liaison is "a person who acts as a link to assist communication or cooperation between groups of people."

# STUDENTS EXPERIENCING HOMELESSNESS



## 14. Can I get a fee waiver for a Birth Certificate?

**Yes.** You must apply for a fee waiver with the county where you were born and must have a homeless services provider verify your homeless status. Examples of a homeless services provider are a school social worker, a district homeless liaison, a lawyer, a police officer who serves as a liaison to people experiencing homelessness, or a government or non-profit entity that provides services to people experiencing homelessness.

## 15. Can I get a fee waiver for a driver's license or state ID?

**In part.** In California, a student experiencing homelessness can receive a fee waiver for a California State ID, but not a driver's license.

## 16. Can I receive free housing?

**Possibly.** The definition of homelessness used by the U.S. Department of Housing and Urban Development (HUD) is much narrower than the definition used by public schools and early childhood programs. For the most part, the HUD definition excludes families and youth who are staying with other people because they have nowhere else to go ("doubling up"), as well as families and youth who are staying in motels that are not paid for by government agencies or charities. A chart explaining federal definitions of homelessness is available at <http://naehcy.org/educational-resources/housing>.

Ask your district's homeless liaison for help determining whether you qualify for support under HUD's narrower definition, as some liaisons are permitted to verify that you qualify.

*To learn more about your rights if you are experiencing homelessness, check out:*

[www.myschoolmyrights.com/homeless-youth](http://www.myschoolmyrights.com/homeless-youth)



Published April 2018 by the ACLU Foundations of California  
[WWW.MYSCHOOLMYRIGHTS.COM](http://WWW.MYSCHOOLMYRIGHTS.COM)