

Settling Disputes

If a school district and a homeless parent disagree regarding a homeless child's right to educational services, the parent/guardian must be provided with written explanation of the school's decision, including a right to appeal. The school must continue to provide services, including transportation, until the dispute is settled.

The school must provide the parent/guardian with information about the dispute process as well as a list of low cost or free legal assistance and other advocacy services in the community. This ensures that parents get the help they need.

Each school district liaison must ensure that enrollment disputes are mediated. An ombudsperson at the Regional Office of Education must convene a meeting of all parties and attempt to resolve the dispute within five (5) school days, if possible. The liaison shall ensure that an unaccompanied youth is immediately enrolled pending resolution.

A parent or child may also file a lawsuit against the school to protect their rights. If they do so and win, the cost of the lawsuit, including their attorney's fees, must be paid by the school.



If you have any questions regarding the educational rights of homeless children and youth in Illinois, you can contact any of the following:

Your Local School Homeless Liaison:

**The Opening Doors Project:
Adult Learning Resource Center
(224) 366-8623
Regional Office of Education #26
(309) 837-4821
<http://homelessed.net>**

**Law Project of the Chicago Coalition
for the Homeless
(800) 940-1119**

**Illinois Coalition to End Homelessness
(708) 263-3590**

**Information Hotline
Illinois State Board of Education
(800) 215-6379**

**Illinois State Board of Education
(217) 557-7323**

Opening Doors
2626 S. Clearbrook Dr.
Arlington Heights, IL 60005
Phone: (224)366-8623
Fax: (847) 378-6225

The Educational Rights of Illinois' Children & Youth In Homeless Situations



Statewide Access to Education
for
Homeless Children and Youth

Funded by Illinois State Board of Education
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and Youth Program.

The Educational Rights of Homeless Children & Youth

Homeless children and youth face special problems in getting to school and staying in school. Many homeless families move during the school year, sometimes more than once. School records get lost. Physical examinations and immunizations required for school may be hard to get. Both Illinois and federal law — the Illinois Education for Homeless Children Act and the federal McKinney-Vento Homeless Assistance Act — require that school district liaisons provide assistance to homeless children and youth to solve these problems. These liaisons have an ongoing obligation to understand the barriers faced by homeless children and youth in enrolling, attending and succeeding in school and an obligation to address those barriers, whatever they may be.

Illinois school district liaisons are required to take action to help children and youth who are homeless. This pamphlet describes the educational rights and benefits for homeless children and youth in Illinois.

Who is Homeless?

The definition of “homeless” under Illinois (and federal) law is very broad. It includes a person who lacks a “fixed, regular and adequate nighttime” abode; a person whose primary nighttime residence is a shelter (including transitional housing or hotels) or a place not ordinarily used by human beings for sleeping (box, car, etc.). **This definition is broad enough to include “the hidden homeless,” i.e., children and youth that are temporarily doubled-up in housing because they cannot afford a place to live.**

Choice of Schools

Children and youth who are homeless must be given a choice of schools to attend. **Each time a child changes schools he or she may lose 4 to 6 months of academic and developmental time. Moving just twice in one year can ruin a child’s chances of success.** To avoid this problem, Illinois (and federal) law requires that a homeless child be given the choice to continue to attend the “home” school for as long as he or she is homeless. After the family finds a home, the child is allowed to finish the school year in the same school. Transportation must be provided by the school district(s) if requested by the parent/guardian or liaison (for youth). The “home” school (also called “school of origin”) includes the school where the child was last enrolled or the school the child was enrolled in when last in permanent housing. These rules apply regardless of whether the school chosen is in the same district as the school of origin.

The Illinois State Board of Education’s policy on the education of homeless children and youth provides that: “Consistent school attendance by homeless children and youth in their school of origin is important to the success of all learners. School districts have a responsibility to help foster consistent attendance by reaching out to homeless families and working with them to provide that homeless children and youth continue to attend their school of origin without interruption, wherever possible.”

Homeless families may also choose to enroll their child in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend. Transportation assistance for homeless children is not generally provided at these schools unless the school already provides it to non-homeless children.

Immediate Enrollment

By law, Illinois schools must allow a homeless child/youth to enroll in school immediately, even without any records (medical* or school-related), proof of residency, or any other documentation. The school can ask for an address or phone number at which the school might be able to contact the parent/guardian. The purpose of this immediate-enrollment rule is to make sure the child/youth first and foremost is attending school. After the child is enrolled, it is the duty of the school staff to immediately contact the previous school to obtain all necessary records. **Please note: Information given at time of enrollment is confidential.**

** If a child/youth lacks immunizations or records of such, the school must refer the parent/guardian to the liaison, who shall help obtain necessary immunizations or records.*

Transportation

When a parent chooses to have the child attend the home school, the parent/guardian may request that the school provide assistance with transportation. The school can request that the parent/guardian attend a meeting at which the teacher, the principal or some other school staff person discusses whether travel to the school of origin is really in the child’s best interest. *The final decision on which school the child attends, however, remains with the parent/guardian or liaison (for unaccompanied youth).*

