



PATLI AND HUGO'S SCHOOL ENROLLMENT STORY

This story will guide you through one mother's journey to enroll her son in public school. Despite U.S. laws protecting her family's rights, Hugo's mother, Patli, faces multiple challenges. But thanks to her fierce advocacy, her son is able to start school and get the services he needs. Read on to learn how this family overcomes each challenge.

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TABLE OF CONTENTS

During enrollment, the registrar wrongfully refuses to use an interpreter to communicate with Patli.....	4
The registrar wrongfully demands documents such as a Social Security card, which Hugo does not have	5
The registrar wrongfully denies Hugo enrollment due to his age and fails to evaluate him for special education services	6
Hugo begins classes but is not provided the special education and English as a second language (ESL) services he should be getting	8
Hugo’s friend Daniel is experiencing homelessness and is unable to provide the documents requested by the registrar	9
Hugo and Daniel thrive in school.....	11
Important Reminders.....	12
Key Staff.....	12
Language Advocacy Letter	15
Enrollment Advocacy Letter.....	17
Special Education Advocacy Letter	19
McKinney-Vento Homeless Assistance Advocacy Letter.....	21

SCENARIO 1

What's Happening?

Patli and her 17-year-old son Hugo move to a new neighborhood and school district. She plans to enroll Hugo in the local public school.

Patli speaks K'iche'. Hugo is a native K'iche' speaker but also understands some Spanish and English. He is an Emerging Multilingual student. Patli suspects that Hugo has a learning disability, but he has never received special education services. By herself, Patli tries to register Hugo for school at the district's administration office. But the registrar tells her in English that there is no one who can help interpret and that he cannot call an interpreter. He recommends that Patli come back with someone who can interpret for her. Patli leaves feeling discouraged and without registering Hugo for school.

What's the Problem?

The school district was wrong to respond to Patli this way. As required by federal law, the school district has the responsibility to provide a qualified interpreter to communicate with Patli in K'iche'. Finding and paying for an interpreter is not the family's responsibility.

What Can You Do if This Happens to You?

If you are able, remind the registrar that it is the school's responsibility to communicate with you in a language you understand. This includes the use of an interpreter for oral communications and translations for written communications. You will find a *Language Advocacy Letter on page 15* of this resource that you can share with the registrar. The letter reminds school district staff of its legal responsibility and requests a meeting, with interpretation, to discuss and resolve the problem. It can be used both during the enrollment process and throughout the school year, any time when the school or district fails to communicate with you in a language you understand, or if your student is not provided needed language services.

If the registrar is unhelpful, check the staff directory on the school or district website and try to locate anyone in the roles listed in the *Key Staff section on page 12* of this resource. Send them the Language Advocacy Letter as well.

Consider contacting a local legal aid or community organization that helps immigrant families and students. Advocates at such organizations often help families with issues they are experiencing in the school or district.



SCENARIO 2

What's Happening?

Patli sends the Language Advocacy Letter to the registrar, the district's English as a Second Language (ESL) coordinator and the superintendent. Before receiving a response, she returns to the administration office with Hugo. The registrar again refuses to provide an interpreter. Hugo tries to interpret and explain that Patli would like to enroll him. The registrar provides them with the enrollment paperwork in English, but it is not translated into K'iche'.

The registrar asks for a copy of Hugo's birth certificate, school records and Social Security number. Hugo's birth certificate and some school records are not in English. He does not have a Social Security card. Patli shows the birth certificate and school records, and the registrar refuses to accept them because they are not in English. The registrar says Hugo cannot be enrolled without a Social Security card. Patli and Hugo leave the office. Hugo is still not enrolled.

What's the Problem?

In addition to providing a qualified interpreter, the district should have translated the enrollment paperwork into K'iche' and probably should have translated the birth certificate and past school records into English to place Hugo at the appropriate grade level. The district certainly should not have made Patli and Hugo produce any translated documents before enrolling him. It was also wrong for the school district to demand a Social Security card. By law, Hugo does not need to have or show a Social Security card to attend public school.

What Can You Do if This Happens to You?

If the school or district does not let your child enroll, consider sending the *Enrollment Advocacy Letter on page 17* of this resource to any of the staff listed in the *Key Staff section on page 12*. It explains that schools and districts cannot discriminate against students based on race, national origin (including language), color or disability status. It also requests a meeting with interpretation, if needed, to discuss and resolve the problem – and explains that public schools and districts:

- Must accept documents in any language and provide translated materials and interpretation throughout the enrollment process.



- Cannot send older immigrant or Emerging Bilingual/Multilingual students to adult education programs as a general practice. Many may qualify for support services and may be on track to graduate on time.

- Cannot deny enrollment to students with known or suspected disabilities or students experiencing homelessness before evaluating their eligibility for services.

Also, if you have not already, consider contacting a local legal aid or community organization that helps protect the rights of immigrant families and students.

SCENARIO 3

What's Happening?

After Hugo is denied enrollment, Patli speaks to her neighbors. They have been through a similar situation. Patli's neighbor recommends an advocate who helped them get their child enrolled. The advocate convinces the school district that, by law, Hugo does not need to show a Social Security card and that the district cannot deny enrollment for having school records in another language. The advocate also tells the school district that Patli believes her son might have a learning disability, and she requests that he be evaluated for special education services. The district accepts Hugo's enrollment packet.

However, Patli later receives a notice in English saying that Hugo has been denied enrollment because of his age and because the school says that he will not be able to take all the classes necessary to graduate on time. The school does not mention options for night school or summer classes to help him get all his credits on time. Instead, they say he must find an adult education program. Hugo tries to translate the notice for his mother, but he has a hard time.

What's the Problem?

The school district should have translated this important notice — and all other important notices — into K'iche'. The district was likely wrong to deny Hugo enrollment based on his age. The district was certainly wrong to deny Hugo enrollment without first considering his eligibility for special education services. The school knew that Hugo is a student with a suspected learning disability.

U.S. law states that all schools and districts must identify and evaluate all students with disabilities, or who might have disabilities, for special education (SPED) services up until the age of 21. This is true whether the child is already enrolled in the district or has received SPED services in the past. When students are eligible for SPED services, the district must enroll and educate them until they are 21 (even if state law allows the district to deny enrollment to students 16 or older).

What Can You Do if This Happens to You?

If your student has never been evaluated for SPED services, if you think there is any chance they

may benefit from SPED services, or if they have already been identified as a student with a disability, it is highly encouraged to request SPED evaluation by sending the *Special Education Advocacy letter on page 19* of this resource to the school and district staff listed in the *Key Staff section on page 12*. School districts have a responsibility to evaluate students when requested or when they know or suspect that the student has a disability.

Patli was right to request an evaluation even though she wasn't sure that Hugo would qualify for SPED services.

States have different laws on when students can be denied enrollment based on their age. If your student is 16 or older, is not eligible for SPED services, and is being denied enrollment based on age, it's a good idea to talk to an attorney or qualified advocate at a local legal aid or community organization.

Patli and Hugo have now experienced many rights violations in this school district. Each state's department of education has a complaint process for families and advocates to report violations of students' and guardians' rights. Patli may wish to talk to her advocate about filing a state complaint.

Additionally, the U.S. Department of Education (DOE), and the U.S. Department of Justice's (DOJ) have complaint processes. The DOE's Office for Civil Rights and the DOJ's Educational Opportunities Section are responsible for enforcing federal laws that protect students against discrimination based on race, national origin (including language), color and disability status. With your advocate, you may want to consider filing a complaint with one or both of these departments, asking for an investigation into the violations of your rights.



SCENARIO 4

What's Happening?

Patli's advocate helps get Hugo enrolled based on state law. However, the district does not test his English language level or evaluate him for SPED services, even though it has legal responsibilities to do so. Hugo is not put in any ESL classes and does not get any special education services. Patli notices that Hugo is frustrated and discouraged. He is falling behind, and his grades are suffering.

What's the Problem?

The district knows that Hugo is still learning English and that he has a suspected learning disability. By law, the school and district must identify whether he needs language and SPED services. Identifying English language learners is generally a two-step process:

- First, students complete a home language survey to determine what language is used at home.
- Second, students take a language assessment test to determine their English level.

The school and school district cannot legally keep Hugo out of ESL classes (sometimes called EL, ELL, or ESOL classes) or keep him from receiving SPED services if eligible.

It is important to remember that the school also cannot unnecessarily keep Hugo away from his English-speaking classmates and classmates who do not receive SPED services.

What Can You Do if This Happens to You?

Since the school and district continue to ignore their legal responsibilities, you should request evaluation for SPED and language services. You can use the *Language and SPED advocacy letters mentioned previously, that can be found on pages 15 and 19* of this resource.

You should also request that your child get compensatory education to make up for the time they were not receiving SPED services. "Compensatory education" means services like tutoring to help students catch up to where they would be if they had been receiving the proper services all along. For example, Hugo might be entitled to extra tutoring because the district did not give him any support for his learning disability.

You may want to consider speaking with other families to see if others are experiencing the same problems with the school. Organizing among par-

ents, guardians, advocates, and community members can be a powerful tool for working together to demand change. Look into whether any groups already exist near you that organize around issues affecting children and families.

Additionally, some schools and districts have family or student-led support groups that you can connect with and talk to about ways to get needed services.

If your school or district refuses to improve its practices, a legal tool that some lawyers and civil rights organizations might consider is to send a demand letter to the school district and the district's lawyer. Demand letters are often sent as a final attempt to get a problem resolved before bringing a lawsuit.





SCENARIO 5

What's Happening?

Patli's neighbors invite her to join a coalition of concerned parents and guardians experiencing similar problems. Together, they attend a school board meeting and speak about the district's failure to comply with the law and create an environment supportive of all students and families. As a result of this and other organizing actions taken by the coalition, the school improves its practices. The school evaluates Hugo for ESL and SPED services, and he begins to receive the classes and accommodations for which he is eligible. He is beginning to enjoy school!

A few weeks into the school year, Hugo's new friend, Daniel, asks to stay at Patli and Hugo's home for a week or two. Daniel's parents do not live in the U.S. He has been living here with his uncle, his temporary legal guardian. His uncle was recently forced out of his apartment and is now looking for new housing. Daniel has spent the past week living with friends or sometimes at motels. Patli allows Daniel to sleep on her couch for a while if he enrolls in school.

When Daniel tries to enroll in Hugo's district, the registrar asks him to show proof of identification, age, vaccination and residency within the school district limits. They also say he will need a parent or legal guardian to sign his enrollment application since he is a minor. Daniel does not have any of the documentation, and he does not have a parent or legal guardian right now who can sign his application. The registrar tells Daniel he cannot be enrolled and says to come back when he has documents and can bring a legal guardian.

What's the Problem?

Unaccompanied minors have the same rights to public education as other students. Districts cannot deny enrollment to a student like Daniel just because he does not have a parent or guardian who can help him.

Under U.S. law (the McKinney-Vento Homeless Assistance Act), students experiencing homelessness have the right to be immediately enrolled in school even without paperwork.



Even though Daniel is staying with Patli, he is considered a student experiencing homelessness under U.S. law because he does not have a regular nighttime home. The registrar should have immediately enrolled Daniel in school, and a school or district administrator (sometimes called the McKinney-Vento liaison) should work with him to help get any documents he needs. This administrator should also help identify other services he needs to do well in school.

What Can You Do if This Happens to You?

Consider sending the *McKinney-Vento Advocacy Letter on page 21* of this resource to the school and district staff listed in the *Key Staff section on page 12*. This letter explains that:

- Students experiencing homelessness have the right to be immediately enrolled in school even if they don't have all their enrollment documents yet.
- The district must consider such students for eligibility under the McKinney-Vento Homeless Assistance Act.
- Students who are found eligible under McKinney-Vento are entitled to many support services

from the district, like transportation to and from school.

If you aren't sure whether you or your child would qualify, you should still ask the district to consider your eligibility. The definition of "homeless" under McKinney-Vento is very broad, so a child might be eligible for services even if they have a place to sleep every night.

Also, Patli may want to introduce Daniel to her advocate if he needs additional help getting enrolled.

After sending the McKinney-Vento Advocacy Letter to the district's McKinney-Vento liaison, Daniel is able to enroll in school. The McKinney-Vento liaison and school social worker help Daniel sign up for services, like transportation and free lunch, and they begin working with Daniel's family to get the documents he did not have when he first spoke to the registrar. Daniel now feels better supported by the school staff and community.



IMPORTANT REMINDERS

When schools or districts don't follow the law, it's easy to feel overwhelmed or discouraged. But there are many actions you can take and people who can help! Just remember:

- You have legal protections for advocating for your family's rights.
- It's okay to ask for help from local legal aid or community organizations.
- There is power in community! Talking to other families and taking steps together has led to many important improvements to our schools.
- Pushing your school or district to change can help you and other current and future families in the district.
- If you experience continued violations or retaliation for speaking out at school, please call us, toll-free, from 9 a.m. to 4 p.m. Eastern at **1-800-591-3656** or visit us at **splcenter.org/plyler**

KEY STAFF

Check the staff directory on the school's or district's website and look for staff in the following roles. Each school district is different, and titles and positions may vary, but in general, staff in the below roles should be there to help guide and support families:

- ESL/ESOL/EL/ELL coordinator
- School or guidance counselor
- School social worker
- Title III coordinator
- Family/parent/guardian liaison
- Special education/504 coordinator
- McKinney-Vento liaison
- Office manager or coordinator
- Principal and superintendent

ADVOCACY LETTERS

NOTICE OF VIOLATION OF LANGUAGE ACCESS RIGHTS

LANGUAGE ADVOCACY LETTER SUMMARY

This letter is for use by families and their advocates when a school or school district has violated a parent's, guardian's or student's language rights in public elementary, middle or high school. It explains that it is illegal for schools to discriminate against students or families for their national origin, immigration status or preferred language. It explains that both during the enrollment process and throughout the school year, schools are required by federal law to communicate essential information to families in the family's preferred language, orally and in writing. The letter also explains that it is the school's legal responsibility to secure qualified and accurate interpretation and translations.

Further, schools must identify and evaluate students who are learning English and must provide them with English as a Second Language (ESL) services to ensure their success in learning English and in learning all other core academic subjects. The letter also reminds the school that you are within your right to advocate for your family's rights and that you are protected by federal law from retaliation.

By sending this letter, you are formally requesting a meeting – with a qualified interpreter – to discuss the language violations your family has been experiencing. You are also requesting that all future communications be in your preferred language. Titles vary by school district, but you might consider providing this letter to the registrar (if during enrollment), ESL/ELL coordinator, Title III coordinator, family liaison, superintendent or other district administrator. Check the staff directory on your school or district's website for a full list of employees and their contact information. Before sending the letter, make sure to fill in the blanks at the bottom of the page!

NOTICE OF VIOLATION OF LANGUAGE ACCESS RIGHTS

To Whom It May Concern:

I write to notify you that this school district has violated my family's language access rights. I am aware of my rights and know that public schools and school districts are legally obligated to provide my child and me with language accommodations and services in our native language. Schools and school districts are legally required to provide accurate interpretation and translation of all essential information and access to English as a Second Language (ESL) services for my child (though not to the exclusion of other core academic subjects). In addition, schools and school districts must provide language access during the enrollment process; they must provide qualified interpretation and accept and translate a wide array of domestic and foreign documents, in languages other than English, that serve to establish a student's age, residency and parentage or guardian legal relationship.

The Supreme Court of the United States, in the landmark decision Plyler v. Doe, upheld the right of all children in the United States to access public education. Public elementary and secondary schools must register and enroll every child who lives in their geographic boundaries, regardless of the child's or guardian's citizenship, immigration status or English language proficiency. Discrimination based on national origin, among other categories, is prohibited under the U.S. Constitution and federal law. Furthermore, Title VI and the 1974 Equal Educational Opportunities Act (EEOA) require all public schools and school districts to ensure that English Language Learner students (ELLs or ELs) can meaningfully participate in their educational programs and services. Title VI also requires schools to communicate with parents and legal guardians in a language in which they are proficient. Any family that advocates for their language access rights is protected from retaliation under Title VI.

Given my family's legal rights to language access, I would like to speak in further detail about the violations that we have been experiencing. I submit this as a formal request for a meeting – with the provision of appropriate language accommodations – with you and/or other appropriate parties of your institution. Under the law, the provision of language accommodations means the inclusion of a qualified interpreter in our meeting either in person or by phone, so that I am able to meaningfully participate. I also ask that you ensure any future communication about this meeting or otherwise is interpreted or translated.

In advance of the meeting, I invite you to consult the following webpage of the Southern Poverty Law Center, which provides resources that explain your legal obligations to enroll and provide meaningful language access to students and guardians: splcenter.org/plyler.

Thank you very much for your attention to this matter. I look forward to speaking to you soon to provide details about how my family's language access rights are being violated and to discuss how your institution can meet your legal obligations to my family pursuant to federal law.

Sincerely,

Guardian Name

Telephone

Student Name

Email

Date

Language Preferred

NOTICE OF VIOLATION OF ENROLLMENT RIGHTS

ENROLLMENT ADVOCACY LETTER SUMMARY

This letter is for use by families and advocates of students who are being wrongfully excluded from enrollment in public elementary, middle or high school. It explains that schools and districts cannot discriminate against immigrant students and must be flexible in the documentation they require for enrollment. It is the responsibility of the school or district to translate your documents into English to place your child at the appropriate grade level, translate the enrollment application into the language you are most comfortable with, and provide interpretation for all oral communications throughout the process. Schools cannot steer older students toward adult education as a standard practice. They must immediately enroll and support students experiencing homelessness, and they must evaluate students with suspected learning disabilities for special education (SPED) services and enroll students who qualify for SPED services through age 21.

By sending this letter, you are formally requesting a meeting – with language accommodations, as needed – to discuss the legal violations your student/family has been experiencing. You are also requesting that your student be immediately enrolled. Titles vary by school district, but you might consider providing this letter to the registrar, the superintendent or another school district administrator. Check the staff directory on your school or district’s website for a full list of employees and their contact information. Before sending the letter, make sure to fill in the blanks at the bottom of the page!

NOTICE OF VIOLATION OF ENROLLMENT RIGHTS

To Whom It May Concern:

I write to notify you that this school district has wrongfully interfered with my or my child's rights to enroll in public school. I am aware of my family's rights under the U.S. Constitution and federal and state law. Public schools and school districts have legal responsibilities during the enrollment process, including the following:

Schools and school districts must accept a variety of domestic and foreign documents, in any language, as proof of student age, student-parent/guardian relationship and residency within the district limits. Schools and districts cannot require families to pay for translations, nor can they refuse to enroll a student for providing proofs in languages other than English.

Schools and districts cannot discriminate against students or families for their citizenship or immigration status, and they cannot legally require a Social Security card, a state-issued driver's license or proof of Medicaid or other public health program enrollment as a condition of student enrollment.

Throughout the enrollment process, schools and districts must provide qualified translation and interpretation of all enrollment applications and forms, as well as all verbal communications, free of charge to families with limited English proficiency.

Schools and districts cannot steer recently arrived immigrant students or older English Language Learner students (ELLs/ELs) away from public school and toward adult education or credit recovery programs as standard practice. In many cases, these students are eligible for public school and can graduate in a timely manner, especially if given options for summer or night school.

Schools and districts cannot deny enrollment to any student or prospective student, age 21 or younger, who has or may have a learning disability, before evaluating the student's eligibility for special education (SPED) services. If the student is deemed eligible for SPED services, the school cannot deny enrollment and must provide SPED services and accommodations to the student.

Schools and districts cannot deny enrollment to any student who may be experiencing homelessness for failure to provide proof of identity, age, residency within the district limits or relationship to a legal guardian/parent. Schools must immediately enroll the student before evaluating the student's eligibility for services under the McKinney-Vento Homeless Assistance Act. If the student is deemed eligible, the school or district staff must work with the child to arrange services, including transportation for the student.

Given my family's legal rights in the enrollment process, I would like to speak in further detail about the legal violations we have been experiencing within your institution. I am formally requesting a meeting with you and/or other appropriate parties of your institution (with language accommodations, as needed). I further request that my student be immediately enrolled in school.

In advance of the meeting, I invite you to consult the following webpage of the Southern Poverty Law Center, which provides resources that explain your legal obligations during school enrollment: splcenter.org/plyler. Thank you very much for your attention to this matter. I look forward to speaking to you soon to provide details about how my family's enrollment rights are being violated and to discuss how your institution can meet your legal obligations to my family.

Sincerely,

Guardian Name

Telephone

Student Name

Email

Date

Language Preferred

NOTICE OF SPECIAL EDUCATION RIGHTS

SPED ADVOCACY LETTER SUMMARY

This letter is for use by families and advocates of students who have a diagnosed or suspected learning disability, developmental disability, health impairment or emotional disturbance that may qualify them for special education (SPED) services at public elementary, middle and high schools. It explains that schools and districts are legally required to identify and evaluate students and potential students who may qualify for SPED services. Students deemed eligible to receive SPED services must be allowed to enroll through age 21 and receive support and accommodations to help them succeed in school. The letter also reminds the school or district that students receiving SPED services should not be unnecessarily kept away from classmates who are not receiving SPED services.

By sending this letter, you are formally requesting that your student be evaluated and that you be provided with a copy of a Consent for Evaluation form and a Parental/Guardian Rights form in your preferred language. Titles vary by school district, but you might consider providing this letter to the special education/504 coordinator, school counselor or family liaison. Check the staff directory on your school or district's website for a full list of employees and their contact information. Before sending the letter, make sure to fill in the blanks at the bottom of the page!

NOTICE OF SPECIAL EDUCATION RIGHTS

To Whom It May Concern:

This letter is intended to notify you that my student has a diagnosed or suspected learning disability, developmental disability, health impairment or emotional disturbance that likely makes my student eligible to receive special education services and accommodations. My student and I are afforded certain rights under federal law, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act.

Schools and school districts have a legal responsibility to locate, identify and evaluate children and young people with suspected or known disabilities who may be in need of special education (SPED) services. This includes students who have never been evaluated for SPED services before, but for whom there is suspicion of a qualifying disability or health issue. Schools and districts must also evaluate any student at the request of a parent or legal guardian who suspects that their student could benefit from SPED services. This includes anyone through age 21 who lives within the district's boundaries, including those not currently enrolled in the district. If deemed eligible for SPED services, the student must be allowed to enroll in school through age 21, even if state law allows districts to deny enrollment to students of a younger age. In addition to receiving support and accommodations (and compensatory education services, if needed), students eligible for SPED services should also never be unnecessarily segregated from their peers who are not receiving SPED services.

If you would like to learn more about your legal obligations to all students and families, I invite you to consult the following webpage of the Southern Poverty Law Center: splcenter.org/plyler.

I believe that my student needs to be evaluated for special education services under the Individuals with Disabilities Education Act. I am writing to request an individual, comprehensive evaluation of my student that complies with the requirements of 34 C.F.R. § 300.301. As soon as possible, please provide me with a Consent for Evaluation form and a copy of my Parental/Guardian Rights in the language in which I have indicated I feel most comfortable communicating.

Thank you very much for your attention to this matter.

Sincerely,

Guardian Name

Telephone

Student Name

Email

Date

Language Preferred

NOTICE OF RIGHTS UNDER THE MCKINNEY- VENTO ACT

MCKINNEY-VENTO ADVOCACY LETTER SUMMARY

This letter is for use by students and families who are experiencing homelessness and their advocates. It explains that public elementary, middle and high schools and school districts are required by federal law to 1) enroll students experiencing homelessness immediately, even if they lack requested documents, 2) connect them with appropriate support staff and 3) provide them with services like transportation.

By sending this letter, you are formally requesting that you/your student be enrolled (if not already) and receive support and services. Titles vary by school district, but you might consider providing this letter to front desk staff, a McKinney-Vento liaison, family liaison, guidance counselor or school district administrator like the superintendent. Check the staff directory on your school or district's website for a full list of employees and their contact information. Before sending the letter, make sure to fill in the blanks at the bottom of the page!

NOTICE OF RIGHTS UNDER THE MCKINNEY-VENTO ACT

To Whom It May Concern:

I write to notify you that I believe I qualify for services under the McKinney-Vento Homeless Assistance Act because my family lacks a fixed, adequate, nighttime residence.

McKinney-Vento requires that schools and districts immediately enroll students experiencing homelessness, either in their school of origin or their school of choice. Students or prospective students who are experiencing homelessness and are unable to provide documents during the enrollment process to prove their residency, identity, age or relationship to a legal guardian must be immediately enrolled. After they are enrolled, the school/district must evaluate them for eligibility under McKinney-Vento and provide support to acquire any needed enrollment documents. Students who are deemed eligible under McKinney-Vento should be provided services, including transportation to and from school.

You can learn more about the McKinney-Vento act's definition of homelessness and the rights of students experiencing homelessness at splcenter.org/plyler.

This letter serves as a formal request to be immediately enrolled (if not already), be evaluated for eligibility under McKinney-Vento, and receive the services and support I am entitled to as someone experiencing homelessness. Please connect me with the district's McKinney-Vento liaison or another qualified staff member as soon as possible so that we can determine what services I am eligible for. Thank you very much for your attention to this matter.

Sincerely,

Guardian Name

Telephone

Student Name

Email

Date

Language Preferred

