

QUESTIONS AND ANSWERS ON SCHOOL SELECTION, SCHOOL OF ORIGIN, AND TRANSPORTATION

Question 1: Where can children and youth experiencing homelessness enroll in school?

There are two different laws that address the question of where children and youth experiencing homelessness can enroll. TEC §25.001(b)(5) states that a school district shall enroll a person that is homeless, regardless of the residence of that person or either parent of that person, or of the person's legal guardian or other person having lawful control of that person. Therefore, if a student is homeless, he can enroll in any district in the state, regardless of where he or his parents or guardians reside. The TEC does not specify a process for establishing which school within a district the homeless student will attend.

The second law that affects the school in which children and youth experiencing homelessness can enroll is Section 722(g)(3) of McKinney-Vento. This section of McKinney-Vento requires that homeless children and youth have a choice, according to the child's or youth's best interest, of being enrolled either in their "school of origin" or in the public school of the attendance area where they now reside. They have this choice for the entire duration in which they are homeless or, in the case where a homeless student becomes permanently housed during an academic year, for the remainder of that academic year.

Question 2: Are local education agencies required to provide transportation to children and youth experiencing homelessness?

Sections 722(g)(1)(J)(iii) and (g)(4)(A) of McKinney-Vento specifically address LEA responsibilities for providing transportation to homeless students.

Section 722(g)(1)(J)(iii) states that LEAs must provide children and youth experiencing homelessness with transportation to and from their school of origin, at the request of a parent, guardian, or, in the case of unaccompanied youth, homeless liaison. The school of origin is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled [§722(g)(3)(G)]. If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange transportation. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

Section (g)(4)(A) requires LEAs to provide students experiencing homelessness with transportation services comparable to those provided other students.

Question 3: If the residence is within 2 miles of the school of origin does the district have to provide transportation?

The NCLB requires transportation services for homeless students that are “comparable to services offered to other student in the school.” [Sec. 722(g)(4).] Therefore, transportation within 2 miles is not required if such transportation is not provided to other students.

Question 4: May a district refuse to provide transportation to the school of origin because of the length of time involved in transporting the child, such as 45 minutes?

The NCLB requires that placement decisions be made “according to the child’s or youth’s best interest.” [Sec. 722(g)(3)] In determining best interest, many factors could be considered including distance to school, programs available, etc. Distance alone is not determinative as 45-minute (or longer) travel is common in some districts and may be necessary to provide the option that is in the child’s best interest.

Additional information on determining the best interest of the child may be found on the THEO website, including the following checklist for helping determine whether the attendance zone or school of origin is in the best interest of the child:

https://www.theotx.org/wp-content/uploads/2016/02/Checklist_SchoolSelectionProvision_SchoolOrigin_AttendanceZone.pdf.

Question 5: If two districts cannot agree on apportioning the costs or transportation to a school of origin, what do they do? Will TEA provide some guidance?

The NCLB provides that the responsibility as well as costs for providing transportation to and from a homeless student’s “school of origin” will be shared equally unless the districts affected agree to a different method of apportionment. This is a decision for the districts involved to make. TEA does not have a role in this decision.

Additional information on transportation provisions in the McKinney-Vento Act may be found on the THEO website, including links to the TEA transportation Q & A site, at:
http://www.theotx.org/resource_type/transportation/