

**Compilation of Texas Association of School Boards policy text  
addressing *McKinney–Vento Homeless Education Assistance  
Improvements Act of 2001***

**The text that follows is from TASB policy CNA(LLEGAL):  
STUDENT TRANSPORTATION, as issued in Update 71,  
Issued Date, 09/30/03.**

TRANSPORTATION  
OF HOMELESS  
STUDENTS

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, at the request of the homeless liaison) to and from the school of origin, as follows:

1. If the homeless child lives in the district in which the school of origin is located, the district of origin will provide the child's transportation to and from the school of origin.
2. If the homeless child lives in a district other than that in which the school of origin is located, the district of origin and the district where the homeless child is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the districts are unable to agree, the responsibility and costs shall be shared equally.

*McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Secs. 722, 725, part of No Child Left Behind Act of 2001 Sec. 1031, Pub. L. No. 107–110, 115 Stat. 1505 (2002) (to be codified at 42 U.S.C. 11434a) [See FDC]*

**The text that follows is from TASB policy EHBD(LEGAL): FEDERAL TITLE I PROGRAMS, as issued in Update 71, Issued Date, 09/30/03.**

HOMELESS  
CHILDREN

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. *McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432*  
[See FD, FDC, and FFC]

**The text that follows is from TASB policy FB(LEGAL):  
EQUAL EDUCATIONAL OPPORTUNITIES, as issued in  
Update 71, Issued Date, 09/30/03.**

HOMELESS  
CHILDREN

The District shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See EHBD and FDC]

LIAISON

The District shall designate an appropriate staff person as a district liaison for homeless children. The District shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison. [See FFC]

*McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Secs. 722, 725, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432*

**The text that follows is from TASB policy FD(LEGAL): ADMISSIONS as issued in Update 71, Issued Date, 09/30/03. The GENERAL ELIGIBILITY section includes the definition of “homeless student” beginning at item 5.**

## GENERAL ELIGIBILITY

The Board or its designee shall admit into the public schools of the District free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought if any of the following conditions exist:

1. The person and either parent reside in the District.
2. The person does not reside in the District, but one of the parents resides in the District and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.
3. The person and his or her guardian or other person having lawful control under an order of a court reside in the District.
4. The person is under the age of 18 and has established a separate residence in the District apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the District is not for the primary purpose of participation in extracurricular activities. The Board is not required to admit such person, however, if the person has:
  - a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
  - b. Engaged in delinquent conduct or “conduct in need of supervision” and is on probation or other conditional release for that conduct; or
  - c. Been convicted of a criminal offense and is on probation or other conditional release.

*Education Code 25.001(a), (b), (d)*

5. The person is a homeless child. [See also FDC]
  - a. A child is “homeless,” under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:
    - (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer

parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- (2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) Migratory children living in circumstances described above.

“Migratory child” means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work:

- (a) Has moved from one school district to another; or
- (b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

*42 U.S.C. 6399(2)*

- b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child’s guardian or other person having lawful control, if:
  - (1) The child lacks a fixed, regular, and adequate nighttime residence; or
  - (2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or

private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

*Education Code 25.001(b); 42 U.S.C. 11302*

6. The person is a foreign exchange student placed with a host family that resides in the District by a nationally recognized foreign exchange program, unless the District has applied for and been granted a waiver by the Commissioner because:
  - a. This requirement would impose a financial or staffing hardship on the District;
  - b. The admission would diminish the District's ability to provide high quality education services for the District's domestic students; or
  - c. The admission would require domestic students to compete with foreign exchange students for educational resources.

*Education Code 25.001(b)(6), (e)*

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the District. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*
8. The person resides in the District and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

# Texas Association of School Boards (TASB) Policy Text

## **The text that follows is from TASB policy FDC(LEGAL): HOMELESS STUDENTS as issued in Update 71, Issued Date, 09/30/03.**

HOMELESS CHILDREN	As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. [See FD for definition of homeless students]
DEFINITIONS	In determining the “best interest” of a child, the District shall:
BEST INTEREST	<ol style="list-style-type: none"><li>1. To the extent feasible, keep a homeless child in the school of origin, except when doing so is contrary to the wishes of the child’s parent or guardian;</li><li>2. Provide a written explanation to the homeless child’s parent or guardian, including a statement of appeal rights, if the District sends the child to a school other than the school of origin or a school requested by the parent or guardian; and</li><li>3. In the case of an unaccompanied youth, consider the views of the child and provide the notice required in the event of an enrollment dispute.</li></ol>
ENROLLMENT	“Enroll” and “enrollment” include attending classes and participating fully in school activities.
HOMELESS CHILDREN OR YOUTH	“Homeless child” means a child or youth. “Unaccompanied youth” includes a child not in the physical custody of a parent or guardian.”
SCHOOL OF ORIGIN	“School of origin” means the school that the child attended when permanently housed or the school in which the child was last enrolled.
CONTACT INFORMATION	The District may require the parent or guardian of a homeless child to submit contact information.
ENROLLMENT	The school selected in accordance with the McKinney-Vento Homeless Education Assistance Improvements Act shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment. The school shall immediately contact the last school attended to obtain relevant academic and other records. If the child needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the child’s parent or guardian to the District’s homeless liaison for assistance. [See FFC]
ENROLLMENT DISPUTES	If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which

# Texas Association of School Boards (TASB) Policy Text

enrollment is sought, pending resolution of the dispute. The District shall provide the child's parent or guardian with a written explanation of the decision regarding school selection or enrollment, including the right to appeal the decision. The District shall refer the child, parent, or guardian to the homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible.

## SCHOOL PLACEMENT

The District shall not segregate homeless children. The District shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness, if the child's family becomes homeless between academic years or during an academic year;
2. Continue the child's education in the school of origin for the duration of the academic year, if the child becomes permanently housed during an academic year; or
3. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

The District shall make the choice regarding placement without regard to whether the child lives with the homeless parents or has been temporarily placed elsewhere.

## COMPARABLE SERVICES

The District shall provide a homeless child with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in vocational and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

## COORDINATION

The District shall coordinate the provision of services to homeless children with:

1. Local social services agencies and other agencies or programs providing services to homeless children and their families;
2. Other local educational agencies, on interdistrict issues such as transportation or transfer of school records; and



3. As applicable, state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for homeless children.

The coordination shall be designed to ensure that homeless children have access and reasonable proximity to available education and related support services and to raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

**BARRIERS TO ENROLLMENT**

The District shall review and revise any policies that may act as barriers to the enrollment of homeless children. The District shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. The District shall give special attention to ensuring the enrollment and attendance of homeless children who are not currently attending school.

In addition, the District shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

**NOTICE OF RIGHTS**

At enrollment and at least twice annually while the homeless child is enrolled in the District, the District shall provide written notice to the parent or guardian of the child (or directly to an unaccompanied youth) that is signed by the parent, guardian, or unaccompanied youth and sets forth the general rights provided under the McKinney-Vento Act, specifically including:

1. The choice of schools homeless children are eligible to attend;
2. That no homeless child is required to attend a separate school for homeless children;
3. That homeless children shall be provided comparable services, including transportation, education, and meals through school meals programs;
4. That homeless children shall not be stigmatized by school personnel; and
5. Contact information for the District’s homeless liaison [see FFC] and the state coordinator for education of homeless children and youths.

Note:  
These provisions do not apply to any school districts in Texas; they apply only to those exempt covered districts as indicated in the McKinney-Vento Act, Section 722 (e) (3).

The notice must be in a manner and form understandable to the parent, guardian, or unaccompanied youth including, if necessary

and to the extent feasible, in the native language of such parent, guardian, or youth.

*McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432, 11434a)*

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Other Related Policies:

CNA – STUDENT TRANSPORTATION

EHBD – FEDERAL TITLE I PROGRAMS

FB – EQUAL EDUCATIONAL OPPORTUNITIES

FD – ADMISSIONS

FFAB – IMMUNIZATIONS

FL – STUDENT RECORDS

FP – STUDENT FEES, FINES, AND CHARGES

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# Texas Association of School Boards (TASB) Policy Text

**The text that follows is the TASB policy FDC(LOCAL): HOMELESS STUDENTS, as issued in Update 71, Issued Date of 09/30/03.**

LIAISON FOR HOMELESS STUDENTS

The Superintendent shall appoint an appropriate staff person as the District liaison for homeless students. [See FFC]

ADMISSIONS

The principal shall notify the homeless liaison within one school day of admission of a homeless student.

ENROLLMENT IN SCHOOL OF ORIGIN

In determining feasibility of educating a homeless student in his or her school of origin, the District shall consider the best interests of the student with regard to such relevant factors as:

1. Continuity of instruction
2. Age and grade placement of the student
3. Distance of the commute and its impact on the student's education or special needs
4. Personal safety of the student
5. Student's need for special instruction, such as Section 504 or special education and related services
6. Length of anticipated stay in a temporary shelter or other temporary location
7. Likely area of the family's or youth's future housing
8. Time remaining in the school year
9. School placement of siblings

Services, including transportation, that the District is required to provide shall not be considered in determining feasibility.

CONTINUATION OF TRANSPORTATION

The District shall provide transportation to a homeless student assigned to attend the school of origin, as provided by law. If such a student ceases to be homeless, the District shall continue to provide transportation to and from the school of origin through the end of the school year, upon request from the parent or guardian. [See CNA]

DISPUTE RESOLUTION PROCESS

In the event that a homeless student, or his or her parent or guardian, has a complaint about admission, placement, or services provided by the District, that person shall use the complaint resolution procedures set out in FNG(LOCAL), beginning at Level Two.

When the principal becomes aware of a complaint, he or she shall notify the liaison for homeless students within one school day. At all times the liaison for homeless students or designee shall accompany and assist the student, parent, or guardian in the dispute resolution process. Throughout the dispute resolution process, the homeless student shall be permitted to attend classes, receive the requested services, and participate fully in school activities.

**The text that follows is the TASB policy FFC(LEGAL):  
STUDENT SUPPORT SERVICES, as issued in Update 71,  
Issued Date of 09/30/03.**

LIAISON FOR  
HOMELESS  
STUDENTS

The District shall designate an appropriate staff person as a District liaison for homeless children. The District shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison.

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through coordination activities with other entities and agencies;
2. Homeless children enroll in, and have a full and equal opportunity to succeed in, District schools;
3. Homeless families and children receive educational services for which they are eligible, including Head Start, Even Start, and District preschool programs, and referrals to health care, dental, mental health, and other appropriate services;
4. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided with meaningful opportunities to participate in the education of their children;
5. Public notice of the educational rights of homeless children is disseminated where such children receive services under the McKinney-Vento Act, such as schools, family shelters, and soup kitchens;
6. Enrollment disputes are mediated in accordance with the McKinney-Vento Act; and
7. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school or origin, and are assisted in accessing transportation to the school of enrollment.

*McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Secs. 722, 725, part of No Child Left Behind Act of 2001, 42 U.S.C. 11434a*

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Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in Texas and to obtain contact information for the liaison in your district, please contact:



**TEXAS HOMELESS EDUCATION OFFICE**

The University of Texas at Austin

Charles A. Dana Center

2901 N IH 35, Room 2.200

[www.utdanacenter.org/theo](http://www.utdanacenter.org/theo)

Austin, TX 78722

1-800-446-3142

**Local contact information:**