

## Eligibility Chart for Determining McKinney-Vento or Substitute/Foster Care Eligibility

Children who are wards of the state, in foster homes, residential homes, treatment centers, or juvenile justice placements are NOT considered homeless under the Federal McKinney-Vento Homeless Education Assistance Act (ESSA reauthorization) – below are some common scenarios to assist the caseworker and liaison to determine whether the student is considered in Foster Care/Substitute Care as a ward of the state of Texas, and/or is considered homeless under McKinney-Vento. Most situations must be assessed on a case- by-case basis.	McKinney-Vento Eligible	CPS/Substitute Care
Child is in state court ordered custody, placed in a licensed or certified foster or kinship home (home study, training, licensed/certified, financially supported, 2085 form).		X
Child is in state court ordered custody, placed with the Texas Juvenile Justice Department (TJJD).		X
Child is in state court ordered custody, placed in a Neglect or Delinquent Center.		X
Child is in state court ordered custody, placed in a Residential Treatment Centers (RTC).		X
Child is in state court ordered custody, placed in an emergency shelter or transitional living program.	X	X
Child is in state court ordered custody, but child ran away from the foster home and returned to stay with their birth family. Child is not considered homeless unless the birth family is living in a homeless situation.		X
Child is in state court ordered custody, but child ran away from the foster home and is living with extended family or friends. Child is considered “doubled-up” and homeless as well as a ward of the state.	X	X
Child is in state court ordered custody but is living in a McKinney-Vento defined situation that might include staying in: a hotel/motel, CPS office, or with a caretaker who meets the MV definition of homeless.	X	X
Child is CPS involved but CPS has NOT taken custody. CPS requires the parent to identify a safe family member or friend for the child to stay with while an investigation or services take place in the child’s home. This situation is viewed as a loss of housing for the child, who is then doubled-up in a home with caretakers that are not legally responsible. Sometimes a Power of Attorney is given to the caretaker. This does not provide legal guardianship of the child.	X	
Child was identified as homeless previously in the school year, and was subsequently taken into state custody and placed in a foster or kinship home. (Once identified as MV the child remains identified the duration of the school year.)	X	X
Child is in state court ordered custody. CPS moves the child from one foster family to another - perhaps multiple times.		X
Child in court ordered custody is placed with and custody transferred to a legal guardian or pre-adoptive home. (As long as the legal guardian is not living in a homeless situation.)		X