



GUIDANCE FOR THE IMPLEMENTATION
OF
TITLE X, PART C

MCKINNEY-VENTO HOMELESS EDUCATION
ASSISTANCE IMPROVEMENTS ACT

SERVICES TO CHILDREN AND YOUTH IN HOMELESS SITUATIONS

DIVISION OF NCLB PROGRAM COORDINATION
TEXAS EDUCATION AGENCY
IN COORDINATION WITH THE
TEXAS HOMELESS EDUCATION OFFICE

SEPTEMBER 1, 2005

BASED ON STATUTE, REGULATIONS, AND USDE GUIDANCE DOCUMENTS

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Title X, Part C—McKinney-Vento Homeless Education Assistance Improvements Act (McKinney-Vento)

The information and requirements discussed in Questions 1-45 apply to all LEAs in the state, regardless of whether the LEA applies for a competitive grant available under Title X, Part C.

In the Texas state plan under Title X, Part C—McKinney-Vento Homeless Education Assistance Improvements Act (McKinney-Vento), Texas included the following assurances. These assurances result in new requirements for ALL LEAs in the areas of 1) policies and practices, 2) personnel, and 3) transportation for youth who are homeless.

Definition of Homelessness

Question 1: What is the definition of a homeless child?

Section 725 (2) of McKinney-

Question 3: Are children who have been placed by the state in transitional or emergency shelters to be considered homeless?

Generally, yes. In its definition of 'homeless children and youths', Section 725 (2)(B)(i) of McKinney-Vento includes children and youths living in transitional and emergency shelters and children and youths awaiting foster care placement.

Question 4: Are children who have temporarily moved to Texas due to Hurricane Katrina and live in shelters, with family and friends, hotels, or other similar situations to be considered homeless?

Generally, yes. In its definition of 'homeless children and youths', Section 725 (2)(B)(i) of McKinney-Vento included in Question 1 includes this type of situation.

Question 5: Are children who are incarcerated or in Texas youth correction facilities to be considered homeless?

Generally, no. Children who are incarcerated for violation or alleged violation of law should not be considered homeless even if, prior to incarceration, they would have met the definition provided by McKinney-Vento. However, children who are under the care of the state and are being held temporarily in an institution because they have no other place to live should be considered homeless.

Question 6: Are "unaccompanied youth" to be considered homeless?

The term "unaccompanied youth" is defined in §725(6) of McKinney-Vento as, "a youth not in the physical custody of a parent or guardian." Children and youths are to be considered homeless as long as they meet the McKinney-Vento definition of homeless children and youths. This definition refers to the actual residential status of the student—where they actually reside at night. It does not refer to whether or not they are in the physical custody of a parent or guardian nor does it refer to whether or not there are parents who have provided and are willing to provide a home for them. Therefore, for example, a youth is considered homeless if they reside in an emergency shelter (as per the definition in McKinney-Vento)—even if that youth has parents who have a house and are willing to provide a home for that youth.

When McKinney-Vento was reauthorized in 2001, it included new provisions that specifically address the situation of unaccompanied youth that are homeless [722(g)(1)(J)(iii); 722(g)(6)(A); 722(g)(3)(B); 722(g)(3)(E); 723(c)(3)(G); 723(d)(7)]. Most of these provisions delineate the responsibilities of the district's homeless liaison to students who are unaccompanied; additionally, some require the State and LEA to address problems or situations specific to homeless students who are unaccompanied youth.

Question 7: Are children who run away from home to be considered homeless?

Children and youths are to be considered homeless as long as they meet the McKinney-Vento definition of homeless children and youths. This definition refers to the actual residential status of the student—where they actually reside at night. It does not refer to the relationship that the student has

with the family. Therefore, if a student has run away from home and is now residing in a situation that meets the McKinney-Vento definition of homeless children and youths, then that student is considered to be homeless—even if that youth has voluntarily left their home and has parents who have a house and are willing to provide a home for that youth.

Question 8: Are “throwaway children” to be considered homeless?

“Throwaway children” is the phrase given to describe children whose parents or guardians will not permit them to live at home. Throwaway children have not run away from home, but their parents do not permit them to reside at home. Children and youths are to be considered homeless as long as they meet the McKinney-Vento definition of homeless children and youths. This definition refers to the actual residential status of the student—where they actually reside at night. It does not refer to the relationship that the student has with the family. Therefore, if a student's parents no longer permit that student to reside at home and that student is now residing in a situation which meets the McKinney-Vento definition of homeless children and youths, then that student is considered to be homeless—even if the parents feel that they had good reason to refuse to allow the student to live at home.

Question 9: Are children who live in doubled-up families (e.g., multiple families living in a single family residence) to be considered homeless?

The McKinney-Vento definition of homeless children and youths includes, “children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.” Therefore, students and/or families who have moved in with another family due to loss of housing, economic hardship, or for some similar reason are to be considered homeless; however, the host family is not considered homeless.

Although the expanded definition of homeless children and youths in McKinney-Vento specifically addresses doubled-up situations, it does not offer any definitive parameters for determining when doubled-up students are homeless and when they are not. There is no case law, or any other lay other

of many of these arrangements and do not exacerbate the hardships in their district by inadvertently causing both families, the doubled-up family and the host family, to lose their residence.

Question 10: Are all children who live with friends or relatives to be considered homeless?

No. The McKinney-Vento definition of homeless children and youths includes, "children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason." Therefore, a student that is doubled up for some other reason besides a loss of housing, economic hardship, or a similar reason is not considered homeless.

Despite the expanded definition of homeless children and youths in McKinney-Vento, the homeless

School Responsibilities for Enrollment

Question 15:

Question 17: Can a school require proof of residency (rent receipt, lease agreements, utility receipts, property tax receipts, etc.) that prevents or delays the enrollment of children or youth experiencing homelessness?

No. Section 722(g)(3)(C)(i) of McKinney-Vento states that a child or youth experiencing homelessness must be enrolled immediately, "even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation."

Additionally, Section 721(1) of McKinney-Vento requires that children in homeless situations be provided equal access to the same free, appropriate public education as provided other children and youth. School districts cannot prevent the enrollment of children and youth without homes through residency requirements. If a child is homeless, inability to provide documentation of permanent residence should not prevent or delay the child's enrollment.

Question 18: When a homeless child or youth is not living with parents or legal guardians, is the school district required to enroll the child?

Yes. TEC §25.001(b)(5) requires school districts to enroll homeless children or youth regardless of the residence of the child, either parent of the child, the child's legal guardian, or any other person having lawful control of the child. Section 722(g)(3) of McKinney-Vento specifies that the choice regarding placement shall be made regardless of whether the child is living with parents or is an unaccompanied youth.

Question 19: If a homeless child or youth attempts to enroll in school without a parent, guardian, or other adult supervision, should the school district enroll the child?

Yes. Section 722(g)(3) of the McKinney Act assures the educational placement of children who are unaccompanied youth (that is, they are living without parents or guardians). TEC §25.001(b)(5) requires school districts to enroll homeless children or youth regardless of the residence of the child, either parent of the child, the child's legal guardian, or any other person having lawful control of the child.

Question 20: If a child or youth in a homeless situation does not have records from a previous school, may the school district delay the student's enrollment until records are received?

No. TEC §25.002(a) gives all students a period of 30 days after enrollment to provide schools with the records necessary for enrollment. TAC 19 §129.1(b) specifically states that children shall not be denied enrollment or be removed solely because they fail to provide school records. In addition, according to Section III (2-2) of the Texas Education Agency's **20022003 Student Attendance Accounting Handbook**, on a student's enrollment in the district, a bona fide effort should be made to secure all records and/or required documentation pertaining to the student from the previous

Section 722(g)(3)(C)(i) of McKinney-Vento states that a child or youth experiencing homelessness must be enrolled "immediately," "even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation."

Question 21: If a homeless child or youth does not have proof of immunization, must a school district enroll the student?

Yes. Under TEC 25.002(a), schools cannot deny a child enrollment for lack of proof of immunization. Schools are required to enroll students and give them 30 days to provide the school documentation that they have been immunized as required under law. If a child does not have the required immunizations, the Texas Department of Health shall provide the required immunization to children in areas where no local provision exists to provide. Qq12 12 5to (o)16(c)-10(a)-4(l)8(o)-4()1(e)-4()at t required imq(n

required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation."

Question 23: When a child or youth without a home is not living with a parent or legal guardian, can a district require that child or youth's caregiver to acquire legal guardianship?

No. TEC §25.001(b)(5) requires school districts to enroll homeless children regardless of the residence of the child, either parent of the child, the child's legal guardian, or any other person having lawful control of the child.

Question 24: How can a district verify that a student is homeless?

There is no universal system of verification. In situations where homeless children are living in shelters, it may be possible to obtain verification from the shelter provider. In situations where

TEC§22.051(c) contains a definition of "professional employee" that is expansive, including superintendents, principals, teachers, supervisors, social workers, counselors, nurses, teachers' aides, student teachers, DPS-certified bus drivers, and anyone else whose employment requires

Sometimes children and youth live in circumstances in which it is not immediately clear if they are, or are not, homeless. If it is determined that the child or youth is not, in fact, homeless, the child or youth still belongs in school. TEC §25.085(b) mandates that all youth in Texas are required to attend school until they complete the academic year in which they turn 18 (unless specifically exempted by TEC §25.086).

In these situations, eligibility for enrollment should be determined in the same manner it would for any child or youth that is not experiencing homelessness. In most circumstances, the child or youth is applying for admission into the district in which they reside; therefore, the fact that they are not homeless would not make them ineligible for enrollment in a district in which they already reside. In circumstances in which it is determined that the child or youth is not homeless and not eligible for enrollment in the district in which they are applying for admission, the district should assist the student in determining the appropriate district in which to enroll. It is recommended that no child or youth be denied admission into a district without being told why and without being told the appropriate district in which to enroll.

Question 30: Is there a procedure in place for resolving enrollment disputes?

In situations in which there is a dispute between the student (or family or guardian of the student) and the school regardin(s)-4()8(6 767.76 reW(f)8(o)-4(r)-7()8(a)-4(d)-4(m)3(i)2(s)-10(s)-r)-7()8.0 12 99.12 557.28 Tm[(

School Responsibilities for Services

Question 31: What services must school districts provide to children and youth in homeless situations?

Section 722(g)(4) of McKinney-Vento requires that school districts provide services to homeless children and youth that are comparable to services provided to other students in the school district. Specifically, homeless children and youth must have access to any educational services for which they otherwise meet the eligibility requirements, including programs for emerging English proficient children, gifted children, or children with disabilities.

LEAs must provide students experiencing homelessness with transportation to and from the school origin at the request of a parent, guardian, or, in the case of unaccompanied youth, the LEA liaison. For more information about the transportation pro4(t)8()8(t)8(h)-4 0 0 12 99.12 516.32m-4(b)(n)-4(f)8 12 t o(t)8()8i

will be entered under the "Alternative" subprogram and is excluded from the linear density computation. The general rule that funding is not available for transportation to or from a location within two miles of the school, with an exception for hazardous traffic conditions,

Question 42: Is there any federal funding available for transportation for homeless students?

The Agency is researching this question. Guidance will be provided at a later date.

Question 43: Who can transportation departments call at TEA for assistance?

Transportation departments may call Philip Cochran in the Division of Education Service Center/Higher Education Financial Support at (512) 463-9371 or Sam Dixon in the School Transportation Unit in the Division of State Funding (512) 463-9185.

Additional information of 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.utdanacenter.org/theo/basic_main.html#transportation

LEA Liaisons for Homeless Students

Question 44: Must a local education agency designate a liaison for homeless children and youth?

Yes. Section 722(g)(1)(J)(ii) of McKinney-Vento requires all LEAs to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youth.

Question 45: What are the responsibilities of the local education agency homeless liaison?

Liaisons must ensure that:

- ¥ Children and youth in homeless situations are identified by school personnel and through coordination activities with other entities and agencies;
- ¥ Students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA;
- ¥ Families, children, and youth receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;
- ¥ Parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
- ¥ Public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services under the Act;
- ¥ Enrollment disputes are mediated in accordance with the Enrollment Disputes section; and
- ¥ Parents and guardians, and unaccompanied youth, are fully informed of all transportation services, including to the school of origin, and are assisted in accessing transportation services.

Liaisons must:

- ¥ assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records.
- ¥ help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide youth with notice of their right to appeal an enrollment choice that goes against their wishes.
- ¥ ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
- ¥ collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.

LEAs must inform school personnel, service providers, and advocates who work with families in homeless situations of the duties of the liaison.

Title X, Part C Competitive Grants to LEAs

Division Contact: Texas Homeless Education Office (THEO), 800-446-3142
<http://www.utdanacenter.o>

- ¥ The involvement of parents or guardians of homeless children or youths in the education of their children.
- ¥ The extent to which homeless children and youths will be integrated within the regular education program.
- ¥ The quality of the applicant's evaluation plan for the program.
- ¥ The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.
- ¥ Such other measures as the State educational agency considers indicative of a high-quality program, such ()8(y)1pra135.36 574.5601 TmEQsuc0 1 Tf12 0 7.5287.76 767.76 re2 135.12 621.84 Tr

- ⌘ The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to non-homeless children and youths.
- ⌘ The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.
- ⌘ If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.
- ⌘ The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.
- ⌘ The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).
- ⌘ The provision of pupil services (including violence prevention counseling) and referrals for such services.
- ⌘ Activities to address the particular needs of homeless children and youths that may arise from domestic violence.
- ⌘ The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.
- ⌘ The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.
- ⌘ The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.

Question 49: Is there a maintenance of effort provision?

Yes. The LEA's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

Question 50: Can these funds be used to provide homeless students with part of the regular academic program?

No. Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

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