

HOMELESS STUDENTS IN TEXAS PUBLIC SCHOOLS



AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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OBJECTIVE

Federal and state laws protect the rights of homeless children and youth to receive free and appropriate public education. Homeless students must be given the opportunity to meet the same academic achievement standards all students are expected to meet.

KEY FACTS

- ◆ In school year 2014–15, Texas school districts identified 113,294 students that experienced homelessness during the school year.
- ◆ Federal law requires states and school districts to take steps to revise laws, practices, or policies that act as barriers to the enrollment, attendance, or success in school for homeless students.

BUDGETARY IMPACT

In federal fiscal year 2015, Texas received \$5.8 million from the U.S. Department of Education for the education of homeless students.

STATUTORY REFERENCES

The McKinney–Vento Homeless Education Assistance Improvements Act (42 U.S. Code, Section 11434a(2))

The U.S. Elementary and Secondary Education Act, Title I (20 U.S. Code, Section 6313(c)(3)(A))

The Texas Education Code, Sections 25.001 and 25.007

More than 100,000 Texas students experience homelessness each year. State and federal laws protect the rights of homeless students to receive free and appropriate public education. The McKinney–Vento Homeless Education Assistance Improvements Act (42 U.S. Code, Sections 11431 to 11435) governs the education of homeless students. The intention of the McKinney–Vento Act is to facilitate enrollment, attendance, and success in education for homeless students.

DEFINING HOMELESS CHILDREN AND YOUTH

The Texas Education Code, Section 25.001, adheres to the McKinney–Vento Act’s definition of homeless children and youth. The McKinney–Vento Act defines homeless children and youth as individuals who lack a “fixed, regular, and adequate nighttime residence.” The term homeless children and youth includes “children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.” The term also includes “children and youths 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,” such as “cars, parks, public spaces, abandoned buildings, substandard housing, bus/train stations, or similar settings.” The McKinney–Vento Act also includes migratory children that are living in such circumstances.

KEY LEGAL PROVISIONS FOR HOMELESS STUDENTS

The McKinney–Vento Act requires each Local Education Agency (LEA) to identify homeless students within its district. LEAs are defined as school districts, charter schools, and regional education service centers (ESC). In Texas, LEAs use a student residency questionnaire to identify students that qualify as homeless according to the McKinney–Vento definition. Homeless students must be treated the same as nonhomeless students that seek to enroll in school. Accordingly, LEAs must immediately enroll homeless students, even if the students lack records required for enrollment, such as residency documents or immunization records. LEAs also must ensure that homeless students are not segregated from the mainstream school environment.

The McKinney–Vento Act and the Texas Education Code, Section 25.001(b)(5), entitle homeless students to attend their school of origin, or the school in the attendance area where the family resides. Disagreements about enrollment must be resolved through a dispute resolution process. To facilitate attendance, LEAs must provide transportation for homeless students to their school of origin. This provision applies even if a student moves outside of the school of origin’s attendance zone or school district boundaries.

The Texas Education Code, Section 25.007, was amended during the Eighty-fourth Legislature, 2015, to extend transition services for students in foster care to homeless students. Services include the transfer of school records to a homeless student’s new school

within 10 days, and processes to ease transition during the first two weeks of enrollment at a new school.

In addition, the Texas Education Agency (TEA) must develop procedures to provide partial credit for homeless students who change schools during the school year. The agency also must promote practices that facilitate access to extracurricular, summer, and tutoring programs; credit transfer services; and online learning. TEA must develop procedures to provide homeless students the opportunity to complete courses required for graduation. Homeless students who are unlikely to complete high school within five years are required to receive a review of course credit accrual and graduation plans. Grade 11 or grade 12 students who transfer to a new high school may be awarded a diploma from a previous high school if they are ineligible to graduate from the new school district.

The U.S. Elementary and Secondary Education Act, Title I, Grants to Local Educational Agencies Program, provides funding for supplementary educational services for children who are failing or are most at risk of failing to meet state academic content and standards. LEAs are required to reserve Title I funds to provide services such as school supplies and immunizations to homeless students who are not on Title I campuses.

IMPLEMENTATION OF MCKINNEY-VENTO ACT REQUIREMENTS IN TEXAS

To facilitate the implementation of McKinney-Vento Act provisions, the U.S. Department of Education awards grants to states on a formula basis. In federal fiscal year 2015, Texas was awarded \$5.8 million in McKinney-Vento federal funding. No state funds are provided for the implementation of these requirements. Federal funding is awarded to TEA, which serves as the state coordinator for the program. TEA must ensure that all LEAs implement these requirements, and TEA oversees the program’s success.

Regional Education Service Center X (Region 10) in Richardson administers the federal funding that TEA receives. Region 10 awards competitive subgrants to LEAs based on need and the quality of the applications to facilitate the enrollment, attendance, and educational success of homeless students. Annually, approximately 130 Texas school districts receive funding through this grant program. All LEAs must comply with McKinney-Vento requirements, even if they do not receive a subgrant.

To help LEAs implement the provisions, Region 10 subcontracts with the Charles A. Dana Center at The University of Texas at Austin to provide program support through the Texas Homeless Education Office (THEO). THEO provides technical assistance to LEAs to help them comply with requirements for school choice and placement, enrollment policy, enrollment disputes, and other issues. THEO trains entities and local liaisons regarding the homeless students’ rights. In addition, THEO provides information and assistance to school districts, service providers, parents, and students. THEO works closely with Region 10 to review LEA grant applications and to monitor subgrantees to ensure compliance.

HOMELESS STUDENTS IN TEXAS

In school year 2014–15, Texas school districts identified 113,294 students experiencing homelessness. This number represents 2.0 percent of the 5.2 million students enrolled in Texas public schools in school year 2014–15. **Figure 1** shows the number of homeless students by each of the 20 ESCs. Regional Education Service Center IV (Region 4) in Houston identified the most homeless students of any state region, with 26,497 students identified as homeless.

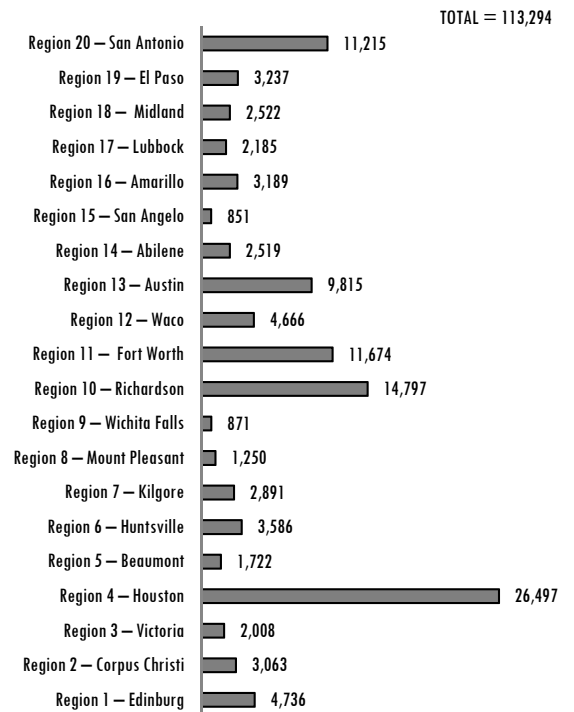
USEFUL REFERENCE

Texas Homeless Education Office: www.utdanacenter.org/theo/

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**FIGURE 1
TEXAS HOMELESS STUDENTS BY REGION
SCHOOL YEAR 2014–15**



NOTE: Regions are defined by Regional Education Service Centers.
SOURCE: Texas Education Agency.