

The purpose of the McKinney-Vento Homeless Assistance Act is to identify and remove barriers for children and youth experiencing homelessness and ensure that students in these circumstances have equitable access to all available supports and resources to meet the same challenging state academic standards established for all students.

Who is Covered by the McKinney-Vento Act?

Children and youth who lack a **fixed, regular, and adequate** nighttime residence, including those who:

- Are sharing the housing of other persons (doubled up) 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 adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- 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.
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Are migratory children living in the above circumstances.
- Unaccompanied youth include a homeless child or youth not in the physical custody of a parent or guardian.



Doubled-up with other people



Homeless Shelter



Hotel/Motel or campground



Car, park, empty building, bus or train station

[42 United States Code \(USC\), §11434\(a\)](#)

Did You Know?

Children and youth experiencing homelessness face many educational barriers due to the disruption and trauma of not having a **fixed, regular, and adequate** place to live. In many cases, schools often become the one place where these children and youth are afforded **stability, safety, and support**. Chronic absenteeism, truancy, and behaviors that lead to disciplinary challenges can be common for students experiencing homelessness.

State and local educational agencies must review and undertake steps to revise any requirements in laws, regulations, practices, or policies that may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, children and youths experiencing homelessness ([42 USC, §11431](#)).



FIGHT



FLIGHT



FREEZE

Disciplinary Challenges

Disruptive or defiant behaviors, such as Fight-Flight-Freeze responses, can be a result of situationally developed trauma for a student experiencing homelessness. These could include, but are not limited to:

- Prolonged lack of basic needs (e.g., food, water, clothing, etc.)
- Frequent transitions between temporary living locations and changing of schools.
- Gaps in academic and functional abilities (e.g., below grade level achievement, difficulty establishing relationships and trust with adults and peers, etc.)

Toxic stress from Adverse Childhood Experiences (ACEs) can change brain development and affect how the body responds to stress. LEAs should be aware of how trauma can impact the behavior of students experiencing homelessness (<https://nn4youth.org/learn/trauma-informed-care-toolkit/>).

The McKinney-Vento Act does not grant exemption from standard local discipline policies. All students, including those students experiencing homelessness, must abide by the same Student Code of Conduct as their non-homeless peers.

However, when behaviors are directly related to a student's homelessness (e.g., tardiness, absenteeism), state law does have specific prohibitions and considerations for children and youth who are experiencing homelessness.

Prevention Measures for Chronic Absenteeism and Truancy

Before you count a student as truant, have you:



Developed a behavior improvement plan?



Offered school-based community service?



Referred the student to services aimed at addressing the student's truancy (e.g., counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services). Texas Education Code ([TEC § 25.0915](#))

A school district **must offer additional counseling** to a student and **may not refer the student to truancy court** under Section 25.0951 or any other provision if the school determines that the student's truancy is the result of... homelessness.

19 Texas Administrative Code ([TAC §129.1043](#))

Discipline Considerations



Disciplinary decisions must take into consideration 'a student's status as a student who is homeless' as a factor in each decision, regardless of whether the action is a mandatory **or** discretionary action. This includes suspension, removal to Disciplinary Alternative Education Program (DAEP), expulsion, or placement in Juvenile Justice Alternative Education (JJAEP) program ([TEC §37.001](#)).

LEAs are prohibited from placing a homeless student in out of school suspension (OSS) **unless** the student engages in conduct described by Subsections TEC §37.005(c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property [TEC §37.005(d)]. TEC §37.005(b) limits the disciplinary removals for in school suspension (ISS) and OSS to a 3-day maximum length of term. [TEC §37.005](#)



Discuss alternatives to OSS for a student experiencing homelessness. [TEC §37.005\(d\)](#)

Administrator considered student's homelessness and recommends assignment of suspension [i.e., ISS **or** OSS as described by Subsections [TEC §37.005\(c\)\(1\)-\(3\)](#)]

During the period of the student's suspension, an alternative means of receiving all course work must be provided in the classes in the foundation curriculum under [§28.002\(a\)\(1\)](#) that the student misses due to the suspension.

District must provide at least one option for receiving the course work that does not require the use of the Internet. [TEC §37.005\(e\)](#)

If School of Origin transportation is being provided, it must continue to be provided if a placement at DAEP is determined.



Allowable Reasons for Assigning OSS to Students Experiencing Homelessness

PEIMS Disciplinary Action Reason Codes	Definition
05	Possessed, Sold, Used, Or Was Under the Influence of An Alcoholic Beverage
11	Brought a Firearm to School or Unlawful Carrying of a Handgun
12	Unlawful Carrying of a Location-Restricted Knife
14	Conduct Containing the Elements of an Offense Relating to Prohibited Weapons
27	Assault Against a School District Employee or Volunteer
28	Assault Against Someone other than School District Employee or Volunteer
29	Aggravated Assault Against a School District Employee or Volunteer
30	Aggravated Assault Against Someone other than a school district employee or volunteer
31	Sexual Assault/Aggravated Sexual Assault Against a School District Employee or Volunteer
32	Sexual Assault/Aggravated Sexual Assault Against Someone other than a school district employee or volunteer
36	Felony Controlled Substance Violation
37	Possessed, Sold, Used, Or Was Under the Influence of An Alcoholic Beverage
62	Possessed, Sold, Gave, Used, Delivered, Or Was Under the Influence of Marijuana or Tetrahydrocannabinol
64	Possessed, Sold, Gave, Used, Delivered, Or Was Under the Influence of Other Controlled Substance