



Texas Education for Homeless Children and Youth (TEHCY)

Student Success and Behavior Support Guide



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Texas Education for Homeless Children and Youth (TEHCY) Student Success and Behavior Support Guide



Purpose

The TEHCY Student Success and Behavior Support Guide provides a comprehensive overview of how to support and respond to students experiencing homelessness related to behavior and discipline. This includes a comprehensive approach to student behavior, including addressing the root-causes of behavior and providing appropriate interventions, support, and key-actions for students when problematic behaviors occur. There are both federal and state law requirements that must be followed.

This guide presents clear and specific descriptions of the provisions of the McKinney-Vento Act as they pertain to discipline, and includes practices, procedures, and tools that local educational agencies (LEAs) will be able to use to strengthen services and supports to students experiencing homelessness, also known as McKinney-Vento eligible students. This guide serves as both an orientation manual and a ready reference resource for new and experienced school leaders.



For the purpose of this guide, the term McKinney-Vento and homeless are used inter-changeably. When a student meets the definition of 'homeless', as defined by McKinney-Vento Homeless Assistance Act, the student is considered homeless for school purposes. To remove the negative stigma that accompany the word homeless, the term McKinney-Vento is often used in its place.



Background

What is the McKinney-Vento Homeless Assistance Act?

The McKinney-Vento Homeless Assistance Act is a federal law that requires LEAs to identify and remove barriers for children and youths experiencing homelessness and ensure that students in these living situations receive access to all available supports and resources to meet the same challenging state academic standards established for all students. All LEAs are federally required to provide the services listed in the McKinney-Vento Act. These services include appointing a local McKinney-Vento Homeless Liaison to perform duties listed in statute, identifying students experiencing homelessness, and providing school of origin transportation upon request. The Texas Education for Homeless Children and Youth (TEHCY) Program provide direction and leadership on the implementation of state and federal guidance regarding program services for McKinney-Vento eligible students.

Why does Discipline and McKinney-Vento Matter?

Students experiencing homelessness face many educational barriers due to the challenges of not having a fixed, regular and adequate place to live. In many cases, schools become the place where students are afforded stability, safety, and support. However, chronic absenteeism, truancy, and behaviors that lead to disciplinary challenges are common occurrences for students experiencing homelessness.

Data suggests that students experiencing homelessness are more likely than their housed peers to experience both in-school and out-of-school suspensions and have higher rates of overall disciplinary consequences. In the 2023-2024 school year in Texas, students experiencing homelessness are five times more likely to be sent to a disciplinary alternative education program (DAEP), 2.8 times more likely of being placed in out-of-school suspension (OSS), and twice as likely of being referred to in-school suspension (ISS) than their housed peers.

Moreover, students living in homeless settings experience additional and compounded challenges related to truancy and discipline, due to being homeless. To that end, both federal and state laws exist to improve practices, provide whole child support, and direct school personnel to consider the adverse effects of exclusionary discipline practices. Specifically, federal law requires LEAs to ensure comparable access; remove barriers through revising policies; ensure students are not separated based on their homeless status; and have access to education and services to meet the same challenging academic standards, as all other students. Similarly, Texas Education Code (TEC) laws ([TEC §25.0915](#); [TEC §37.001](#); [TEC §37.005](#); [TEC §37.0013](#)) and [19 Texas Administrative Code \(TAC\) §129.1043](#) exist to ensure positive school discipline practices are implemented, including truancy prevention for students experiencing homelessness.

For a list of some of the federal and state requirements that pertain to discipline, truancy, and related matters see the chart below:

Federal Laws - Education for Homeless Children and Youths ([42 United States Code \(USC\), §11431](#)):

1. Children and youths experiencing homelessness must have “equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths”.
2. State educational agencies and LEAs 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, homeless children and youths.
3. Homelessness is not sufficient reason to separate students from the mainstream school environment.

Texas Laws and Policy— Education for Homeless Children and Youths:

1. LEAs must put into place truancy prevention measures and considerations concerning truancy for students experiencing homelessness ([TEC §25.0915](#); [19 TAC §129.1043](#)).
2. LEAs must consider student status of homelessness for students’ discipline decisions and placements ([TEC §37.001](#)).
3. LEAs must review and undertake steps to revise policies that include a consideration of homeless status and the barrier of out of school suspension for students experiencing homelessness ([TEC §37.005](#)).



**Can you identify the following for your LEA?**

- Potential barriers within your local policies and procedures that may hinder the attendance, or success in school, of homeless children and youths in regard to your current discipline policies and procedures.
- Ways in which those identified barriers can be mitigated and strengthened with positive school discipline practices.
- Systems to provide wrap around supports to address the unique needs of students experiencing homelessness.

Readers are guided to the “Key Principles to Understanding McKinney-Vento Eligibility” section on the following page, which provides a deeper dive on McKinney-Vento eligibility, including the settings a student may live in to be considered homeless, and the educational challenges students experiencing homelessness may face.

Key Considerations about Homelessness and Discipline

- Students experiencing homelessness have historically received more disciplinary actions under TEC Chapter 37 than their housed peers for similar behavioral challenges.
- Students experiencing homelessness are uniquely vulnerable to out of school suspension and experience additional and compounded challenges related to truancy and discipline due to being homeless.
- Experiencing greater economic hardship and housing instability is correlated to higher rates of disciplinary action.
- Students experiencing homelessness may suffer consequences from being disciplinarily removed that affect many areas of their lives, including access to food, mental health, and academic services and supports.
- Schools must consider whether the behavior is connected to the student's temporary housing situation and the barriers that disciplinary removal would present to the student's ability to access appropriate education.
- Students experiencing homelessness often experience instability, uncertainty, and may have violence at 'home' that school discipline actions can exacerbate.
- Wrap-around services and supports must be provided to students experiencing homelessness. These supports and interventions, should be used as a first step in addressing the student's unique needs, and whenever possible, used prior to and/or in conjunction with disciplinary and truancy action (if necessary).



Key Principles to Understanding McKinney-Vento Eligibility

This section provides readers with understanding of the definition of homelessness and circumstances that students live in to qualify for McKinney-Vento eligibility. Additionally, this section provides an overview of some of the educational challenges homeless children and youths face, impacting both academic and behavioral success.

McKinney-Vento Eligibility Who is covered by the McKinney-Vento Homeless Assistance Act?

Children and youths who lack a **fixed, regular, and adequate** night-time 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 night-time 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.



[42 USC, §11434\(a\)](#)

Children and youths experiencing homelessness face many educational barriers due to the disruption and trauma of not having a fixed, regular, and adequate place to live.

Educational Challenges include, but are not limited to:

- Lack of basic needs (e.g., food, clothing, water, shelter, etc.)
- Increased risk of illness, depression, stress, trauma, and exposure to violence
- Gaps in academic and functional abilities (e.g., below grade level achievement, failure to meet state standards, regression, difficulty establishing relationships and trust with adults and peers, etc.)
- Frequent transitions between temporary living locations
- Lack of stable transportation
- Frequent changing of schools
- Difficulties with enrollment due to lack of records (e.g., unaccompanied youth without parent or guardian present)
- Failure to be identified as a student experiencing homelessness.

In many cases, schools often become the one place where children and youths experiencing homelessness are afforded stability, safety, and support.



Authority

Legal Guidance for McKinney-Vento Eligible Students

There are both federal and state law requirements for McKinney-Vento eligible students. The chart below specifically summarizes these federal and state requirements and expectations for all LEAs in serving students experiencing homelessness related to truancy, behavior, discipline, and related matters.

Federal Law	Summative Description
42 USC, §11432(g)(1)(i)	Each school district shall review and revise policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

Texas Law and Policy	Summative Description
TEC §25.0915 Truancy Prevention Measures	Must impose one or more of the following: <ul style="list-style-type: none"> • A behavior improvement plan on the student; or • School-based community service; or • Refer 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).
19 TAC §129.1043 Commissioner's Rules Concerning Truancy	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 (1) pregnancy; (2) being in the state foster program; (3) homelessness ; or (4) being the principal income earner for the student's family.
TEC §37.001 Student Code of Conduct	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: <ul style="list-style-type: none"> • suspension, • removal to Disciplinary Alternative Education Program (DAEP), • expulsion, or • placement in Juvenile Justice Alternative Education (JJAEP) program.
TEC §37.005 Suspension	<p>LEAs cannot place a student experiencing homelessness in out of school suspension (OSS) unless the student engages in conduct described by Subsections TEC §37.005(c)(1)-(4) while on school property or while attending a school-sponsored or school-related activity on or off school property.</p> <ul style="list-style-type: none"> • Campus behavior coordinator may coordinate with LEA's McKinney-Vento Liaison to discuss alternatives to OSS for a student who is homeless (TEC §37.005(d)). <p>During the period of the student's suspension (i.e., in school suspension (ISS) or OSS), 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.</p> <ul style="list-style-type: none"> • 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)). <p>TEC 37.005(b) limits the disciplinary action of OSS to a 3-day maximum length of term. An ISS placement under TEC §37.005, is not subject to any time limit, however, the administrator must review an ISS student's educational progress at least once every 10 days to determine if continued ISS is appropriate.</p>

LEAs may develop and implement a Positive Behavior Program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center as described by [TEC §37.0013](#).

[TEC §37.0013](#)

The program must be age-appropriate and research-based

- provide models for positive behavior;
- promote a positive school environment;
- provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and
- provide behavior management strategies, including:
 - positive behavioral intervention and support;
 - trauma-informed practices;
 - social and emotional learning;
 - a referral for services, as necessary; and
 - restorative practices.



PEIMS Coding (Related to Discipline)

The Texas Student Data System (TSDS) [Public Education Information Management System \(PEIMS\)](#) encompasses all data requested and received by TEA about public education, including student demographic and academic performance, personnel, financial, and organizational information. The submission of PEIMS data is required of all school districts. There are four TSDS PEIMS data submissions required each school year following a schedule established by the Texas Education Data Standards (TEDS).

LEAs are required to report on the homeless status of students by living situation in PEIMS. A student is identified at any point in the school year, and this indicator remains for the year and must be re-assessed annually. This information lives in TSDS PEIMS [C189](#) (Homeless Status Descriptors) and [C192](#) (Unaccompanied Youth Descriptors).

Similarly, school systems beginning in the 2025-2026 school year are required to report disciplinary information in TSDS PEIMS [C164](#) (Discipline Descriptors) for all students who are subjected to a removal due to a discipline action. These actions are recorded at the time of discipline and may or may not coincide with when a student is identified as homeless. These descriptors are maintained annually and do not carry over from year-to-year.

Discipline Data Validation (DDV) Indicator for Homeless Students

Beginning with the 2025 Discipline Data Validation (DDV) cycle, the Texas Education Agency (TEA) will introduce a new indicator to monitor out-of-school suspension (OSS) assignments for students identified as experiencing homelessness.

School systems that trigger any DDV indicators will receive a report via the Texas Education Agency Login (TEAL). These systems are expected to conduct a local review of their discipline data and related policies. In some cases, school systems may be selected for a compliance review by TEA.

Please note: While the Texas Education for Homeless Children and Youth (TEHCY) program provide guidance on McKinney-Vento implementation, the analysis and enforcement of DDV indicators are managed by the Office of Assessment, Accountability, and Reporting (OAAAR) and the Office of Governance.

The PEIMS [Discipline Reports](#) provide an overview of data for students in discipline settings and are available at the state, region, district or campus level. Discipline data for PEIMS is reported at the end of each school year, in which the data becomes a part of the PEIMS Summer Submission. Every discipline action that results in the removal of a student from any part of their regular academic program is categorized in one of the following general categories:

- In-School Suspension (ISS)
- Out-of-School Suspension (OSS)
- Expulsion
- Juvenile Justice Alternative Education Program (JJAEP)
- Disciplinary Alternative Education Program (DAEP)

Texas Data and Exclusionary Discipline Practices for Students Experiencing Homelessness

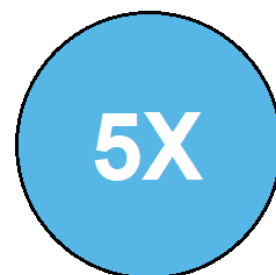
The available PEIMS disciplinary data presented in this guide are based on the PEIMS Summer Submission (Collection 3) for 2023-2024 school year. Data suggests that students experiencing homelessness are subjected to exclusionary discipline measures (e.g., ISS, OSS, DAEP) much more often than their housed peers. In Texas, students experiencing homelessness are:



More likely to be suspended from school (OSS), despite not having a stable home to which to return.



As likely to be referred to In-School Suspension (ISS).



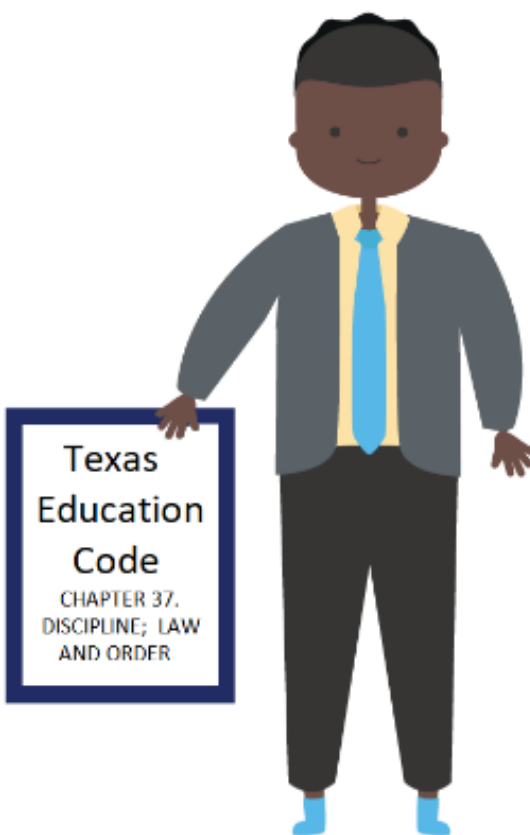
More likely to be referred to a Disciplinary Alternative Education Program (DAEP).

Youths experiencing homelessness are most commonly referred to these three (3) types of exclusionary discipline: ISS, OSS, and DAEP for violating student codes of conduct, which are the lowest level of disciplinary violation. Additionally, Black/African American students were found to represent a significantly larger segment of students experiencing homelessness subject to disciplinary removals (38.14%) than in the non-homeless population (25.78%).

Submitting PEIMS and McKinney-Vento Eligible Students

School systems must submit accurate, useful, and timely PEIMS data to the agency ([TEC §48.008](#); [19 TAC §61.1025](#)). As mentioned previously, it's important to note that it is only permissible to send students experiencing homelessness to OSS under certain circumstances, as students who are experiencing homelessness may only be assigned to OSS if they engage in the conduct described by [TEC §37.005\(c\)\(1\)-\(4\)](#). PEIMS data for OSS is required under [TEC §37.020](#).

1. conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. conduct that threatens the immediate health and safety of other students in the classroom
3. documented conduct that results in repeated or significant disruption to the classroom; or
4. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
 - a. marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
 - b. a dangerous drug, as defined by Chapter 483, Health and Safety Code; or
 - c. an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.



The allowable reasons for assigning OSS to students experiencing homelessness are depicted further in the table below by the TSDS PEIMS Descriptors. Therefore, students who are experiencing homelessness and are assigned to OSS are expected to be reported in PEIMS with a Discipline Descriptors ([C164](#)) of '05' (*Out-Of-School Suspension*) or '25' (*Partial Day Out-Of-School Suspension*) and one of the following Behavior Descriptors ([C165](#)):

TSDS PEIMS Descriptors: Allowable Reasons for Assigning OSS to Students Experiencing Homelessness:

Behavior Descriptors	Definition
05	Sells, gives, or delivers to another person an alcoholic beverage, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
12	Unlawful Carrying of a Location-Restricted Knife
14	Conduct Containing the Elements of an Offense Relating to Prohibited Weapons
36	Sells, gives, or delivers to another person, or possesses or, uses, or is under the influence of a Felony Level Controlled Substance or dangerous drug (excluding marihuana and THC)
62	Possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marihuana or tetrahydrocannabinol (THC)
64	Sells, gives, delivers to another person, possesses, uses, or is under the influence of a controlled substance (non-felony)
65	Threatens Immediate Health and Safety of Other Students in Classroom
66	Documented Repeated or Significant Disruption to the Classroom
69	Disorderly Conduct Involving a Firearm
73	Exhibits, Uses, or Threatens to Exhibit or Use a Firearm

*Note: Homeless students should not be placed on out-of-school suspension (OSS) for reasons other than for those outlined in [TEC §37.005\(c\)\(1\)-\(4\)](#). Behavior codes '21' (Violation of Student Code of Conduct Not Included Under TEC §§37.002(b), 37.006, or 37.007) and '41' (Fighting/Mutual Combat – Excludes all offenses under Penal Code §22.01), which are commonly reported behavior codes, **are not allowable reasons** to assign a student experiencing homelessness to OSS.*

Additional Considerations for PEIMS Discipline Descriptor Codes (C164)

In alignment with the 89th Texas Legislature's updates to [TEC §37.005](#) through House Bill 6 (HB 6), school systems must ensure accurate and compliant reporting of student discipline data, particularly for students in early grades and those experiencing homelessness.

New statutory provisions that directly impact the use of specific PEIMS Discipline Descriptor Codes. These updates reflect a broader effort to implement disciplinary practices that are both legally compliant and responsive to individual student needs. The following codes are now available for use under specific conditions outlined in the Texas Education Code (TEC):

- **Code 30 – Expulsion to a Virtual Setting under the Virtual Expulsion Program**, as authorized by [TEC §37.0083](#) encourages districts to adopt policies that allow for such agreements, particularly in cases involving placement in a Disciplinary Alternative Education Program (DAEP) or expulsion.
- **Code 31 – Placement in In-School Suspension by Parent Request Unable to Provide Suitable Supervision**. This code is applicable only to students below grade three and students experiencing homelessness, as specified in TEC §37.005(c-2).
- These agreements are intended to support student behavior improvement while maintaining accountability and parental engagement.

Districts are encouraged to review their Student Code of Conduct and consider adopting policies that support parental involvement in disciplinary decisions, as outlined in HB 6. This approach promotes transparency and shared responsibility in addressing student behavior.

Resources to consider:

- [Model Behavioral Agreement for Purposes of Reduction in a Student's Period of Disciplinary Placement](#)
- [Overview of School Discipline in Texas for Parents](#)
- [Student Removals from Class by a Teacher](#)
- [Model Return to Class Plan](#)



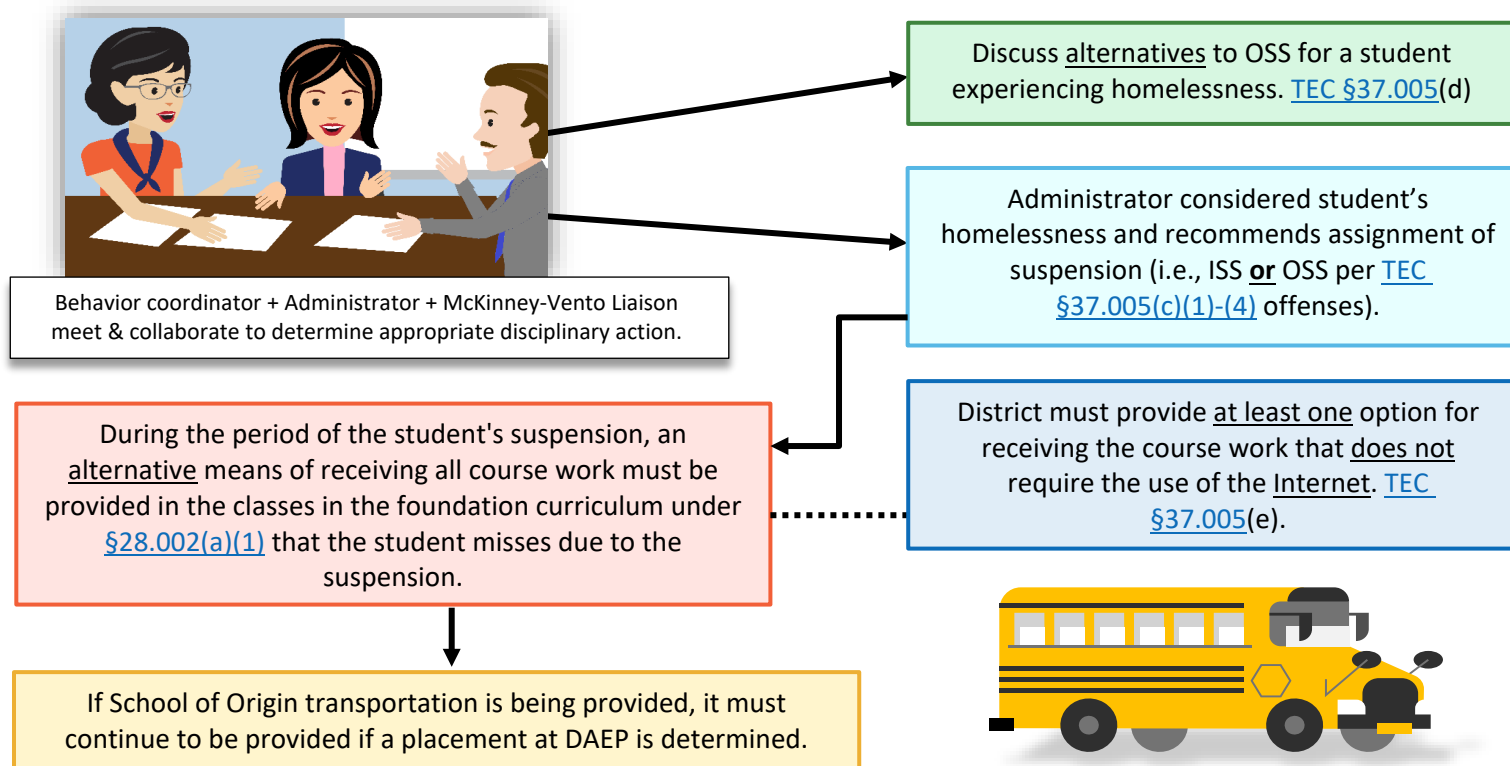
Discipline Meeting for Decision-Making

LEA personnel are encouraged to conduct a coordinated meeting amongst the campus administrator, McKinney-Vento Liaison, and campus behavior coordinator (and/or additional appropriate personnel) when considering discipline-related decision-making for students experiencing homelessness. The LEA personnel who are meeting can use the diagram below and tools within this guide to ensure that students experiencing homelessness have their homeless status considered in all discipline and truancy-related decision-making and ultimately receive positive educational outcomes without disruptions to schooling.

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 may be directly related to a student's homelessness (e.g., tardiness, absenteeism, missing schoolwork, in-adequate uniform/clothing, trauma response/reaction, defiant, non-verbal, emotionally withdrawn, etc.), state law does have specific prohibitions and considerations for children and youths who are experiencing homelessness.

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](#)). The following must be noted:

- Out-of-school suspension (OSS) is prohibited for students identified as homeless **unless** the behavior involves weapons, drugs, repeated or significant disruption of the classroom, or serious threats to immediate health and safety of other students in the classroom. Under HB 6, a parent or guardian may request reassignment to in-school suspension (ISS) if they are unable to provide suitable supervision during OSS. This reassignment is at the discretion of the principal or administrator and must be documented with supporting information. See "Parental Involvement in Disciplinary Placements: HB 6 Consideration" section on page 15 of this guide.
- TEC 37.005(b) limits the disciplinary actions of OSS to a 3-day maximum length of term.





Campus Behavior Coordinator and Homeless Liaison Working Together: Purpose of Collaboration and a Coordinated Team Meeting to Support Discipline Decision-Making for Students Experiencing Homelessness

- To ensure effective disciplinary decision-making for students experiencing homelessness, it is encouraged that all disciplinary decisions be conducted through a collaborative team approach and not be made by a single individual, whenever possible.
- According to [TEC §37.0012](#), 'a single person at each campus must be designated to serve as the campus behavior coordinator'. The primary responsibility of the behavior coordinator is to maintain student discipline and implementation of TEC Chapter 37, Subchapter A.
- Additionally, one of the key duties of a McKinney-Vento liaison is to ensure that students experiencing homelessness, and their families, have access to educational services for which they are eligible. Chronic absenteeism, truancy, and behaviors that lead to disciplinary challenges are common occurrences and barriers to educational access for students experiencing homelessness.
- Key personnel for these discipline meetings should include a campus administrator, the McKinney-Vento liaison, and/or the campus behavior coordinator at minimum. Whenever possible, including additional staff who work closely with the student experiencing homelessness (e.g., instructional staff, counselor, etc.) can help to provide additional context and considerations to the collaborative team toward a whole child approach.
- In light of this, the role of the campus behavior coordinator and McKinney-Vento liaison during the discipline meeting is crucial to identifying and removing barriers for children and youths experiencing homelessness as they relate to disciplinary actions.
- An Exclusionary Discipline Rubric and accompanying Team Meeting Worksheet was developed to assist the collaborative team during discipline meeting discussions. Please see page 23 of this guide for more information.



Parental Involvement in Disciplinary Placements: HB 6 Considerations

[TEC §37.005](#) and the changes in House Bill 6 (HB 6), enacted by the 89th Texas Legislature, introduces significant enhancements to parental involvement in student disciplinary processes, with particular attention to students experiencing homelessness under the McKinney-Vento Homeless Assistance Act. These provisions aim to ensure comparable access to education and minimize discipline practices.

In-School Suspension (ISS) Requests in Extenuating Circumstances – TEC §37.005(c-2)

Parents or guardians may formally request that a student experiencing homelessness who is assigned to out-of-school suspension (OSS) be reassigned to in-school suspension (ISS), provided they submit documentation demonstrating an inability to provide adequate supervision during school hours. This reassignment is discretionary and must be approved by the principal or other designated administrator. The request must include:

- A written statement from the parent or guardian
- A clear explanation of the supervision barrier
- Supporting documentation (e.g., work schedules, affidavits)

Key Considerations for McKinney-Vento Students:

- ✓ Homelessness is explicitly recognized as an extenuating circumstance in educational decision-making, including enrollment, attendance, and academic performance.
- ✓ LEAs should establish and communicate clear procedures for receiving and reviewing requests related to McKinney-Vento eligibility and support. This process should include active collaboration with McKinney-Vento liaisons to ensure timely and appropriate responses to student needs.

Behavioral Agreements to Reduce Disciplinary Placement – TEC §37.0014

School systems may adopt policies allowing parents to request a behavioral agreement when a student is placed in a Disciplinary Alternative Education Program (DAEP) or expelled. These agreements provide a structured pathway for reducing the duration of disciplinary placements if the student and parent meet specified conditions. Each agreement must:

- Be documented in writing
- Clearly outline the terms and expected behaviors
- Specify the amount of time reduction upon successful compliance
- Be revocable if terms are violated

Key Considerations for McKinney-Vento Students:

- ✓ Behavioral agreements can serve as a supportive framework to reduce time away from instruction and promote educational continuity for students experiencing homelessness.
- ✓ LEAs should ensure that McKinney-Vento liaisons are actively involved in the development, implementation, and monitoring of behavioral agreements to align supports with the unique needs of students experiencing homelessness.



Transportation Considerations

The McKinney-Vento Homeless Assistance Act requires LEAs to adopt policies and practices to ensure that transportation is provided to and from the school of origin at the request of the parent, guardian, and/or unaccompanied youth. LEAs must provide comparable services for students experiencing homelessness in consideration of discipline determinations (e.g., special education transportation). It is important that school leaders address transportation needs for homeless students when discipline and truancy matters occur. The following is a list of key-laws and important factors to consider when addressing discipline and truancy circumstances.

- The child's or youth's transportation to and from the school of origin must be provided by the LEA, when the child or youth continues to live in the area served by the LEA in which the school of origin is located. In these instances, school of origin, transportation must continue to be provided if a placement at DAEP is determined.
- In circumstances when school of origin transportation is being provided by two LEAs, it must continue to be provided if a placement at DAEP is determined. LEAs should develop a system so that the student experiencing homelessness is not considered absent or have truancy notifications when there are transportation set-up delays.
- Each LEA shall remove barriers to the enrollment and retention of homeless children and youths in schools, including barriers to enrollment and retention due to absences [§11432\(g\)\(1\)\(i\)](#).
- With school of origin transportation, it is important to consider that, when changing campuses, transportation can have routing delays that impact timelines and create absences that could lengthen disciplinary placements.
 - For example, when a student is assigned a 30-day placement at the LEA's DAEP facility, and transportation requires 3-5 days to route to DAEP and an additional 3-5 days to reroute after the student has served his or her 30-day placement, the cumulative days "removed" from their regular educational setting could be 36 or more days.
- Loss of instructional time has detrimental effects for all students, but for students who are experiencing homelessness, the loss of instructional time increases the likelihood of placing barriers to the student's educational success.





Best Practices for Supporting Students Experiencing Homelessness

In this section, readers will be provided with the best practices and considerations for working with behaviors and/or disciplinary related challenges for a student experiencing homelessness.

Guiding Principles from U.S. Department of Education

The US Department of Education (ED) provides guidance for school districts to create safe, inclusive, supportive, and fair school climates for students and school staff. Harsh, or unfair exclusionary discipline practices, and frequent disparities in the use of exclusionary discipline practices for disproportionate student populations (e.g., students experiencing homelessness, children of color, children with disabilities, etc.) can contribute to students feeling unwelcome, unsafe, and unsupported. Five guiding principles are noted in the table below and offer actions schools and school districts can take to create inclusive, safe, supportive, and fair learning environments.



USDE's Guiding Principles: To Address Disciplinary Challenges of Disciplinary Practices

- Foster a sense of belonging through a positive, safe, welcoming, and inclusive school environment.
- Support the social, emotional, physical, and mental health needs of all students through evidence-based strategies.
- Adequately support high-quality teaching and learning by increasing educator capacity.
- Recruit and retain a diverse educator workforce.
- Ensure the fair administration of student discipline policies in ways that treat students with dignity and respect (including through systemwide policy and staff development and monitoring strategies).

Understanding Trauma and Homelessness – Implications for School Discipline Responses

Exclusionary discipline (e.g., in-school or out of school suspension) is defined by ED as “the formal or informal removal, whether on a short-term or long-term basis, of a student from a class, school, or other educational program or activity for violating a school rule or code of conduct.” Exclusionary discipline often operates under the practice of zero tolerance and implements disciplinary practices involving removal, placement, and suspension and assumes that the negative consequences, or punishment will lead the student to change their behavior.

The experiences and responses to trauma and loss differ among students, so it is important that educational stakeholders are aware of the impact that trauma may have on learning, student behavior, student responses to adults, and interactions with peers. Trauma can shape not only the individual’s behavior but also the way they view the world. The early experiences of young children have a tremendous influence on their developing brains, and trauma can have lifelong impacts. A student experiencing homelessness can experience strong, frequent, and/or prolonged adversity—such as physical or emotional abuse, chronic neglect, caregiver substance abuse or mental illness, exposure to violence, and/or the accumulated burdens of family economic hardship—without adequate adult support.



Disciplinary Considerations for Students Experiencing Homelessness in Relation to Trauma and Stress

In making disciplinary considerations for students experiencing homelessness, educational leaders need to be cognizant of how homelessness can be accompanied by trauma and stress factors due to the student living in transitional living situations [42 U.S.C., §114311](#); [TEC §37.001\(a\)\(4\)\(F\)](#). The complexity of homelessness is rife with factors for students that make going to school successfully a daily challenge. Students experiencing homelessness face many challenges, including trauma, disruptive behaviors, chronic absenteeism, and may be subjected to prolonged lack of basic needs like food, water, and clothing [TEC §25.0915\(a-3\)](#). Additionally, students experiencing homelessness may also frequently transition between temporary living locations and changing schools.

In light of this, disruptive or defiant behaviors such as fight-flight-freeze responses, can be a result of situationally developed trauma for a student experiencing homelessness. Prolonged lack of basic needs (e.g., food, water, clothing, etc.), frequent transitions between temporary living locations and changing schools and widened gaps in academic and functional abilities (e.g., below grade-level achievement, difficulty establishing relationships and trust with adults and peers, etc.) can contribute to the development of toxic stress.

Emotional, Behavioral, and Cognitive Symptoms of Stress

Adverse childhood experiences (ACEs) are potentially traumatic events that occur in childhood (0-17 years), and are linked to health issues, as well as mental, emotional, and behavioral challenges in school. Some examples of ACEs include emotional, physical and/or sexual abuse, emotional and/or physical neglect, household substance abuse, household mental illness, instability due to parental separation, divorce, and/or having an incarcerated family member, and homelessness. Toxic stress from ACEs can change brain development and affect how the body responds to stress.

Trauma can manifest in the classroom and schools in many ways. When subjective behaviors (e.g., defiance, disruption, disrespect, etc.) are not clearly defined, adult responses to these behaviors could lead to disproportionate discipline rooted in exclusionary discipline approaches. The table provides a few examples:

Source: *The Human Impact of Natural Disasters*, Mark Norman (2003)

Emotional (Affective)	Behavioral (Physical)	Cognitive
Depression	Restlessness	Reliving past trauma
Fear	Withdrawal	Decreased Attention/Concentration
Anger	Tremor/Shaking	Intrusive thoughts
Denial	Headache	Hypervigilance
Irritability	Change in Sleeping Patterns	Uncertainty

Educational leaders should be aware of how trauma can impact the behavior of students experiencing homelessness. Behaviors such as class avoidance, outbursts, disengagement, clowning around, or disruptive conduct may not be signs of defiance, but rather stress responses tied to unmet needs or trauma. This is especially critical for students experiencing homelessness, who may be navigating overstimulation, hunger, stigmatization or embarrassment, learning disabilities, undiagnosed mental health conditions or substance use, and chronic stress or trauma exposure. Rather than focusing solely on correcting surface-level behaviors, leaders are encouraged to dive deeper into understanding the root causes of disciplinary issues and provide opportunities for students to build skills and access supports that promote resilience and emotional regulation. Moreover, LEAs should consider that students experiencing homelessness, due to the challenges they face, are more likely to be referred to in-school suspension, suspended from school, and/or referred to DAEP. For a deeper dive into Trauma-Informed School Supports, readers are guided to Chapter 10 of the [Foster Care and Success Guide](#).

Positive School Discipline Approaches

Positive school discipline is a teaching-based approach that aims to prevent and reduce disruptive behavior by creating a safe and supportive learning environment. Traditional discipline practices include exclusionary practices (e.g., ISS, OSS, etc.) and are associated with higher dropout rates, depressed graduation rates, and lower academic performances. Positive school discipline takes a trauma-informed approach to strengthening the ability of educators and students to lessen and inhibit disruptive and inappropriate conduct; [TEC §37.001\(a\)\(8\)](#); [TEC §37.0013](#).

For students experiencing homelessness, positive school discipline ensures that their homeless status is considered in all discipline and truancy related decision-making and ultimately receive positive educational outcomes without disruptions to schooling [TEC §37.001\(a\)\(8\)](#). Positive school discipline is characterized by:



Opportunity to help teach social and emotional skills so students experiencing homelessness can learn to resolve disagreements in socially acceptable ways.

Use of encouraging words and actions rather than punishment to help students experiencing homelessness to develop self-control and make positive choices.



A restorative approach to support students experiencing homelessness in forming positive relationships and focus on repairing harm by engaging all stakeholders in inclusive processes, which has been found to increase attendance and decrease severe behavior incidents.

Restorative Practices



Restorative Practice (RP) is a way of thinking and being based on a foundation of caring, collaborative, and respectful relationships that cultivates community and supports well-being and achievement [TEC §37.0013](#); [TEC §37.001\(a\)\(8\)](#). The approach fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment.

Exclusionary discipline remove children and youths from their classroom and sometimes their school community, which can lead to increased dropout rates and decreased graduation rates. In contrast, RP builds and strengthens healthy relationships and community and fosters the conditions that promote a positive sense of self, spirit and belonging. It provides a framework to prevent, respond to, and repair harm through a continuum of practice. When implemented, RP promotes a positive school culture. It offers schools an alternative to exclusionary disciplinary approaches that center on punishment for misbehavior and breaking rules.

Learning involves the development of knowledge, skills, and characteristics that lead to personal success, economic productivity, and active and engaged citizenship.

RP promotes a positive school climate by fostering learning environments that are safe, inclusive, and accepting, while also creating the conditions whereby everyone can feel seen, heard, valued and respected, and where diversity is celebrated. For students experiencing homelessness, RP can have a positive impact on the following academic and functional (e.g., overall well-being, behavior, social skills, etc.) skills:

1. Strengthened relationships and improved student connectedness with adults and school, which contributes to:
 - a. Enhanced school climate.
 - b. Deeper communication.
 - c. Fewer conflicts, violence, and misbehavior.
 - d. Improved environment for learning.
2. When misbehavior occurs, RP offers:
 - a. A more effective form of discipline.
 - b. True accountability for all parties involved.
 - c. Valuable opportunity for student learning and growth.
 - d. Preservation and repairing of relationships, rather than deterioration of relationships.
3. Benefits for schools:
 - a. Strengthens the culture of respect, discipline, and cohesion within the school community.
 - b. Improves staff confidence in handling a wide variation of disciplinary challenges.
 - c. Empowers students to take responsibility for their behaviors and actions to promote self-discipline and accountability to other learners and staff in the school community.

By addressing the underlying root causes of a student's conduct, as opposed to solely imposing a punishment, a positive school discipline approach yields a more effective impact on the whole child.

Below, readers can find a summary of the key best practices that were discussed in this section of the guide. These key considerations can improve the LEA and build capacity in school staff as they work to support students experiencing homelessness as they relate to disciplinary approaches.

Key Considerations for Disciplinary Approaches for Students Experiencing Homelessness

- Adopt a trauma-informed perspective and provide trauma-informed care awareness training for educators TEC §38.036. Students experiencing homelessness are impacted by instability, uncertainty and often violence.
- Make school a safe environment for students with positive behavior supports TEC §37.001. Create a space that is predictable, where students can make mistakes and be held accountable, but feel secure.
- Be aware of potential triggers and barriers like lack of transportation, shelter hours, or the need to work may make it difficult for students experiencing homelessness 42 U.S.C. §11432(g)(1)(I); TEC §37.001; TEC §37.005.
- Track the discipline rates at schools for all students and for students experiencing homelessness specifically 42 U.S.C. §11432(g)(1)(I); TEC §37.001(a); TEC §37.005. Share the data with schools and ask schools with high and/or disproportionate discipline rates to create an action plan to address them.
- Be sure the McKinney-Vento district homeless liaison or school-based liaisons are consulted on discipline of students experiencing homelessness and have the capacity to be involved TEC §37.001.
- Engage students in establishing the rules and consequences, thereby preventing the discipline system from appearing imposed or arbitrary.
- Train and engage school administrators, resource officers, counselors, and teachers in implementing school-wide positive behavioral interventions and supports TEC §21.451; TEC §37.013. Raise awareness about the trauma and effects of homelessness.
- Engage the broader community by providing housing referrals, mental health, substance abuse services, and other services to assist students experiencing homelessness to be successful and stay in school 42 USC §11432.



Tools and Strategies to Support Disciplinary Decision-Making

This section provides an overview to assist McKinney-Vento liaisons, behavior coordinators, and campus administrators during the discipline team meeting when addressing disciplinary challenges with students experiencing homelessness. During a disciplinary conference or hearing, administrators should consider the student's circumstances and consult with the McKinney-Vento liaison [TEC §37.001\(a\)\(4\)\(F\)](#). If applicable, offer a behavioral agreement under [TEC §37.0014](#), which may reduce the disciplinary placement period if the student and parent comply. For an assignment to a virtual expulsion program, the district must ensure the student has access to devices, internet, and instructional materials.

It is important to note that all disciplinary decisions should be conducted through a collaborative team approach and should not be made by a single individual, whenever possible. The following tools and strategies are designed to support school leaders in their decision-making process with key-factors and related questions for reflection, to determine the appropriate response and next steps, based on the student's behavior and individual circumstances.

The purpose of the provided Exclusionary Discipline Rubric and accompanying Team Meeting Worksheet is to offer campus and district leaders a thoughtful and comprehensive approach that targets the whole child while taking into consideration the unique educational and functional needs of a student experiencing homelessness. Additionally, these tools and strategies provide an added layer of protection for both the student experiencing homelessness and the campus by giving the collaborative team, that is engaged in the discipline meeting, the time and opportunity to thoroughly review the incident and behaviors while considering all mitigating factors as they relate to the student's homeless status.

Exclusionary Discipline: Code of Conduct Factors to Consider

Before deciding whether to place a student in DAEP, there must be consideration of mitigating factors regardless of whether the action is mandatory or discretionary.

Factors to consider as stated in [TEC §37.001](#) include:

- ☐ Was it self-defense?
- ☐ Was there intent or lack of intent at the time the student engaged in the conduct?
- ☐ What is the student's disciplinary history?
- ☐ How does the student's age developmentally impact their understanding of inappropriate behavior?
- ☐ Is there a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct?
- ☐ Is student's status identified as a student who is homeless?

Additional considerations include:



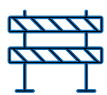


- ☐ Has the student been afforded the opportunity for behavioral interventions to be implemented?
- ☐ What is the safety and/or risk factors of inappropriate behavior?

Download a copy of the [Exclusionary Discipline Rubric Tool](#).



Key Actions and Next Steps for School Leaders

The following section provides readers with key actions to consider as the next steps when reflecting on behavioral and disciplinary challenges for students experiencing homelessness. LEA leaders are encouraged to use this list to assemble appropriate leadership and ensure integration in the LEAs annual planning processes. A description is provided to further provide readers with context and information to support the implementation of these key action steps.

Key Actions	Description
 <p>Consider homelessness in disciplinary policies and discuss alternative methods to address misbehavior.</p>	<p>LEAs must ensure that all administrators, support staff, and teaching staff are knowledgeable in the federal and state legal requirements as they relate to homeless students.</p> <p>The collaboration team (e.g., at minimum, the campus behavior coordinator, administrator, and McKinney-Vento Liaison), use the Decision-Making Tree and Exclusionary Discipline Rubrics in this guide to determine appropriate disciplinary action, including alternatives to suspensions or interventions.</p>
 <p>Raise awareness in schools about supports available and incorporate training on school discipline, trauma, and homelessness.</p>	<p>Additional training and resources may be needed (e.g., Response to Intervention, Multi-Tiered System of Supports, etc.) to address behavioral challenges without the use of suspensions or expulsions. These areas integrate with social and mental health support to reduce student suspension and expulsion and improve academic and behavioral outcomes for students.</p> <p>A lack of awareness about homelessness and its impact on a student's mental health is a barrier to ensuring students who have experienced homelessness are connected to appropriate support. Providing training to educators, administrators and all school staff promotes the development of a positive school culture and climate that embraces the mental health, wellness, and academic needs of a child in order to provide a holistic approach to education.</p>
 <p>Ensure schools and districts do not have policies that create barriers to full school engagement for students experiencing homelessness.</p>	<p>Challenges caused by homelessness may prevent students from being able to submit assignments when they are due or to meet policies that exist around attendance.</p> <p>Policies that result in suspensions may add to the disproportionate numbers identified.</p> <p>Improvements in these areas would not only help students experiencing homelessness succeed but would also prevent classroom tension and stress that may lead to behavioral issues. Note: 42 USC, §11431.</p>
 <p>Leverage grant funding to train specific individuals.</p>	<p>Given the complexity of trauma for students experiencing homelessness, it is critical to have trained individuals onsite to help address high-conflict interactions and improve specific challenges, including de-escalation strategies in schools.</p> <p>These individuals can assist school staff in behavior management and social-emotional development, regularly check suspension data in schools, and follow up if data are concerning.</p>
 <p>Track and Analyze Data</p>	<p>Track discipline rates at schools for all students and for students experiencing homelessness specifically.</p> <p>Share the data with schools and ask schools with high and/or disproportionate discipline rates to create an action plan to address them.</p>

WHERE CAN I GO FOR MORE INFORMATION ON HOMELESSNESS AND EDUCATION AT THE TEXAS EDUCATION AGENCY?

1. Visit TEA's [Texas Education for Homeless Children and Youth \(TEHCY\)](#) webpage for more information.
2. Subscribe to TEA's [TEHCY listserv](#) to receive any updates on information, resources, and tools related to education and students experiencing homelessness.
3. Email HomelessEducation@tea.texas.gov if you have any questions or need support in addressing the education of students experiencing homelessness.
4. Contact your TEHCY ESC M-V Liaison through the TEA established TEHCY Regional Technical Assistance Support Network to support implementation of McKinney-Vento. Visit the [Texas Education for Homeless Children and Youth \(TEHCY\)](#) web portal to find your TEHCY ESC M-V Liaison.

Thank you for considering this guide and for making a difference in the lives of students experiencing homelessness in Texas.





Resources

- Building Capacity for Restorative Discipline in Texas: An Evaluation of The Texas Schools Restorative Discipline Project ([2018 Report](#))
- Center on Positive Behavior Intervention Supports (PBIS): [Mental Health/Social-Emotional-Behavioral Well-Being](#)
- National Child Traumatic Stress Network: [Child Trauma Toolkit for Educators](#)
- National Education Association: [Restorative Practices](#)
- National Education Association: [Trauma-Informed Schools](#)
- National Education Association: [Whole Student Education](#)
- National Center for Homeless Education: [Supporting the Education of Children and Youth Experiencing Homelessness](#)
- National Center for Homeless Education: [Transporting Children and Youth Experiencing Homelessness](#)
- National Center on Safe Supportive Learning Environments: [Discipline Compendium](#)
- National Center on Safe Supportive Learning Environments: [Trauma-Sensitive Schools Implementation Guide](#)
- Office of Juvenile Justice and Delinquency Prevention: [The School Discipline Consensus Report](#)
- Office of Safe and Supportive Schools Technical Assistance Center Collaborative: [Creating and Sustaining Discipline Policies that Support Students' Social, Emotional, Behavioral, and Academic Well-being and Success](#)
- PEIMS Discipline Data: [Behaviors and Definitions](#)
- PEIMS Discipline Data: [Chart for Determining Mandatory and Discretionary DAEP Placements and Expulsions](#)
- PEIMS Discipline Data: [TSDS Web-Enabled Data Standards](#)
- PEIMS Discipline Data: [Questions and Answers](#)
- Restorative Practices Made Simple: [Video Series](#)
- Restorative Practices Families as Partners: [Video Series](#)
- Restorative Practices Seeing Circles: [Video Series](#)
- School House Connection: [Positive School Discipline Practices for Students Experiencing Homelessness](#)
- Supreme Court of Texas Children's Commission: [Trauma Informed Texas](#)
- Texas Education Agency: [Grief Informed & Trauma Informed Practices](#)
- Texas Education Agency: [Guidance Regarding Disciplinary Actions for Students Experiencing Homelessness](#) (TAA)
- Texas Education Agency: [Multi-tiered System of Supports \(MTSS\)](#)
- Texas Education Agency: [Restorative Discipline Practices in Texas](#)
- Texas Education Agency: [TEA Student Discipline Webpage](#)
- Texas Education Agency: [TEHCY Discipline One-Pager](#)
- Texas Education Agency: [Texas School Mental Health](#)
- Texas Education Agency: [Texas School Mental Health Resources Database](#)
- Texas Education Agency: [Texas SPED Support \(MTSS\)](#)
- Texas Gateway for Online Resources by TEA: [Restorative Discipline Practices in Texas](#)
- Texas Law Help: [Educating Homeless Youth](#)
- U.S. Department of Education: [School Climate and Discipline Laws and Guidance](#)
- U.S. Department of Education: [Texas Compilation of School Discipline Laws and Regulations](#)
- U.S. Department of Education: [Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates](#)

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