

Prekindergarten Eligibility – Homelessness

Overview

Statute: [TEC, §29.153\(b\)\(3\)](#), [42 USC, §11434a](#), [42 USC, §11302](#)

Resources: [Student Attendance and Accounting Handbook \(SAAH\)](#), **Section 7.2.4 and Glossary** & Elementary and Secondary Education Act of 1966 (ESEA) - [Part C – Homeless Education](#)

Contact: Texas Education for Homeless Children and Youth - <http://www.theotx.org/>, 1-800-446-3142

A student is eligible on the basis of homelessness if your district’s local homeless education liaison identifies the student as homeless, regardless of the residence of the child, of either parent of the child, or of the child’s guardian or other person having lawful control of the child.

As a result of the 86th Texas Legislature, SB 668, relating to data collection, reporting, and notice requirements for certain entities, a uniform definition of “homeless children and youth” was established in the Texas Education Code, which is now in alignment with the criteria found in [42 USC, §11434a](#). The term “homeless child,” as used in the prekindergarten statute, the [TEC, §29.153\(b\)\(3\)](#), is also defined by [42 USC, §11434a](#).

[42 USC, §11434a](#) defines “homeless children and youths” as:

“Individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of [42 USC, §11302](#)). This includes:

- (i) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a 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; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) 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 (within the meaning of [42 USC, §11302](#));
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in [section 6399 of title 20](#))*

*The term "migratory child" means a child or youth who made a qualifying move in the preceding 36 months

(A) as a migratory agricultural worker or a migratory fisher; or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

Documentation

A letter from the local homeless education liaison is an acceptable form of documentation.

Key Points

- Many districts preregister pre-k students to determine and plan for the size of the next school year’s pre-k program. Districts may begin this process on or after April 1 of each year. Once a child is determined to be eligible, they remain eligible without reverification prior to the next school year.