

## QUESTIONS AND ANSWERS ON SCHOOL SELECTION, SCHOOL OF ORIGIN, AND TRANSPORTATION

**Question 1: 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 2: Where can children and youth experiencing homelessness enroll in school?**

There are two different laws that address the question of where children and youth experiencing homelessness can enroll. TEC §25.001(b)(5) states that a school district shall enroll a person that is homeless, regardless of the residence of that person or either parent of that person, or of the person's legal guardian or other person having lawful control of that person. Therefore, if a student is homeless, he can enroll in any district in the state, regardless of where he or his parents or guardians reside. The TEC does not specify a process for establishing which school within a district the homeless student will attend.

The second law that affects the school in which children and youth experiencing homelessness can enroll is Section 722(g)(3) of McKinney-Vento. This section of McKinney-Vento requires that homeless children and youth have a choice, according to the child's or youth's best interest, of being enrolled either in their "school of origin" or in the public school of the attendance area where they now reside. They have this choice for the entire duration in which they are homeless or, in the case where a homeless student becomes permanently housed during an academic year, for the remainder of that academic year.

**Question 3: Are local education agencies required to provide transportation to children and youth experiencing homelessness?**

Sections 722(g)(1)(J)(iii) and (g)(4)(A) of McKinney-Vento specifically address LEA responsibilities for providing transportation to homeless students.

Section 722(g)(1)(J)(iii) states that LEAs must provide children and youth experiencing homelessness with transportation to and from their school of origin, at the request of a parent, guardian, or, in the case of unaccompanied youth, homeless liaison. The school of origin is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled [§722(g)(3)(G)]. If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange transportation. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

Section (g)(4)(A) requires LEAs to provide students experiencing homelessness with transportation services comparable to those provided other students.

