

UNACCOMPANIED YOUTH

McKinney-Vento Act defines an “unaccompanied youth” as a youth that is not in the physical custody of a parent or guardian.

- “Guardian” is a legal designation representing the person who has legal custody of a student, this designation can only be granted by a judge in a court of law.
- “Guardian” does not include those persons who have signed an “educational affidavit” or notarized document pertaining to a student’s care.
- “Guardian” does not include those persons who have been given a “power of attorney” or notarized letter to care for a student by his/her parent or legal guardian.

An accompanied youth’s living situation must meet the M-V Act’s definition of homeless in order to qualify for M-V services and to be considered a HOMELESS unaccompanied youth...

- A youth may be eligible regardless of whether he/she was asked to leave the home or “chose” to leave their home.
- There is often “more than meets the eye” in a youth’s home life situation

...the circumstances/motivation around a youth leaving their home are inconsequential; only the youth’s current living situation is evaluated.

Age Limits

- There is no age limit for who is considered an unaccompanied youth.
- A student who is age 18 or older is no longer a minor in Texas and may enroll in school and has any number of other rights as an adult.
- TEA defines a youth to be a person who is under 21 on September 1 of the applicable school year or, for students eligible for special education services, under age 22 on September 1 of the applicable school year.
- Compulsory school attendance for children goes to age 19.
- A person between 18 and 21 years old (22 for special education purposes), otherwise considered an adult is considered a youth for educational purposes in Texas.
- A person between 18 and 21 years old (22 for special education purposes), is considered an unaccompanied youth for educational purposes in Texas if he/she is not in physical custody of his/her parent or guardian.
- A person between 18 and 21 years old (22 for special education purposes), is considered an unaccompanied homeless youth in Texas if he/she is not in the physical custody of his/her parent or guardian and lacks a fixed, regular, and adequate nighttime residence.