

111TH CONGRESS
2D SESSION

H. R. 5285

To amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2010

Mrs. BIGGERT (for herself, Mr. KILDEE, Mr. PLATTS, Ms. FUDGE, and Mr. SESTAK) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Educational Success
5 for Children and Youth Without Homes Act of 2010”.

1 **SEC. 2. EDUCATION FOR HOMELESS CHILDREN AND**
2 **YOUTHS.**

3 Subtitle B of title VII of the McKinney-Vento Home-
4 less Assistance Act (42 U.S.C. 11431 et seq.) is amended
5 to read as follows:

6 **“Subtitle B—Education for**
7 **Homeless Children and Youths**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “The following is the policy of Congress:

10 “(1) Each State and local educational agency
11 shall ensure that each homeless child and youth has
12 access to the same free appropriate public education,
13 including a public preschool education, as is provided
14 to other children and youths.

15 “(2) In any State where compulsory residency
16 requirements or other requirements of laws, regula-
17 tions, practices, or policies may act as a barrier to
18 the identification, enrollment, attendance, or success
19 in school of homeless children and youths, the State
20 and local educational agencies shall review and re-
21 vise such laws, regulations, practices, or policies to
22 ensure that homeless children and youths are af-
23 farded the same free appropriate public education as
24 is provided to other children and youths.

1 “(3) Homelessness is not a sufficient reason to
 2 separate students from the mainstream school envi-
 3 ronment.

4 “(4) Homeless children and youths shall have
 5 access to the education and other services that such
 6 children and youths need to ensure that such chil-
 7 dren and youths have an opportunity to meet the
 8 same challenging State student academic achieve-
 9 ment standards to which all students are held.

10 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
 11 **THE EDUCATION OF HOMELESS CHILDREN**
 12 **AND YOUTHS.**

13 “(a) GENERAL AUTHORITY.—

14 “(1) IN GENERAL.—The Secretary is authorized
 15 to make grants to States in accordance with the pro-
 16 visions of this section to enable such States to carry
 17 out the activities described in subsections (d)
 18 through (g).

19 “(2) EMERGENCY DISASTER GRANTS.—

20 “(A) IN GENERAL.—In addition to sums
 21 authorized by section 726, there are authorized
 22 to be appropriated to the Secretary such addi-
 23 tional sums as may be necessary to distribute
 24 to local educational agencies directly or through
 25 the Office of Coordinator for Education of

1 Homeless Children and Youths in a State edu-
2 cational agency as emergency disaster grants,
3 to increase local educational agencies' capacity
4 to respond to major disasters.

5 “(B) ELIGIBILITY FOR GRANT.—Emer-
6 gency disaster grant funds shall be made avail-
7 able, based on demonstrated need, to local edu-
8 cational agencies whose enrollment of homeless
9 children and youth has increased as a result of
10 hurricanes, floods, and other natural disasters
11 for which the President declared a major dis-
12 aster under title IV of the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act
14 of 1974.

15 “(C) DISTRIBUTION OF GRANTS.—Not-
16 withstanding subsection (c) or section 724(e),
17 the Secretary shall distribute emergency dis-
18 aster grants—

19 “(i) to State or local educational
20 agencies in amounts determined by the
21 Secretary and related to the increase in en-
22 rollment of homeless children and youth as
23 a result of a major disaster; and

24 “(ii) expeditiously, in no case later
25 than 75 days after such funds are appro-

1 priated to the Secretary, and in a manner
2 which enables local educational agencies to
3 use such funds for the immediate needs of
4 disaster response and ongoing disaster re-
5 covery.

6 “(D) USE OF FUNDS.—Emergency dis-
7 aster grant funds shall be used to carry out the
8 activities described in section 723(d).

9 “(b) APPLICATION.—In order for a State to be eligi-
10 ble to receive a grant under subsection (a)(1), the State
11 educational agency, in consultation with other relevant
12 State agencies, shall submit an application to the Sec-
13 retary at such time, in such manner, and containing or
14 accompanied by such information as the Secretary may
15 reasonably require.

16 “(c) ALLOCATION AND RESERVATIONS.—

17 “(1) ALLOCATION.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (C), the Secretary is authorized to allot
20 to each State an amount that bears the same
21 ratio to the amount appropriated for such year
22 under section 726 that remains after the Sec-
23 retary reserves funds under paragraph (2) and
24 uses funds to carry out section 724 (d) and (h),
25 as the amount allocated under section 1122 of

the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B).

“(B) MINIMUM ALLOTMENTS.—No State shall receive less under this paragraph than the greater of—

“(i) \$300,000; or

“(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year.

“(C) RATABLE REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

“(2) RESERVATIONS.—

“(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Sec-

1 retary among the United States Virgin Islands,
2 Guam, American Samoa, and the Common-
3 wealth of the Northern Mariana Islands, ac-
4 cording to their respective needs for assistance
5 under this subtitle, as determined by the Sec-
6 retary. Funds allocated under this subpara-
7 graph shall be used for programs that are con-
8 sistent with the purposes of the programs de-
9 scribed in this subtitle.

10 “(B) INDIAN STUDENTS.—

11 “(i) TRANSFER.—The Secretary shall
12 transfer 1 percent of the amount appro-
13 priated for each fiscal year under section
14 726 to the Department of the Interior for
15 programs that are for Indian students
16 served by schools funded by the Secretary
17 of the Interior, as determined under the
18 Indian Self-Determination and Education
19 Assistance Act (25 U.S.C. 450 et seq.),
20 and that are consistent with the purposes
21 of the programs described in this subtitle.

22 “(ii) AGREEMENT.—The Secretary of
23 Education and the Secretary of the Inte-
24 rior shall enter into an agreement, con-
25 sistent with the requirements of this sub-

1 title, for the distribution and use of the
2 funds described in clause (i) under terms
3 that the Secretary of Education determines
4 best meet the purposes of the programs de-
5 scribed in this subtitle. Such agreement
6 shall set forth the plans of the Secretary of
7 the Interior for the use of the funds trans-
8 ferred, including appropriate goals, objec-
9 tives, and milestones for that use.

10 “(d) STATE ACTIVITIES.—Grant funds from a grant
11 made to a State under subsection (a)(1) shall be used for
12 the following:

13 “(1) To carry out the policies set forth in sec-
14 tion 721 in the State.

15 “(2) To provide activities and services to im-
16 prove the identification of homeless children and
17 youths and enable such children and youths to enroll
18 in, attend, and succeed in school and preschool pro-
19 grams.

20 “(3) To establish or designate an Office of the
21 Coordinator for Education of Homeless Children and
22 Youths in the State educational agency in accord-
23 ance with subsection (f) that has sufficient capacity,
24 resources, and support to carry out the duties de-
25 scribed in this subtitle.

1 “(4) To prepare and carry out the State plan
2 described in subsection (g).

3 “(5) To develop and implement professional de-
4 velopment activities for liaisons designated under
5 subsection (g)(1)(J)(ii), other local educational agen-
6 cy and school personnel, and community agencies—

7 “(A) to improve their identification of
8 homeless children and youths; and

9 “(B) to heighten their awareness of, and
10 capacity to respond to, specific problems in the
11 education of homeless children and youths.

12 “(e) STATE AND LOCAL SUBGRANTS.—

13 “(1) MINIMUM DISBURSEMENTS BY STATES.—
14 From the grant funds made available each year to
15 a State under subsection (a)(1) to carry out this
16 subtitle, the State educational agency shall dis-
17 tribute not less than 75 percent by making sub-
18 grants under section 723 to local educational agen-
19 cies for the purposes of carrying out section 723.

20 “(2) USE BY STATE EDUCATIONAL AGENCY.—
21 From the remainder of those grant funds, a State
22 educational agency may use amounts to conduct ac-
23 tivities under subsection (f) directly or through
24 grants or contracts.

1 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
2 NATOR.—The Coordinator for Education of Homeless
3 Children and Youths established in each State shall—

4 “(1)(A) gather and make publicly available reli-
5 able, valid, and comprehensive information—

6 “(i) on the number of homeless children
7 and youths identified in the State;

8 “(ii) on the nature and extent of the prob-
9 lems homeless children and youths have in gain-
10 ing access to public preschool programs and to
11 public elementary schools and secondary
12 schools;

13 “(iii) on the difficulties in identifying the
14 special needs and barriers to participation and
15 achievement of such children and youths;

16 “(iv) on any progress made by the State
17 educational agency and local educational agen-
18 cies in the State in addressing such problems
19 and difficulties; and

20 “(v) describing subgrants awarded under
21 this subtitle, and the success of the programs
22 under this subtitle in identifying homeless chil-
23 dren and youths and allowing such children and
24 youths to enroll in, attend, and succeed in,
25 school; and

1 “(B) ensure that a report indicating the num-
2 bers of homeless children and youths identified by
3 each local educational agency in the State shall be
4 posted annually on the State educational agency’s
5 website;

6 “(2) develop and carry out the State plan de-
7 scribed in subsection (g);

8 “(3) collect data for and transmit to the Sec-
9 retary, at such time and in such manner as the Sec-
10 retary may require, reports containing such informa-
11 tion as the Secretary determines is necessary to as-
12 sess the educational needs of all homeless children
13 and youths within the State, including data re-
14 quested pursuant to subsection (h) of section 724;

15 “(4) in order to improve identification of home-
16 less children and youths and to improve the provi-
17 sion of comprehensive education and related support
18 services to homeless children and youths and their
19 families, and to minimize educational disruption, co-
20 ordinate activities, and collaborate with—

21 “(A) educators, including special education
22 personnel, child development and preschool pro-
23 gram personnel, truancy, attendance, and drop-
24 out prevention personnel, and personnel from
25 programs provided under titles I, III, and IV of

1 the Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 6301 et seq., 6801 et seq.,
3 and 7101 et seq.) and similar State programs;

4 “(B) providers of services to homeless chil-
5 dren and youths and their families, including
6 services of public and private child welfare and
7 social services agencies, law enforcement agen-
8 cies, juvenile and family courts, agencies pro-
9 viding mental health services, domestic violence
10 agencies, child care providers, runaway and
11 homeless youth centers, and providers of serv-
12 ices and programs funded under the Runaway
13 and Homeless Youth Act (42 U.S.C. 5701 et
14 seq.);

15 “(C) providers of emergency, transitional,
16 and permanent housing to homeless children
17 and youths, and their families, including public
18 housing agencies, shelter operators, operators of
19 transitional housing facilities, and providers of
20 transitional living programs for homeless
21 youths;

22 “(D) local educational agency liaisons des-
23 igned under subsection (g)(1)(J)(ii) for home-
24 less children and youths;

1 “(E) community organizations and groups
2 representing homeless children and youths and
3 their families;

4 “(F) relevant State agencies and task
5 forces, such as State interagency councils on
6 homelessness, State agencies administering
7 higher education programs and councils for
8 higher education, State housing agencies, emer-
9 gency and disaster response teams, State Head
10 Start collaboration offices, and State advisory
11 panels and State interagency coordinating coun-
12 cils convened under parts B and C of the Indi-
13 viduals With Disabilities Education Act (20
14 U.S.C. 1411 et seq., 1431 et seq.); and

15 “(G) the Coordinators for Education of
16 Homeless Children and Youths in other States,
17 including adjacent States;

18 “(5) provide professional development and tech-
19 nical assistance to and conduct monitoring of local
20 educational agencies, in coordination with local edu-
21 cational agency liaisons designated under subsection
22 (g)(1)(J)(ii), to ensure that local educational agen-
23 cies comply with the requirements of paragraphs (3)
24 through (7) of subsection (g), and subsection (h);
25 and

1 “(6) respond to inquiries from parents and
2 guardians of homeless children and youths and un-
3 accompanied youths to ensure that each child or
4 youth who is the subject of such an inquiry receives
5 the full protections and services provided by this
6 subtitle.

7 “(g) STATE PLAN.—

8 “(1) IN GENERAL.—Each State shall submit to
9 the Secretary and carry out a plan to provide for
10 education and related support services for all home-
11 less children and youths within the State. Such plan
12 shall include the following:

13 “(A) A description of how such children
14 and youths are (or will be) given the oppor-
15 tunity to meet the same challenging State stu-
16 dent academic achievement standards as all stu-
17 dents are expected to meet.

18 “(B) A description of the procedures the
19 State educational agency will use, in coordina-
20 tion with local educational agencies, to identify
21 all such children and youths in the State and
22 to assess their special needs.

23 “(C) A description of procedures for the
24 prompt resolution of disputes arising under this
25 subtitle, which shall—

1 “(i) ensure that local educational
2 agencies have developed dispute resolution
3 procedures which, at a minimum—

4 “(I) are developed in coordina-
5 tion and collaboration with the liai-
6 sons designated under subparagraph
7 (J)(ii);

8 “(II) are accessible to parents
9 and guardians of homeless children
10 and youths, and to unaccompanied
11 youths;

12 “(III) provide such parents,
13 guardians, and unaccompanied youths
14 with sufficient opportunity to present
15 their complaints; and

16 “(IV) designate decisionmakers
17 who are fair and impartial and have
18 received training on the requirements
19 of this subtitle;

20 “(ii) ensure that parents and guard-
21 ians of homeless children and youths, and
22 unaccompanied youths, who have ex-
23 hausted the procedures available under
24 clause (i) are able to appeal to the State
25 educational agency, which shall render de-

1 cisions that are binding on the relevant
2 local educational agencies;

3 “(iii) define the role of the Coordi-
4 nator for Education of Homeless Children
5 and Youths in resolving disputes under
6 this subtitle appealed to the State edu-
7 cational agency;

8 “(iv) include procedures to resolve
9 promptly disputes under this subtitle be-
10 tween local educational agencies;

11 “(v) ensure that homeless children
12 and youths are enrolled in school pursuant
13 to paragraph (3)(E) and receive transpor-
14 tation pursuant to subparagraph (J)(iii)
15 pending final resolution of disputes, includ-
16 ing resolution through all available local
17 and State dispute resolution procedures
18 and pending legal actions, paying par-
19 ticular attention to ensuring enrollment in
20 cases of disputes between local educational
21 agencies; and

22 “(vi) include procedures for State
23 educational agencies or local educational
24 agencies to determine the need for, and en-
25 sure the delivery of, additional academic

1 support in cases in which a local edu-
2 cational agency has unlawfully denied a
3 student access to school or school services,
4 including transportation.

5 “(D) A description of programs for school
6 and other local educational agency personnel
7 (including the liaisons, principals, attendance
8 officers, teachers, enrollment personnel, and
9 pupil services personnel) to heighten the aware-
10 ness of such personnel of the specific needs of
11 homeless adolescents, including runaway and
12 homeless youths.

13 “(E) A description of procedures that en-
14 sure that homeless children and youths are able
15 to participate in Federal, State, or local nutri-
16 tion programs.

17 “(F) A description of procedures that en-
18 sure that—

19 “(i) homeless children have access to
20 public preschool programs, administered by
21 the State educational agency or local edu-
22 cational agency, including through the poli-
23 cies and practices required under para-
24 graph (7);

1 “(ii) homeless youths, including
2 youths separated from public schools, are
3 identified and accorded access to appro-
4 priate secondary education and related
5 support services, including through the im-
6 plementation of policies and practices to
7 ensure that such youths are—

8 “(I) able to receive credit for full
9 or partial coursework satisfactorily
10 completed while attending a prior
11 school;

12 “(II) are afforded opportunities
13 to recover credits lost during periods
14 of homelessness; and

15 “(III) are not penalized for ab-
16 sences related to homelessness and
17 are allowed to receive credit for work
18 completed after their enrollment; and

19 “(iii) homeless children and youths
20 who meet the relevant eligibility criteria
21 have access to magnet school, summer
22 school, vocational and technical education,
23 advanced placement, online learning oppor-
24 tunities, and charter school programs.

1 “(G) Strategies to address problems identi-
2 fied in the reports provided to the Secretary
3 under subsection (f)(3).

4 “(H) Strategies to address other problems
5 with respect to the education of homeless chil-
6 dren and youths, including enrollment problems
7 related to—

8 “(i) immunization and other required
9 health records and screenings;

10 “(ii) residency requirements;

11 “(iii) lack of birth certificates, school
12 records, or other documentation;

13 “(iv) guardianship issues; or

14 “(v) uniform or dress code require-
15 ments.

16 “(I) A demonstration that the State edu-
17 cational agency, and local educational agencies
18 and schools in the State, regularly review and
19 revise their policies and practices to remove
20 barriers to the identification, enrollment, at-
21 tendance, retention, and success of homeless
22 children and youths in schools and public pre-
23 school programs in the State.

24 “(J) Assurances that the following will be
25 carried out:

1 “(i) PREVENTION OF STIGMAS AND
2 SEGREGATION.—The State educational
3 agency and local educational agencies in
4 the State will adopt policies and practices
5 to ensure that homeless children and
6 youths are not stigmatized or segregated
7 on the basis of their status as homeless.

8 “(ii) LIAISON.—Local educational
9 agencies will designate a staff person as
10 the local educational agency liaison for
11 homeless children and youths, who shall
12 have sufficient training, resources, and
13 time to carry out the duties described in
14 paragraph (6), and who may also be a co-
15 ordinator for other Federal programs.

16 “(iii) PROVISION OF TRANSPOR-
17 TATION.—The State and local educational
18 agencies will adopt policies and practices to
19 ensure that appropriate transportation
20 suitable for the needs of the child or youth
21 is provided expeditiously, at the request of
22 the parent or guardian involved (or in the
23 case of an unaccompanied youth, the liai-
24 son), to and from the school of origin (as
25 defined in paragraph (3)(J)), for as long

1 as the student has the right to attend the
2 school of origin as determined in para-
3 graph (3)(A), in accordance with the fol-
4 lowing, as applicable:

5 “(I) WITHIN ONE LOCAL EDU-
6 CATIONAL AGENCY.—If the child or
7 youth continues to live in the area
8 served by the local educational agency
9 for the school of origin, the child’s or
10 youth’s transportation to and from
11 the school of origin shall be provided
12 or arranged by the local educational
13 agency for the school of origin.

14 “(II) INVOLVING MORE THAN
15 ONE LOCAL EDUCATIONAL AGENCY.—
16 If the child’s or youth’s living ar-
17 rangements in the area served by the
18 local educational agency of origin ter-
19 minate and the child or youth, though
20 continuing the child’s or youth’s edu-
21 cation in the school of origin, begins
22 living in an area served by another
23 local educational agency, the local
24 educational agency of origin and the
25 local educational agency for the area

1 in which the child or youth is living
2 shall share equally the cost and re-
3 sponsibility for providing transpor-
4 tation to and from the school of origin
5 unless the agencies agree upon an-
6 other method to apportion cost and
7 responsibility, or the State educational
8 agency has devised another method to
9 apportion cost and responsibility
10 among local educational agencies.

11 “(iv) SCHOOL SUCCESS.—The State
12 educational agency and local educational
13 agencies will adopt policies and practices to
14 promote school success for homeless chil-
15 dren and youths, including by—

16 “(I) ensuring that homeless chil-
17 dren and youths have opportunities to
18 meet the same challenging State stu-
19 dent academic achievement standards
20 to which other students are held;

21 “(II) ensuring that homeless chil-
22 dren and youths are able to partici-
23 pate fully in all classes and school ac-
24 tivities, including extracurricular ac-
25 tivities, athletic activities for which

1 they meet skill level requirements, be-
2 fore and after school programs, sum-
3 mer school programs, field trips,
4 classes, tests, and activities with fees,
5 services provided under title I of the
6 Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 6301 et seq.)
8 and similar State and local programs,
9 and other activities made available to
10 nonhomeless students; and

11 “(III) ensuring that such policies
12 and practices remove barriers to par-
13 ticipation related to fees, credit ac-
14 crual policies, lack of guardianship,
15 lack of transportation, enrollment and
16 participation deadlines, and residency
17 requirements.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted
20 under this subsection shall also describe how
21 the State will ensure that local educational
22 agencies in the State will comply with the re-
23 quirements of paragraphs (3) through (7).

24 “(B) COORDINATION.—Such plan shall in-
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how
2 compliance efforts will be coordinated with the
3 local educational agency liaisons designated
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
6 MENTS.—

7 “(A) IN GENERAL.—The local educational
8 agency serving each child or youth to be as-
9 sisted under this subtitle shall, according to the
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s
12 education in the school of origin for the
13 duration of homelessness—

14 “(I) in any case in which the
15 child or youth becomes a homeless
16 child or youth between academic years
17 or during an academic year; and

18 “(II) for the remainder of the
19 academic year, if the child or youth
20 becomes permanently housed during
21 an academic year; or

22 “(ii) enroll the child or youth in any
23 public school that nonhomeless students
24 who live in the attendance area in which

1 the child or youth is actually living are eli-
2 gible to attend.

3 “(B) SCHOOL STABILITY.—To promote the
4 school stability of the child or youth, and in de-
5 termining the best interest of the child or youth
6 under subparagraph (A), the local educational
7 agency shall—

8 “(i) presume that keeping the child or
9 youth in the school of origin is in the
10 child’s or youth’s best interest, except
11 when doing so is contrary to the wishes of
12 the child’s or youth’s parent or guardian,
13 or the unaccompanied youth;

14 “(ii) consider student-centered factors
15 related to the child’s or youth’s best inter-
16 est, giving priority to the wishes of the
17 parent, guardian, or unaccompanied youth,
18 including—

19 “(I) the harmful impact of school
20 mobility on academic achievement and
21 social and emotional well-being;

22 “(II) the age of the child or
23 youth;

1 “(III) the impact any commute
2 may have on the child’s or youth’s
3 education;

4 “(IV) personal safety issues;

5 “(V) the child’s or youth’s need
6 for special instruction, including spe-
7 cial education and related services;

8 “(VI) the length of anticipated
9 stay in a temporary shelter or other
10 temporary location;

11 “(VII) the time remaining in the
12 school year; and

13 “(VIII) the school placement of
14 family members;

15 “(iii) if, after conducting the best in-
16 terest determination described in clause
17 (ii), the local educational agency deter-
18 mines that it is not in the child’s or
19 youth’s best interest to attend the school of
20 origin or the school requested by the par-
21 ent, guardian, or unaccompanied youth,
22 provide the child’s or youth’s parent or
23 guardian or the unaccompanied youth with
24 a written explanation of the reasons for its
25 determination, in a manner and form un-

derstandable to such parent, guardian, or youth, including information regarding the right to appeal described in subparagraph (E);

“(iv) in the case of an unaccompanied youth, ensure that the liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described in subparagraph (E); and

“(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

“(I) is unable to produce records normally required for enrollment, including previous academic records, records of immunizations and health screenings and other required health

1 records, proof of residency or guard-
2 ianship, or other documentation;

3 “(II) has unpaid fines or fees
4 from prior schools or is unable to pay
5 fees in the school selected; or

6 “(III) has missed application or
7 enrollment deadlines during any pe-
8 riod of homelessness.

9 “(ii) RELEVANT ACADEMIC
10 RECORDS.—The enrolling school shall im-
11 mediately contact the school last attended
12 by the child or youth to obtain relevant
13 academic and other records.

14 “(iii) RELEVANT HEALTH RECORDS.—
15 If the child or youth needs to obtain immu-
16 nizations or health screenings, or immuni-
17 zation or other required health records, the
18 enrolling school shall immediately enroll
19 the child or youth and refer the parent or
20 guardian of the child or youth, or the un-
21 accompanied youth, to the local edu-
22 cational agency liaison designated under
23 paragraph (1)(J)(ii), who shall assist in
24 obtaining necessary immunizations or
25 screenings, or immunization or other re-

1 quired health records in accordance with
2 subparagraph (D).

3 “(iv) NO LIABILITY.—Whenever the
4 school selected enrolls an unaccompanied
5 youth in accordance with this paragraph,
6 no liability shall be imposed upon the
7 school by reason of enrolling the youth
8 without parent or guardian consent.

9 “(D) RECORDS.—

10 “(i) IN GENERAL.—Any record ordi-
11 narily kept by the school, including records
12 of immunizations and health screenings
13 and other required health records, aca-
14 demic records, birth certificates, guardian-
15 ship records, and evaluations for special
16 services or programs, regarding each
17 homeless child or youth shall be—

18 “(I) maintained so that the
19 records involved are available, in a
20 timely fashion, when a homeless child
21 or youth enters a new school or school
22 district;

23 “(II) immediately sent to the en-
24 rolling school, even if the child or
25 youth owes fees or fines or was not

1 withdrawn from the previous school in
2 conformance with local withdrawal
3 procedures; and

4 “(III) maintained in a manner
5 consistent with section 444 of the
6 General Education Provisions Act (20
7 U.S.C. 1232g).

8 “(ii) RELEASE.—School records need-
9 ed for academic placement decisions shall
10 be released immediately by the previous
11 school by facsimile transmission or other
12 available electronic means.

13 “(E) DISPUTES.—If a dispute arises over
14 eligibility for services, school selection, enroll-
15 ment in a school, or any other issue under this
16 subtitle—

17 “(i) the child or youth involved shall
18 be immediately enrolled in the school in
19 which enrollment is sought, pending final
20 resolution of the dispute, including all
21 available appeals;

22 “(ii) the parent, guardian, or unac-
23 companied youth involved shall be provided
24 with written explanations of any decisions
25 made by the school, the local educational

1 agency, or the State educational agency in-
2 volved, which shall include information
3 about the right to appeal such decisions;

4 “(iii) the parent, guardian, or unac-
5 companied youth shall be referred to the
6 local educational agency liaison designated
7 under paragraph (1)(J)(ii), who shall carry
8 out the dispute resolution process as de-
9 scribed in paragraph (1)(C) as expedi-
10 tiously as possible after receiving notice of
11 such dispute; and

12 “(iv) in the case of an unaccompanied
13 youth, the liaison shall ensure that the
14 youth is immediately enrolled in the school
15 in which the youth seeks enrollment pend-
16 ing resolution of such dispute.

17 “(F) PLACEMENT CHOICE.—The choice re-
18 garding placement shall be made regardless of
19 whether the child or youth involved lives with
20 the homeless parents or has been temporarily
21 placed elsewhere.

22 “(G) CONTACT INFORMATION.—Nothing in
23 this subtitle shall prohibit a local educational
24 agency from requiring a parent or guardian of
25 a homeless child to submit contact information.

1 “(H) PRIVACY.—Information about a
2 homeless child’s or youth’s living situation shall
3 be treated as a student education record under
4 section 444 of the General Education Provi-
5 sions Act (20 U.S.C. 1232g) and shall not be
6 released to housing providers, employers, law
7 enforcement personnel, or other persons or
8 agencies not authorized to have such informa-
9 tion under section 99.31 of title 34, Code of
10 Federal Regulations, paying particular atten-
11 tion to preventing disruption of the living situa-
12 tion of the child or youth and to supporting the
13 safety of such children and youths who are sur-
14 vivors of domestic violence and unaccompanied
15 youths.

16 “(I) ACADEMIC ACHIEVEMENT.—The
17 school selected in accordance with this para-
18 graph shall ensure that homeless children and
19 youths have opportunities to meet the same
20 challenging State student academic achievement
21 standards to which other students are held, in-
22 cluding implementing the policies and practices
23 required by paragraph (1)(J)(iv).

24 “(J) SCHOOL OF ORIGIN DEFINED.—In
25 this paragraph:

1 “(i) IN GENERAL.—The term ‘school
2 of origin’ means the school that a child or
3 youth attended when permanently housed
4 or the school in which the child or youth
5 was last enrolled.

6 “(ii) RECEIVING SCHOOL.—When the
7 child or youth completes the final grade
8 level served by the school of origin, as de-
9 scribed in clause (i), the term ‘school of or-
10 igin’ shall include the designated receiving
11 school at the next grade level for all feeder
12 schools.

13 “(4) COMPARABLE SERVICES.—In addition to
14 receiving services provided for homeless children and
15 youths under this subtitle or other Federal, State, or
16 local laws, regulations, policies, or practices, each
17 homeless child or youth to be assisted under this
18 subtitle also shall be provided services comparable to
19 services offered to other students in the school se-
20 lected under paragraph (3), including the following:

21 “(A) Transportation services.

22 “(B) Educational services for which the
23 child or youth meets the eligibility criteria, in-
24 cluding services provided under title I of the El-
25 ementary and Secondary Education Act of 1965

1 (20 U.S.C. 6301 et seq.) or services of similar
2 State or local programs, charter schools, mag-
3 net schools, educational programs for children
4 with disabilities, and educational programs for
5 students with limited English proficiency.

6 “(C) Programs in vocational and technical
7 education.

8 “(D) Programs for gifted and talented stu-
9 dents.

10 “(E) School nutrition programs.

11 “(5) COORDINATION.—

12 “(A) IN GENERAL.—Each local educational
13 agency shall coordinate—

14 “(i) the provision of services under
15 this subtitle with the services of local social
16 services agencies and other agencies or en-
17 tities providing services to homeless chil-
18 dren and youths and their families, includ-
19 ing services and programs funded under
20 the Runaway and Homeless Youth Act (42
21 U.S.C. 5701 et seq.) or provided by other
22 agencies serving unaccompanied youths,
23 public and private child welfare agencies,
24 Head Start centers and local entities ad-
25 ministering State-funded preschool pro-

1 grams, and agencies providing mental
2 health services;

3 “(ii) transportation, transfer of school
4 records, and other interdistrict activities,
5 with other local educational agencies;

6 “(iii) the provision of services under
7 this subtitle with the provision of other
8 education programs, including programs
9 provided under titles I, III, and IV of the
10 Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6301 et seq., 6801 et
12 seq., and 7101 et seq.) and similar State
13 and local programs, programs in vocational
14 and technical education, truancy and drop-
15 out prevention programs, before and after
16 school programs, summer school programs,
17 programs provided for students with dis-
18 abilities, students with limited English pro-
19 ficiency, and gifted and talented students,
20 and local educational agency transpor-
21 tation services; and

22 “(iv) activities, planning, and initia-
23 tives with State and local agencies and or-
24 ganizations providing emergency, transi-
25 tional, and permanent housing and other

1 services to homeless families and unaccom-
2 panied youths, including developing and
3 implementing strategies to minimize edu-
4 cational disruption for children and youths
5 who become homeless.

6 “(B) COORDINATION PURPOSE.—The co-
7 ordination required under subparagraph (A)
8 shall be designed to—

9 “(i) ensure that all homeless children
10 and youths are promptly identified;

11 “(ii) ensure that homeless children
12 and youths have access to and are in rea-
13 sonable proximity to available education
14 and related support services;

15 “(iii) decrease school mobility and en-
16 sure that agencies placing homeless chil-
17 dren and youth in housing and agencies
18 providing housing and other services con-
19 sider the proximity of housing and services
20 to a child or youth’s school of origin (as
21 defined in paragraph (3)(J)); and

22 “(iv) raise the awareness of school
23 personnel and service providers of the ef-
24 fects of short-term stays in a shelter and

1 other challenges associated with homeless-
2 ness.

3 “(C) HOMELESS CHILDREN AND YOUTHS
4 WITH DISABILITIES.—

5 “(i) IN GENERAL.—For children and
6 youth who are to be assisted both under
7 this subtitle, and under the Individuals
8 with Disabilities Education Act (20 U.S.C.
9 1400 et seq.) or section 504 of the Reha-
10 bilitation Act of 1973 (29 U.S.C. 794),
11 each local educational agency shall coordi-
12 nate the provision of services under this
13 subtitle with the provision of programs for
14 children with disabilities served by that
15 local educational agency and other involved
16 local educational agencies.

17 “(ii) COST AND RESPONSIBILITY FOR
18 INDIVIDUALS WITH DISABILITIES.—Such
19 coordination shall include the following:

20 “(I) TRANSPORTATION.—Each
21 local educational agency shall adopt
22 policies and practices to apportion the
23 cost and responsibility for providing
24 transportation to children and youths
25 entitled to transportation services

1 under both paragraph (1)(J)(iii) and
2 the Individuals with Disabilities Edu-
3 cation Act (20 U.S.C. 1400 et seq.) or
4 section 504 of the Rehabilitation Act
5 of 1973 (29 U.S.C. 794).

6 “(II) PUBLIC OR PRIVATE EDU-
7 CATIONAL PROGRAM.—

8 “(aa) IN GENERAL.—Except
9 as provided in item (bb), if a
10 local educational agency has
11 placed a child or youth in a pri-
12 vate educational program, or in a
13 public educational program out-
14 side the area served by that local
15 educational agency, under section
16 614(d)(1)(A) of the Individuals
17 with Disabilities Education Act
18 (20 U.S.C. 1414(d)(1)(A)), and
19 though moving to an area served
20 by another local educational
21 agency, the homeless child or
22 youth is to remain in that edu-
23 cational program as the child’s or
24 youth’s school of origin (as de-
25 fined in paragraph (3)(J)) under

1 subparagraphs (A) and (B) of
2 paragraph (3), the local edu-
3 cational agency that made the
4 placement shall continue pay-
5 ments for the placement.

6 “(bb) EXCEPTION.—Item
7 (aa) shall apply unless the local
8 educational agency that made the
9 placement and the local edu-
10 cational agency in the area where
11 the student is temporarily resid-
12 ing agree upon another method
13 to apportion the cost, or the
14 State educational agency involved
15 has devised another method to
16 apportion cost and responsibility
17 among local educational agencies.

18 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

19 “(A) DUTIES.—Each local educational
20 agency liaison for homeless children and youths,
21 designated under paragraph (1)(J)(ii), shall en-
22 sure that—

23 “(i) all homeless children and youths
24 are identified by school personnel and
25 through outreach and coordination activi-

1 ties with other entities and agencies, in-
2 cluding through such measures as inquiries
3 concerning housing status on school reg-
4 istration forms and on withdrawal or exit
5 forms;

6 “(ii) homeless children and youths are
7 immediately enrolled in, and have a full
8 and equal opportunity to succeed in,
9 schools of that local educational agency;

10 “(iii) homeless families, and homeless
11 children and youths, have access to edu-
12 cational services for which such families,
13 children, and youths are eligible, including
14 services through Head Start, Early Head
15 Start, early intervention, and Even Start
16 programs, and preschool programs de-
17 scribed in paragraph (7)(A);

18 “(iv) homeless families, and homeless
19 children and youths receive referrals to
20 health care services, dental services, mental
21 health and substance abuse services, hous-
22 ing services, and other appropriate serv-
23 ices;

24 “(v) the parents or guardians of
25 homeless children and youths are informed

1 of the educational and related opportuni-
2 ties available to their children, including
3 preschool opportunities, and are provided
4 with meaningful opportunities to partici-
5 pate in the education of their children;

6 “(vi) public notice of the educational
7 rights of homeless children and youths is
8 incorporated into documents related to
9 residency requirements or enrollment, pro-
10 vided upon school enrollment and with-
11 drawal, posted on the local educational
12 agency’s website, and disseminated in loca-
13 tions frequented by parents or guardians
14 of such children and youths, and unaccom-
15 panied youths, including schools, shelters,
16 public libraries, and soup kitchens, in a
17 manner and form understandable to par-
18 ents and guardians of homeless children
19 and youths and unaccompanied youths;

20 “(vii) disputes are resolved in accord-
21 ance with paragraph (3)(E);

22 “(viii) the parent or guardian of a
23 homeless child or youth, and any unaccom-
24 panied youth, is fully informed of all trans-
25 portation services, including transportation

1 to the school of origin, as described in
2 paragraph (1)(J)(iii), and is assisted in ac-
3 cessing transportation to the school that is
4 selected under paragraph (3)(A);

5 “(ix) school personnel are adequately
6 prepared to implement this subtitle and re-
7 ceive professional development, resource
8 materials, technical assistance, and other
9 support; and

10 “(x) unaccompanied youths—

11 “(I) are enrolled in school;

12 “(II) have opportunities to meet
13 the same challenging State student
14 academic achievement standards to
15 which other students are held, includ-
16 ing through implementation of the
17 policies and practices required by sub-
18 paragraphs (F)(ii) and (J)(iv) of
19 paragraph (1); and

20 “(III) are informed of their sta-
21 tus as independent students under
22 section 480 of the Higher Education
23 Act of 1965 (20 U.S.C. 1087vv), in-
24 cluding through school counselors that
25 have received professional develop-

1 ment about unaccompanied youth,
2 and receive verification of such status
3 for purposes of the Free Application
4 for Federal Student Aid described in
5 section 483 of such Act (20 U.S.C.
6 1090).

7 “(B) NOTICE.—State Coordinators ap-
8 pointed under subsection (d)(3) and local edu-
9 cational agencies shall inform school personnel,
10 service providers, and advocates working with
11 homeless families and homeless children and
12 youths of the contact information and duties of
13 the local educational agency liaisons, including
14 publishing an annually updated list of the liai-
15 sons on the State educational agency’s website.

16 “(C) LOCAL AND STATE COORDINATION.—
17 The local educational agency liaisons shall, as a
18 part of their duties, coordinate and collaborate
19 with the State Coordinators and community
20 and school personnel responsible for the provi-
21 sion of education and related support services
22 to homeless children and youths. Such coordina-
23 tion shall include collecting and providing to the
24 State Coordinator the reliable, valid, and com-
25 prehensive data needed to meet the require-

1 ments of paragraphs (1) and (3) of subsection
2 (f).

3 “(D) PROFESSIONAL DEVELOPMENT.—The
4 local educational agency liaisons shall partici-
5 pate in the professional development and other
6 technical assistance activities provided by the
7 State Coordinator pursuant to subsection (f)(5).

8 “(7) SCHOOL READINESS FOR HOMELESS CHIL-
9 DREN.—

10 “(A) STATE AND LOCAL EDUCATIONAL
11 AGENCIES.—Each State educational agency and
12 local educational agency shall ensure that enti-
13 ties carrying out preschool programs funded,
14 administered, or overseen by the agency in-
15 volved—

16 “(i) comply with paragraphs (3) and
17 (4), except that in the absence of contrary
18 State law or policy, such entities shall not
19 be required to enroll a homeless child im-
20 mediately in a preschool program that is
21 operating at full capacity when the child
22 seeks to enroll;

23 “(ii) identify and prioritize homeless
24 children for enrollment and increase their
25 enrollment and attendance in preschool

1 programs, including through policies such
2 as—

3 “(I) reserving spaces in preschool
4 programs for homeless children;

5 “(II) conducting targeted out-
6 reach to homeless children and their
7 families;

8 “(III) waiving application dead-
9 lines;

10 “(IV) providing ongoing profes-
11 sional development for staff regarding
12 the needs of homeless children and
13 their families and strategies to serve
14 the children and families; and

15 “(V) developing the capacity to
16 serve all identified homeless children;
17 and

18 “(iii) review the educational and re-
19 lated needs of homeless children and their
20 families in such agency’s service area, in
21 coordination with the liaison designated
22 under paragraph (1)(J)(ii), and develop
23 policies and practices to meet identified
24 needs.

1 “(B) OTHER STATE AGENCIES.—In the
2 case of State-funded preschool programs that
3 are not funded, administered, or overseen by
4 the State educational agency or a local edu-
5 cational agency, the State agency that funds,
6 administers, or oversees such preschool pro-
7 grams shall—

8 “(i) develop, review, and revise its
9 policies and practices to remove barriers to
10 the identification, enrollment, attendance,
11 retention, and success of homeless children
12 for or in preschool programs funded, ad-
13 ministered, or overseen by the agency;

14 “(ii) ensure that the entities comply
15 with the provisions of paragraph (3) and
16 (4) except that such entities, with respect
17 to such programs—

18 “(I) shall not be required to en-
19 roll a homeless child immediately in a
20 preschool program that is operating at
21 full capacity when the child seeks to
22 enroll, in the absence of contrary
23 State law or policy;

24 “(II) shall not be subject to the
25 dispute resolution procedures of the

1 State educational agency or local edu-
2 cational agencies, but shall ensure
3 that all of the dispute resolution pro-
4 cedures available through such pro-
5 grams and the State agency that
6 funds, administers, or oversees such
7 programs are accessible to parents
8 and guardians of homeless children
9 and shall provide such parents and
10 guardians with a written explanation
11 of their dispute and appeal rights; and

12 “(III) shall not be subject to the
13 transportation requirements of para-
14 graphs (1)(J)(iii) or (3)(B)(v), but
15 shall remove barriers to transpor-
16 tation services for homeless children
17 and shall, to the maximum extent
18 practicable, arrange or provide trans-
19 portation for homeless children to at-
20 tend preschool programs, including
21 their preschool program of origin;

22 “(iii) identify and prioritize homeless
23 children for enrollment and increase their
24 enrollment and attendance in preschool

1 programs, including through policies such
2 as—

3 “(I) reserving spaces in preschool
4 programs for homeless children;

5 “(II) conducting targeted out-
6 reach to homeless children and their
7 families;

8 “(III) waiving application dead-
9 lines;

10 “(IV) providing ongoing profes-
11 sional development for staff regarding
12 the needs of homeless children and
13 their families and strategies to serve
14 the children and families; and

15 “(V) develop capacity to serve all
16 identified homeless children; and

17 “(iv) review the educational and re-
18 lated needs of homeless children and their
19 families in the State, in coordination with
20 the Office of the Coordinator for Edu-
21 cation of Homeless Children and Youths
22 established under subsection (d)(3), and
23 develop policies and practices to meet iden-
24 tified needs.

1 “(h) PROHIBITION ON SEGREGATING HOMELESS
2 CHILDREN AND YOUTHS.—

3 “(1) IN GENERAL.—In providing a free appro-
4 priate public education to a homeless child or youth,
5 no State receiving funds under this subtitle shall
6 segregate such child or youth in a separate school,
7 or in a separate program within a school, based on
8 such child’s or youth’s status as homeless.

9 “(2) TRANSITION FROM SEGREGATED SCHOOLS
10 IN FORMERLY COVERED COUNTIES.—To ensure a
11 smooth, rapid, and complete transition for all home-
12 less children and youths from segregated to nonseg-
13 regated schools or programs, in formerly covered
14 counties, each local educational agency that serves
15 such a covered county shall—

16 “(A) coordinate activities with those seg-
17 regated schools and schools with segregated
18 programs located in formerly covered counties,
19 to identify each homeless child and youth en-
20 rolled in such schools and programs;

21 “(B) for each homeless child and youth so
22 identified, determine if the child or youth has a
23 school of origin (as defined in subsection
24 (g)(3)(J)) and either—

1 “(i) immediately enroll the child or
2 youth in the school of origin if it is in the
3 child’s or youth’s best interest in accord-
4 ance with this subtitle and consistent with
5 the wishes of the parent, guardian, or un-
6 accompanied youth involved, and provide
7 transportation to and from the school of
8 origin; or

9 “(ii) immediately enroll the child or
10 youth in any nonsegregated public school if
11 enrollment in the school of origin is not in
12 the child’s or youth’s best interest in ac-
13 cordance with this subtitle or is against the
14 wishes of the parent, guardian, or unac-
15 companied youth;

16 “(C) provide the parent, guardian, or un-
17 accompanied youth with information about the
18 dispute resolution process available under this
19 subtitle;

20 “(D) ensure that each homeless child or
21 youth receives the full protections and services
22 provided by this subtitle; and

23 “(E) implement other policies and prac-
24 tices necessary to ensure a smooth, rapid, and
25 complete integration of the children and youths

1 into the public schools of the local educational
2 agency.

3 “(3) ROLE OF STATE EDUCATIONAL AGENCY IN
4 TRANSITION.—The State educational agencies of
5 California and Arizona shall provide technical assist-
6 ance to the local educational agencies in the State
7 that serve formerly covered counties to ensure the
8 requirements of paragraph (2) are met.

9 “(4) TRANSITION PERIOD.—Not later than the
10 end of the academic year in which the Educational
11 Success for Children and Youth Without Homes Act
12 of 2009 is enacted, the transition referred to in
13 paragraph (2) shall be complete.

14 “(i) NO DIMINISHMENT OF POWER.—Nothing in this
15 subtitle shall be construed to diminish the rights of par-
16 ents or guardians of homeless children or youth, or unac-
17 companied youth, otherwise provided under State law, pol-
18 icy, or practice, including laws or policies that authorize
19 the best interest determination in subsection (g)(3) to be
20 made solely by the parent, guardian, or youth involved.

21 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
22 **THE EDUCATION OF HOMELESS CHILDREN**
23 **AND YOUTHS.**

24 “(a) GENERAL AUTHORITY.—

1 “(1) IN GENERAL.—The State educational
2 agency shall, in accordance with section 722(e), and
3 from amounts made available to such agency under
4 section 726, make subgrants to local educational
5 agencies for the purpose of facilitating the identifica-
6 tion, enrollment, attendance, and success in school
7 of homeless children and youths.

8 “(2) SERVICES.—

9 “(A) IN GENERAL.—Services under para-
10 graph (1)—

11 “(i) may be provided through pro-
12 grams on school grounds or at other facili-
13 ties; and

14 “(ii) shall, to the maximum extent
15 practicable, be provided through existing
16 programs and mechanisms that integrate
17 homeless children and youths with non-
18 homeless children and youths.

19 “(B) SERVICES ON SCHOOL GROUNDS.—If
20 services under paragraph (1) are provided to
21 homeless children and youths on school
22 grounds, the school involved may use funds
23 under this subtitle to provide the same services
24 to other children and youths who are deter-
25 mined by the local educational agency serving

1 the school to be at risk of failing in, or drop-
2 ping out of, school.

3 “(3) REQUIREMENT.—Services provided under
4 this section shall not replace the regular academic
5 program and shall be designed to expand upon or
6 improve services provided as part of the school’s reg-
7 ular academic program.

8 “(4) DURATION OF GRANTS.—Subgrants
9 awarded under this section shall be for terms of not
10 to exceed 3 years.

11 “(b) APPLICATION.—A local educational agency that
12 desires to receive a subgrant under this section shall sub-
13 mit an application to the State educational agency at such
14 time, in such manner, and containing or accompanied by
15 such information as the State educational agency may rea-
16 sonably require. Such application shall include the fol-
17 lowing:

18 “(1) An assessment of the educational and re-
19 lated needs of homeless children and youths in the
20 area served by the local educational agency (which
21 may be undertaken as part of a needs assessment
22 for another disadvantaged group).

23 “(2) A description of the services and programs
24 for which assistance is sought to address the needs
25 identified in paragraph (1).

1 “(3) An assurance that the local educational
2 agency’s combined fiscal effort per student, or the
3 aggregate expenditures of that agency and the State
4 with respect to the provision of free public education
5 by such agency for the fiscal year preceding the fis-
6 cal year for which the subgrant determination is
7 made, was not less than 90 percent of such com-
8 bined fiscal effort or aggregate expenditures for the
9 second fiscal year preceding the fiscal year for which
10 the determination is made.

11 “(4) An assurance that the applicant complies
12 with, or will use requested funds to comply with,
13 paragraphs (3) through (7) of section 722(g).

14 “(5) A description of policies and procedures
15 that the agency will implement to ensure that activi-
16 ties carried out by the agency will not isolate or stig-
17 matize homeless children and youths.

18 “(6) An assurance that the local educational
19 agency will collect and promptly provide data re-
20 quested by the State Coordinator pursuant to para-
21 graphs (1) and (3) of section 722(f).

22 “(7) A description of the policies and practices
23 the local educational agency has implemented to re-
24 move barriers to the identification, enrollment, at-

1 tendance, retention, and success in school of all
2 homeless children and youths.

3 “(c) AWARDS.—

4 “(1) IN GENERAL.—The State educational
5 agency shall, in accordance with the requirements of
6 this subtitle and from amounts made available to it
7 under section 722(a), make subgrants on a competi-
8 tive basis to local educational agencies that submit
9 applications under subsection (b). Such subgrants
10 shall be awarded on the basis of the need of such
11 agencies for assistance under this subtitle and the
12 quality of the applications submitted.

13 “(2) NEED.—

14 “(A) IN GENERAL.—In determining need
15 under paragraph (1), the State educational
16 agency may consider the number of homeless
17 children and youths enrolled in preschool, ele-
18 mentary schools, and secondary schools within
19 the area served by the local educational agency,
20 and shall consider the needs of such children
21 and youths and the ability of the local edu-
22 cational agency to meet such needs.

23 “(B) OTHER CONSIDERATIONS.—The
24 State educational agency may also consider the
25 following:

1 “(i) The extent to which the proposed
2 use of funds will facilitate the identifica-
3 tion, enrollment, attendance, retention, and
4 educational success of homeless children
5 and youths.

6 “(ii) The extent to which the applica-
7 tion reflects coordination with other local
8 and State agencies that serve homeless
9 children and youths.

10 “(iii) The extent to which the appli-
11 cant exhibits in the application and in cur-
12 rent practice (as of the date of submission
13 of the application) a commitment to edu-
14 cation for all homeless children and youths.

15 “(iv) Such other criteria as the State
16 agency determines to be appropriate.

17 “(3) QUALITY.—In determining the quality of
18 applications under paragraph (1), the State edu-
19 cational agency shall consider each of the following:

20 “(A) The applicant’s needs assessment
21 under subsection (b)(2) and the likelihood that
22 the program presented in the application will
23 meet such needs.

1 “(B) The types, intensity, and coordination
2 of the services to be provided under the pro-
3 gram.

4 “(C) The extent to which the applicant will
5 promote meaningful involvement of parents or
6 guardians of homeless children or youths in the
7 education of their children.

8 “(D) The extent to which homeless chil-
9 dren and youths will be integrated into the reg-
10 ular education program involved.

11 “(E) The quality of the applicant’s evalua-
12 tion plan for the program.

13 “(F) The extent to which services provided
14 under this subtitle will be coordinated with
15 other services available to homeless children
16 and youths and their families, including housing
17 and child welfare services and services provided
18 under the Individuals with Disabilities Edu-
19 cation Act (20 U.S.C. 1400 et seq.), title I of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6301 et seq.), and similar
22 State and local programs.

23 “(G) The extent to which the local edu-
24 cational agency will use the subgrant to lever-
25 age resources, including by maximizing

1 nonsubgrant funding for the position of the liai-
2 son described in section 722(g)(1)(J)(ii) and
3 the provision of transportation.

4 “(H) The local educational agency’s use of
5 funds to serve homeless children and youths
6 under section 1113(c)(3) of title I of the Ele-
7 mentary and Secondary Education Act of 1965
8 (20 U.S.C. 6313(c)(3)).

9 “(I) The extent to which the applicant’s
10 program meets such other measures as the
11 State educational agency considers to be indic-
12 ative of a high-quality program, including the
13 extent to which the local educational agency will
14 provide services to unaccompanied youth and
15 preschool-aged children.

16 “(J) The extent to which the application
17 describes how the applicant will meet the re-
18 quirements of section 722(g)(3).

19 “(d) AUTHORIZED ACTIVITIES.—A local educational
20 agency may use funds awarded under this section for ac-
21 tivities that carry out the purpose of this subtitle, includ-
22 ing the following:

23 “(1) The provision of tutoring, supplemental in-
24 struction, and enriched educational services that are
25 linked to the achievement of the same challenging

1 State academic content standards and challenging
2 State student academic achievement standards as
3 the State establishes for other children and youths.

4 “(2) The provision of expedited evaluations of
5 the strengths, needs, and eligibility of homeless chil-
6 dren and youths, including needs and eligibility for
7 programs and services (including educational pro-
8 grams for gifted and talented students, children with
9 disabilities, and students with limited English pro-
10 ficiency, charter school programs, magnet school
11 programs, and programs in vocational and technical
12 education, and school nutrition programs).

13 “(3) Professional development and other activi-
14 ties for educators and pupil services personnel that
15 are designed to heighten the understanding and sen-
16 sitivity of such educators and personnel to the needs
17 of homeless children and youths, the rights of such
18 children and youths under this subtitle, and the spe-
19 cific educational needs of runaway and homeless
20 youths.

21 “(4) The provision of referral services to home-
22 less children and youths for medical, dental, mental,
23 and other health services.

24 “(5) The provision of assistance to defray the
25 cost of transportation under paragraphs (1)(J)(iii)

1 and (4)(A) of section 722(g), and transportation to
2 preschool programs, not otherwise provided through
3 Federal, State, or local funding.

4 “(6) The provision of developmentally appro-
5 priate early childhood development programs, not
6 otherwise provided through Federal, State, or local
7 funding.

8 “(7) The provision of services and assistance to
9 attract, engage, and retain homeless children and
10 youths, particularly homeless children and youths
11 who are not enrolled in school, in public school pro-
12 grams and services provided to nonhomeless children
13 and youths.

14 “(8) The provision for homeless children and
15 youths of before- and after-school, mentoring, and
16 summer programs in which a teacher or other quali-
17 fied individual provides tutoring, homework assist-
18 ance, and supervision of educational activities.

19 “(9) If necessary, the payment of fees and
20 other costs associated with tracking, obtaining, and
21 transferring records necessary to facilitate the ap-
22 propriate placement of homeless children and youths
23 in school or preschool programs, including birth cer-
24 tificates, immunization or other required health

1 records, academic records, guardianship records, and
2 evaluations for special programs or services.

3 “(10) The provision of education and training
4 to the parents of homeless children and youths about
5 the rights of, and resources available to, such chil-
6 dren and youths, and other activities designed to in-
7 crease the meaningful involvement of parents or
8 guardians of homeless children or youths in the edu-
9 cation of their children.

10 “(11) The development of coordination of ac-
11 tivities between schools and agencies providing serv-
12 ices to homeless children and youths, as described in
13 section 722(g)(5).

14 “(12) The provision of pupil services (including
15 counseling) and referrals for such services.

16 “(13) Activities to address the particular needs
17 of homeless children and youths that may arise from
18 domestic violence and parental mental health or sub-
19 stance abuse problems.

20 “(14) The adaptation of space and purchase of
21 supplies for any nonschool facilities made available
22 under subsection (a)(2) to provide services under
23 this subsection.

24 “(15) The provision of school supplies, includ-
25 ing supplies to be distributed at shelters or tem-

1 porary housing facilities, or other appropriate loca-
2 tions.

3 “(16) The provision of assistance to defray the
4 cost of the position of liaison designated pursuant to
5 section 722(g)(1)(J)(ii), not otherwise provided
6 through Federal, State, or local funding.

7 “(17) The provision of other extraordinary or
8 emergency assistance needed to enable homeless chil-
9 dren and youths to enroll, attend, and succeed in
10 school or preschool programs.

11 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

12 “(a) REVIEW OF STATE PLANS.—In reviewing the
13 State plan submitted by a State educational agency under
14 section 722(g), the Secretary shall use a peer review proc-
15 ess and shall evaluate whether State laws, policies, and
16 practices described in such plan adequately address the
17 problems of all homeless children and youths relating to
18 access to education and placement as described in such
19 plan.

20 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
21 provide support and technical assistance to State edu-
22 cational agencies to assist such agencies in carrying out
23 their responsibilities under this subtitle, and shall estab-
24 lish or designate a Federal Office of the Coordinator for
25 Education of Homeless Children and Youths that has suf-

1 ficient capacity, resources, and support to carry out the
2 responsibilities described in this subtitle.

3 “(c) NOTICE.—

4 “(1) IN GENERAL.—The Secretary shall, before
5 the next school year that begins after the date of en-
6 actment of the Educational Success for Children and
7 Youth Without Homes Act of 2009, develop and dis-
8 seminate a public notice of the educational rights of
9 homeless children and youths. The notice shall in-
10 clude information regarding the definition of home-
11 less children and youths in section 725.

12 “(2) DISSEMINATION.—The Secretary shall dis-
13 seminate the notice nationally. The Secretary also
14 shall disseminate such notice to heads of other De-
15 partment of Education offices, including those re-
16 sponsible for special education programs, higher
17 education, and programs under parts A, B, C, D, G,
18 and H of title I, title III, title IV, and part B of title
19 V of the Elementary and Secondary Education Act
20 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
21 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
22 6801 et seq., 7102 et seq., and 7221 et seq.). The
23 Secretary shall also disseminate such notice to heads
24 of other Federal agencies, and grant recipients and
25 other entities carrying out federally funded pro-

1 grams, including Head Start program grantees,
2 grant recipients under the Health Care for the
3 Homeless program of the Health Resources and
4 Services Administration of the Department of
5 Health and Human Services, grant recipients under
6 the Emergency Food and Shelter National Board
7 Program of the Federal Emergency Management
8 Agency, grant recipients under the Runaway and
9 Homeless Youth Act (42 U.S.C. 5701 et seq.), grant
10 recipients under the John H. Chafee Foster Care
11 Independence program, grant recipients under home-
12 less assistance programs administered by the De-
13 partment of Housing and Urban Development, and
14 recipients of Federal funding for programs carried
15 out by the Administration on Children, Youth and
16 Families of the Department of Health and Human
17 Services.

18 “(d) EVALUATION AND DISSEMINATION.—

19 “(1) IN GENERAL.—The Secretary shall con-
20 duct evaluation, dissemination, and technical assist-
21 ance activities for programs that are designed to
22 meet the educational needs of homeless preschool, el-
23 ementary school, and secondary school students, and
24 may use funds appropriated under section 726 to
25 award grants to, or enter into contracts or coopera-

1 tive agreements with, eligible entities to enable the
2 eligible entities to carry out such activities.

3 “(2) PRIORITIES.—The Secretary, in awarding
4 such grant, or entering into such contract or cooper-
5 ative agreement, may, without regard to the rule-
6 making procedures under section 553 of title 5,
7 United States Code, limit competitions to, or other-
8 wise give priority to, entities with—

9 “(A) demonstrated experience in dissemi-
10 nation and technical assistance activities, in-
11 cluding using the Internet and other state-of-
12 the-art technology for efficient and cost-effec-
13 tive dissemination of information and technical
14 assistance;

15 “(B) demonstrated experience in the areas
16 of homelessness, serving at-risk youth, and edu-
17 cation; and

18 “(C) established networks, and a history of
19 collaboration, among State educational agen-
20 cies, local educational agencies, and national or-
21 ganizations that provide services to homeless
22 children and youths, and homeless families.

23 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
24 retary shall require applications for grants under section
25 722 to be submitted to the Secretary not later than the

1 expiration of the 120-day period beginning on the date
2 that funds are available for purposes of making such
3 grants and shall make such grants not later than the expi-
4 ration of the 180-day period beginning on such date.

5 “(f) DETERMINATION BY SECRETARY.—The Sec-
6 retary, based on the information received from the States
7 and information gathered by the Secretary under sub-
8 section (h), shall determine the extent to which State edu-
9 cational agencies are ensuring that each homeless child or
10 youth has access to a free appropriate public education,
11 as described in section 721(1). The Secretary shall provide
12 support and technical assistance to State educational
13 agencies in areas in which barriers to a free appropriate
14 public education persist.

15 “(g) PUBLICATION.—The Secretary shall develop,
16 issue, and publish in the Federal Register, not later than
17 90 days after the date of enactment of the Educational
18 Success for Children and Youth Without Homes Act of
19 2009, a summary of the changes enacted by that Act and
20 related strategies, which summary shall include—

21 “(1) strategies by which a State can assist local
22 educational agencies to implement the provisions
23 amended by the Act;

24 “(2) strategies by which a State can review and
25 revise State policies and procedures that may

1 present barriers to the identification, enrollment, at-
2 tendance, and success of homeless children and
3 youths in school; and

4 “(3) strategies by which entities carrying out
5 preschool programs can implement requirements of
6 section 722(g)(7).

7 “(h) INFORMATION.—

8 “(1) IN GENERAL.—From funds appropriated
9 under section 726, the Secretary shall, directly or
10 through grants, contracts, or cooperative agree-
11 ments, periodically but no less frequently than every
12 2 years, collect and disseminate publicly data and in-
13 formation regarding—

14 “(A) the number of homeless children and
15 youths in all areas served by local educational
16 agencies, including homeless children enrolled in
17 preschool programs described in section
18 722(g)(7)(A) and the type of living situation in
19 which such children and youth are living when
20 identified;

21 “(B) the education and related support
22 services such children and youths receive;

23 “(C) the extent to which the needs of
24 homeless children and youths are being met;

1 “(D) the academic progress being made by
2 homeless children and youths, including the
3 percent or number of homeless children and
4 youths participating in State assessments; and

5 “(E) such other data and information as
6 the Secretary determines to be necessary and
7 relevant to carry out this subtitle.

8 “(2) COORDINATION.—The Secretary shall co-
9 ordinate such collection and dissemination with
10 other agencies and entities that receive assistance
11 and administer programs under this subtitle.

12 “(i) REPORT.—Not later than 4 years after the date
13 of enactment of the Educational Success for Children and
14 Youth Without Homes Act of 2009, the Secretary shall
15 prepare and submit to the President and the Committee
16 on Education and Labor of the House of Representatives
17 and the Committee on Health, Education, Labor, and
18 Pensions of the Senate a report on the status of the provi-
19 sion of education and related support services to homeless
20 children and youths, which shall include information on—

21 “(1) the education of homeless children and
22 youths; and

23 “(2) the actions of the Secretary and the effec-
24 tiveness of the programs supported under this sub-
25 title.

1 **“SEC. 725. DEFINITIONS.**

2 “In this subtitle:

3 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
4 roll’ and ‘enrollment’ include attending classes and
5 participating fully in school activities.

6 “(2) FORMERLY COVERED COUNTIES.—The
7 term ‘formerly covered counties’ means, with respect
8 to California, San Joaquin County, Orange County,
9 and San Diego County, and with respect to Arizona,
10 Maricopa County.

11 “(3) HOMELESS CHILDREN AND YOUTHS.—The
12 term ‘homeless children and youths’—

13 “(A) means individuals who lack a fixed,
14 regular, and adequate nighttime residence
15 (within the meaning of section 103(a)(1)); and

16 “(B) includes—

17 “(i) children and youths who—

18 “(I) are sharing the housing of
19 other persons due to loss of housing,
20 economic hardship, or a similar rea-
21 son;

22 “(II) are living in motels, hotels,
23 trailer parks, or camping grounds due
24 to the lack of alternative adequate ac-
25 commodations;

1 “(III) are living in emergency or
2 transitional shelters;

3 “(IV) are abandoned in hospitals;

4 or

5 “(V) are awaiting foster care
6 placement;

7 “(ii) children and youths who have a
8 primary nighttime residence that is a pub-
9 lic or private place not designed for or or-
10 dinarily used as a regular sleeping accom-
11 modation for human beings (within the
12 meaning of section 103(a)(2)(C));

13 “(iii) children and youths who are liv-
14 ing in cars, parks, public spaces, aban-
15 doned buildings, substandard housing, bus
16 or train stations, or similar settings; and

17 “(iv) migratory children (as such term
18 is defined in section 1309 of the Elemen-
19 tary and Secondary Education Act of 1965
20 (20 U.S.C. 6399)) who qualify as homeless
21 for the purposes of this subtitle because
22 the children are living in circumstances de-
23 scribed in clauses (i) through (iii).

24 “(4) INCLUDE; INCLUDING.—The terms ‘in-
25 clude’ and ‘including’ mean that the items named

1 are not all of the possible items that are covered,
 2 whether like or unlike the items named.

3 “(5) LOCAL EDUCATIONAL AGENCY; STATE
 4 EDUCATIONAL AGENCY.—The terms ‘local edu-
 5 cational agency’ and ‘State educational agency’ have
 6 the meanings given such terms in section 9101 of
 7 the Elementary and Secondary Education Act of
 8 1965 (20 U.S.C. 7801).

9 “(6) SECRETARY.—The term ‘Secretary’ means
 10 the Secretary of Education.

11 “(7) STATE.—The term ‘State’ means each of
 12 the 50 States, the District of Columbia, and the
 13 Commonwealth of Puerto Rico.

14 “(8) UNACCOMPANIED YOUTH.—The term ‘un-
 15 accompanied youth’ means a homeless child or youth
 16 not in the physical custody of a parent or legal
 17 guardian.

18 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

19 “For the purpose of carrying out this subtitle, there
 20 are authorized to be appropriated to the Secretary
 21 \$300,000,000 for fiscal year 2010 and such sums as may
 22 be necessary for each of fiscal years 2011 through 2016.”.

23 **SEC. 3. CONFORMING AMENDMENTS.**

24 The Elementary and Secondary Education Act of
 25 1965 (20 U.S.C. 6301 et seq.) is amended—

1 (1) in section 1111 (20 U.S.C. 6311)—

2 (A) in subsection (b)(2), by adding at the
3 end the following:

4 “(L) ACCOUNTABILITY FOR HOMELESS
5 CHILDREN AND YOUTHS.—The accountability
6 provisions under this Act shall ensure that
7 homeless children and youths (as defined in sec-
8 tion 725(3) of the McKinney-Vento Homeless
9 Assistance Act), are included in academic as-
10 sessment, reporting, and accountability systems,
11 consistent with paragraph (3)(C)(xi). Notwith-
12 standing the requirements of subsection (i), the
13 State is not required to disaggregate the assess-
14 ment results of homeless children and youths as
15 a separate category under subparagraph
16 (C)(v).”; and

17 (B) in subsection (c)—

18 (i) in paragraph (13), by striking
19 “and” after the semicolon;

20 (ii) in paragraph (14), by striking the
21 period at the end and inserting “; and”;
22 and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(15) the State will ensure that the require-
2 ments of subtitle B of title VII of the McKinney-
3 Vento Homeless Assistance Act are satisfied.”;

4 (2) in section 1112 (20 U.S.C. 6312)—

5 (A) by striking subsection (b)(1)(O) and
6 inserting the following:

7 “(O) a description of—

8 “(i) how the local educational agency
9 will ensure the enrollment, attendance, and
10 success of homeless children and youths;

11 “(ii) the services the local educational
12 agency will provide homeless children and
13 youths, including services provided with
14 funds reserved under section 1113(c)(3);

15 “(iii) the amount of funds reserved
16 under section 1113(c)(3);

17 “(iv) the needs assessment conducted
18 to determine the amount of funds reserved
19 under section 1113(c)(3);

20 “(v) how the amount of funds re-
21 served under section 1113(c)(3) was deter-
22 mined and the amount of funds’ relation to
23 the needs assessment;

24 “(vi) the collaborative role of the liai-
25 son designated pursuant to section

1 722(g)(1)(J)(ii) of the McKinney-Vento
2 Homeless Assistance Act in determining
3 the amount of funds reserved and the serv-
4 ices provided; and

5 “(vii) the services the local edu-
6 cational agency provided homeless children
7 and youths in the previous academic year,
8 including services provided with funds re-
9 served under section 1113(c)(3), an expla-
10 nation of any discrepancy between the an-
11 ticipated and actual use of funds, and an
12 explanation of any unspent reserved
13 funds;”; and

14 (B) in subsection (c)(1)—

15 (i) in subparagraph (N), by striking
16 “and” after the semicolon;

17 (ii) in subparagraph (O), by striking
18 the period at the end and inserting “;
19 and”; and

20 (iii) by adding at the end the fol-
21 lowing new subparagraph:

22 “(P) comply with the requirements of sub-
23 title B of title VII of the McKinney-Vento
24 Homeless Assistance Act that relate to the local
25 educational agency.”;

1 (3) by striking section 1113(c)(3) (20 U.S.C.
2 6313(c)(3)) and inserting the following:

3 “(3) RESERVATION.—

4 “(A) IN GENERAL.—

5 “(i) FUNDS FOR HOMELESS CHILD-
6 DREN AND YOUTHS.—A local educational
7 agency shall reserve funds under this part
8 to assist homeless children and youths who
9 are attending schools receiving assistance
10 under section 1114 or 1115, or schools not
11 receiving assistance under this part, in sat-
12 isfying the State’s academic achievement
13 standards.

14 “(ii) HOMELESS CHILDREN AND
15 YOUTHS.—In this paragraph, the term
16 ‘homeless children and youths’ has the
17 meaning given the term in section 725(3)
18 of the McKinney-Vento Homeless Assist-
19 ance Act.

20 “(B) USE OF FUNDS.—Notwithstanding
21 the requirements of subsections (b) and (c) of
22 section 1120A, funds reserved under subpara-
23 graph (A) may be used to provide homeless
24 children and youths with services not ordinarily

1 provided to other students under this part, in-
2 cluding—

3 “(i) providing funding for the liaison
4 designated pursuant to section
5 722(g)(1)(J)(ii) of the McKinney-Vento
6 Homeless Assistance Act;

7 “(ii) providing transportation pursu-
8 ant to section 722(g)(1)(J)(iii) of such
9 Act;

10 “(iii) providing services to preschool-
11 aged homeless children and homeless sec-
12 ondary school students;

13 “(iv) providing support services to
14 homeless children and youths in shelters
15 and other locations where they may live;
16 and

17 “(v) removing barriers to homeless
18 children and youths’ enrollment, attend-
19 ance, retention, and success in school.

20 “(C) AMOUNT RESERVED.—The amount of
21 funds reserved under subparagraph (A) shall be
22 determined collaboratively with the liaison des-
23 ignated pursuant to section 722(g)(1)(J)(ii) of
24 the McKinney-Vento Homeless Assistance Act
25 and based upon an assessment of the needs of

1 homeless children and youths in the local edu-
2 cational agency, including consideration of the
3 following:

4 “(i) The percentage of students deter-
5 mined by the local educational agency to
6 be from a low-income family using the
7 measures described in subsection (a)(5).

8 “(ii) Available data related to child,
9 youth, and family homelessness in the local
10 educational agency, including data re-
11 ported to the Department of Housing and
12 Urban Development, data reported to the
13 Department of Health and Human Serv-
14 ices under the Runaway and Homeless
15 Youth Act (42 U.S.C. 5701 et seq.), and
16 data reported by Head Start, Early Head
17 Start, and other preschool programs in the
18 local educational agency.

19 “(iii) Information related to child,
20 youth, and family homelessness in the local
21 educational agency obtained through the
22 coordination and collaboration required
23 under subsections (f)(4) and (g)(5) of sec-
24 tion 722 of the McKinney-Vento Homeless
25 Assistance Act.

1 “(iv) The number of homeless children
2 and youths reported by the local edu-
3 cational agency to the State educational
4 agency under section 722(f)(3) of the
5 McKinney-Vento Homeless Assistance Act
6 for the previous school year.

7 “(v) Gaps in identification of homeless
8 children and youths in the local edu-
9 cational agency, as described by the liaison
10 designated pursuant to section
11 722(g)(1)(J)(ii) of the McKinney-Vento
12 Homeless Assistance Act.

13 “(vi) Transportation and other needs
14 of homeless children and youths, as de-
15 scribed by the liaison designated pursuant
16 to section 722(g)(1)(J)(ii) of the McKin-
17 ney-Vento Homeless Assistance Act.

18 “(vii) Strategies to improve or main-
19 tain academic achievement and high school
20 graduation rates for homeless children and
21 youths in the local educational agency.

22 “(D) INTEGRATION.—The services pro-
23 vided to homeless children and youths shall, to
24 the maximum extent practicable, integrate

1 homeless children and youths with non-homeless
2 children and youths.

3 “(E) COMPARABLE SERVICES.—A local
4 educational agency shall reserve such funds as
5 are necessary under this part to provide serv-
6 ices comparable to those provided to children in
7 schools funded under this part to serve—

8 “(i) children in local institutions for
9 neglected children; and

10 “(ii) if appropriate, children in local
11 institutions for delinquent children, and
12 neglected or delinquent children in commu-
13 nity day school programs.”;

14 (4) in section 1114(b)(1)(A) (20 U.S.C.
15 6314(b)(1)(A)), by inserting “and homeless children
16 and youths as defined in section 725(3) of the
17 McKinney-Vento Homeless Assistance Act” before
18 “that is based on information”;

19 (5) by striking section 1115(b)(2)(E) (20
20 U.S.C. 6315(b)(2)(E)) and inserting the following:

21 “(E) HOMELESS CHILDREN AND
22 YOUTHS.—A child or youth who is homeless, as
23 defined in section 725(3) of the McKinney-
24 Vento Homeless Assistance Act, and attending

1 any school served by the local educational agen-
2 cy is eligible for services under this part.”;

3 (6) in section 1118(a)(2)(E) (20 U.S.C.
4 6318(a)(2)(E)), by inserting “are homeless,” before
5 “are disabled”;

6 (7) in section 1118(f) (20 U.S.C. 6318(f)), by
7 inserting “parents of homeless children,” before
8 “and parents of migratory children”;

9 (8) by striking section 1821(1) (20 U.S.C.
10 6561(1)) and inserting the following:

11 “(1) LOW-INCOME STUDENT.—The term ‘low-
12 income student’ means a student who is determined
13 by a local educational agency to be from a low-in-
14 come family using the measures described in section
15 1113(a)(5), or a student who is a homeless child or
16 youth, as defined in section 725(3) of the McKinney-
17 Vento Homeless Assistance Act.”;

18 (9) in section 1822(b)(1) (20 U.S.C.
19 6561a(b)(1))—

20 (A) by amending subparagraph (H) to
21 read as follows:

22 “(H) counseling and mentoring for at-risk
23 students, including students who are homeless
24 children and youths, as defined in section

1 725(3) of the McKinney-Vento Homeless As-
2 sistance Act.”;

3 (B) in subparagraph (I), by striking “and”
4 after the semicolon;

5 (C) in subparagraph (J), by striking the
6 period at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(K) outreach activities to locate and iden-
9 tify at-risk students, including homeless chil-
10 dren and youths, as defined in section 725(3)
11 of the McKinney-Vento Homeless Assistance
12 Act.”;

13 (10) in section 1823(b)(1) (20 U.S.C.
14 6561b(b)(1))—

15 (A) in subparagraph (F), by striking
16 “and” after the semicolon;

17 (B) in subparagraph (G), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following new
20 subparagraph:

21 “(H) describe how the strategies and ac-
22 tivities will include outreach and services to
23 homeless children and youths, as defined in sec-
24 tion 725(3) of the McKinney-Vento Homeless
25 Assistance Act.”;

1 (11) in section 1825(1) (20 U.S.C. 6561d(1))—

2 (A) in subparagraph (A), by inserting “,
3 including homeless children and youths, as de-
4 fined in section 725(3) of the McKinney-Vento
5 Homeless Assistance Act” after “at-risk stu-
6 dents”; and

7 (B) in subparagraph (B), by inserting “,
8 homeless children and youths (as defined in sec-
9 tion 725(3) of the McKinney-Vento Homeless
10 Assistance Act),” after “racial and ethnic mi-
11 norities”;

12 (12) in section 4203(a) (20 U.S.C. 7173(a))—

13 (A) in paragraph (10), by inserting “, in-
14 cluding homeless children and youths (as de-
15 fined in section 725(3) of the McKinney-Vento
16 Homeless Assistance Act),” after “participating
17 students”;

18 (B) in paragraph (13)(B), by striking
19 “and” after the semicolon;

20 (C) in paragraph (14), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (D) by adding at the end the following:

23 “(15) contains an assurance that the State edu-
24 cational agency will require eligible entities to de-
25 scribe in the entities’ applications under section

1 4204(b) how such entities will ensure the participa-
2 tion, attendance, and success of eligible homeless
3 children and youths (as defined in section 725(3) of
4 the McKinney-Vento Homeless Assistance Act), pay-
5 ing particular attention to the needs of unaccom-
6 panied youths.”; and

7 (13) in section 5203(b)(3)(L) (20 U.S.C.
8 7221b(b)(3)(L)), by inserting before the semicolon
9 at the end the following: “, and the local educational
10 agency requirements under subtitle B of title VII of
11 the McKinney-Vento Homeless Assistance Act”.

○