

112TH CONGRESS
1ST SESSION

S. 571

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 SENATE OF THE UNITED STATES

MARCH 14, 2011

Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2011”.

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 forded 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.—The Secretary is au-
14 thorized to make grants to States from allotments made
15 under subsection (c) and in accordance with this section
16 to enable such States to carry out the activities described
17 in subsections (d) through (h).

18 “(b) APPLICATION.—In order for a State to be eligi-
19 ble to receive a grant under this section, the State edu-
20 cational agency, in consultation with other relevant State
21 agencies, shall submit an application to the Secretary at
22 such time, in such manner, and containing or accompanied
23 by such information as the Secretary may reasonably re-
24 quire.

25 “(c) ALLOCATION AND RESERVATIONS.—

1 “(1) ALLOCATION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (C), the Secretary is authorized to allot
4 to each State an amount that bears the same
5 ratio to the amount appropriated for such year
6 under section 726 that remains after the Sec-
7 retary reserves funds under paragraph (2) and
8 uses funds to carry out section 724 (d) and (h),
9 as the amount allocated under section 1122 of
10 the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6332) to the State for that
12 year bears to the total amount allocated under
13 section 1122 of such Act to all States for that
14 year, except as provided in subparagraph (B).

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

18 “(i) \$300,000; or

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

22 “(C) REDUCTION FOR INSUFFICIENT
23 FUNDS.—If there are insufficient funds in a fis-
24 cal year to allot to each State the minimum
25 amount under subparagraph (B), the Secretary

1 shall ratably reduce the allotments to all States
2 based on the proportionate share that each
3 State received under this subsection for the pre-
4 ceding fiscal year.

5 “(2) RESERVATIONS.—

6 “(A) STUDENTS IN TERRITORIES.—The
7 Secretary is authorized to reserve 0.1 percent of
8 the amount appropriated for each fiscal year
9 under section 726 to be allocated by the Sec-
10 retary among the United States Virgin Islands,
11 Guam, American Samoa, and the Common-
12 wealth of the Northern Mariana Islands, ac-
13 cording to their respective needs for assistance
14 under this subtitle, as determined by the Sec-
15 retary. Funds allocated under this subpara-
16 graph shall be used for programs that are con-
17 sistent with the purposes of the programs de-
18 scribed in this subtitle.

19 “(B) INDIAN STUDENTS.—

20 “(i) TRANSFER.—The Secretary shall
21 transfer 1 percent of the amount appro-
22 priated for each fiscal year under section
23 726 to the Department of the Interior for
24 programs that are for Indian students
25 served by schools funded by the Secretary

1 of the Interior, as determined under the
2 Indian Self-Determination and Education
3 Assistance Act (25 U.S.C. 450 et seq.),
4 and that are consistent with the purposes
5 of the programs described in this subtitle.

6 “(ii) AGREEMENT.—The Secretary of
7 Education and the Secretary of the Inte-
8 rior shall enter into an agreement, con-
9 sistent with the requirements of this sub-
10 title, for the distribution and use of the
11 funds described in clause (i) under terms
12 that the Secretary of Education determines
13 best meet the purposes of the programs de-
14 scribed in this subtitle. Such agreement
15 shall set forth the plans of the Secretary of
16 the Interior for the use of the funds trans-
17 ferred, including appropriate goals, objec-
18 tives, and milestones for that use.

19 “(d) STATE ACTIVITIES.—Grant funds from a grant
20 made to a State under this section shall be used for the
21 following:

22 “(1) To provide activities for and services to
23 improve the identification of homeless children and
24 youths and enable such children and youths to enroll
25 in, attend, and succeed in school, including in early

1 care and education programs (especially in pre-
2 kindergarten).

3 “(2) To provide activities and services to im-
4 prove the identification of homeless children and
5 youths and enable such children and youths to enroll
6 in, attend, and succeed in school and preschool pro-
7 grams.

8 “(3) To establish or designate an Office of the
9 Coordinator for Education of Homeless Children and
10 Youths in the State educational agency in accord-
11 ance with subsection (f) that has sufficient capacity,
12 resources, and support to carry out the duties de-
13 scribed in this subtitle.

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

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

20 “(A) to improve their identification of
21 homeless children and youths; and

22 “(B) to heighten their awareness of, and
23 capacity to respond to, specific problems in the
24 education of homeless children and youths.

25 “(e) STATE AND LOCAL SUBGRANTS.—

1 “(1) MINIMUM DISBURSEMENTS BY STATES.—
 2 From the grant funds made available each year to
 3 a State under subsection (a) to carry out this sub-
 4 title, the State educational agency shall distribute
 5 not less than 75 percent by making subgrants under
 6 section 723 to local educational agencies for the pur-
 7 poses of carrying out section 723.

8 “(2) USE BY STATE EDUCATIONAL AGENCY.—
 9 From the remainder of those grant funds, a State
 10 educational agency may use amounts to conduct ac-
 11 tivities under subsection (f) directly or through
 12 grants or contracts.

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

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

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

20 “(ii) on the nature and extent of the prob-
 21 lems homeless children and youths have in gain-
 22 ing access to early care and education pro-
 23 grams, and to public elementary schools and
 24 secondary schools;

1 “(iii) on the difficulties in identifying the
2 special needs and barriers to participation and
3 achievement of such children and youths;

4 “(iv) on any progress made by the State
5 educational agency and local educational agen-
6 cies in the State in addressing such problems
7 and difficulties; and

8 “(v) describing subgrants awarded under
9 this subtitle, and the success of the programs
10 under this subtitle in identifying homeless chil-
11 dren and youths and allowing such children and
12 youths to enroll in, attend, and succeed in,
13 school; and

14 “(B) ensure that a report indicating the num-
15 bers of homeless children and youths identified by
16 each local educational agency in the State shall be
17 posted annually on the State educational agency’s
18 website;

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

21 “(3) collect data for and transmit to the Sec-
22 retary, at such time and in such manner as the Sec-
23 retary may require, reports containing such informa-
24 tion as the Secretary determines is necessary to as-
25 sess the educational needs of all homeless children

1 and youths within the State, including data re-
2 quested pursuant to subsection (h) of section 724;

3 “(4) in order to improve identification of home-
4 less children and youths and to improve the provi-
5 sion of comprehensive education and related support
6 services to homeless children and youths and their
7 families, and to minimize educational disruption, co-
8 ordinate activities, and collaborate with—

9 “(A) educators, including teachers, admin-
10 istrators, special education personnel, child de-
11 velopment and preschool program personnel,
12 truancy, attendance, and dropout prevention
13 personnel, and personnel from programs pro-
14 vided under titles I, III, and IV of the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6301 et seq., 6801 et seq., and 7101 et
17 seq.) and similar State programs;

18 “(B) providers of services to homeless chil-
19 dren and youths and their families, including
20 services of public and private child welfare and
21 social services agencies, law enforcement agen-
22 cies, juvenile and family courts, agencies pro-
23 viding mental health services, domestic violence
24 agencies, child care providers, runaway and
25 homeless youth centers, and providers of serv-

1 ices and programs funded under the Runaway
2 and Homeless Youth Act (42 U.S.C. 5701 et
3 seq.);

4 “(C) providers of emergency, transitional,
5 and permanent housing to homeless children
6 and youths, and their families, including public
7 housing agencies, shelter operators, operators of
8 transitional housing facilities, and providers of
9 transitional living programs for homeless
10 youths;

11 “(D) local educational agency liaisons des-
12 ignated under subsection (g)(1)(J)(ii) for home-
13 less children and youths;

14 “(E) community organizations and groups
15 representing homeless children and youths and
16 their families;

17 “(F) relevant State agencies and task
18 forces, such as State interagency councils on
19 homelessness, State agencies administering
20 higher education programs and councils for
21 higher education, State housing agencies, emer-
22 gency and disaster response teams, State Head
23 Start collaboration offices, and State advisory
24 panels and State interagency coordinating coun-
25 cils convened under parts B and C of the Indi-

1 viduals With Disabilities Education Act (20
2 U.S.C. 1411 et seq., 1431 et seq.); and

3 “(G) the Coordinators for Education of
4 Homeless Children and Youths in other States,
5 including adjacent States;

6 “(5) provide professional development and tech-
7 nical assistance to and conduct monitoring of local
8 educational agencies, in coordination with local edu-
9 cational agency liaisons designated under subsection
10 (g)(1)(J)(ii), to ensure that local educational agen-
11 cies comply with the requirements of paragraphs (3)
12 through (7) of subsection (g), and subsection (h);
13 and

14 “(6) respond to inquiries from parents and
15 guardians of homeless children and youths and un-
16 accompanied youths to ensure that each child or
17 youth who is the subject of such an inquiry receives
18 the full protections and services provided by this
19 subtitle.

20 “(g) STATE PLAN.—

21 “(1) IN GENERAL.—Each State shall submit to
22 the Secretary and carry out a plan to provide for
23 education and related support services for all home-
24 less children and youths within the State. Such plan
25 shall include the following:

1 “(A) A description of how such children
2 and youths are (or will be) given the oppor-
3 tunity to meet the same challenging State stu-
4 dent academic achievement standards as all stu-
5 dents are expected to meet.

6 “(B) A description of the procedures the
7 State educational agency will use, in coordina-
8 tion with local educational agencies, to identify
9 all such children and youths in the State and
10 to assess their special needs.

11 “(C) A description of procedures for the
12 prompt resolution of disputes arising under this
13 subtitle, which shall—

14 “(i) ensure that local educational
15 agencies have developed dispute resolution
16 procedures which, at a minimum—

17 “(I) are developed in coordina-
18 tion and collaboration with the liai-
19 sons designated under subparagraph
20 (J)(ii);

21 “(II) are accessible to parents
22 and guardians of homeless children
23 and youths, and to unaccompanied
24 youths;

1 “(III) provide such parents,
2 guardians, and unaccompanied youths
3 with sufficient opportunity to present
4 their complaints; and

5 “(IV) designate decisionmakers
6 who have received training on the re-
7 quirements of this subtitle;

8 “(ii) ensure that parents and guard-
9 ians of homeless children and youths, and
10 unaccompanied youths, who have ex-
11 hausted the procedures available under
12 clause (i) are able to appeal to the State
13 educational agency, which shall render de-
14 cisions that are binding on the relevant
15 local educational agencies;

16 “(iii) define the role of the Coordi-
17 nator for Education of Homeless Children
18 and Youths in resolving disputes under
19 this subtitle appealed to the State edu-
20 cational agency;

21 “(iv) include procedures to resolve
22 promptly disputes under this subtitle be-
23 tween local educational agencies;

24 “(v) ensure that homeless children
25 and youths are enrolled in school pursuant

1 to paragraph (3)(E) and receive transpor-
2 tation pursuant to subparagraph (J)(iii)
3 pending final resolution of disputes, includ-
4 ing resolution through all available local
5 and State dispute resolution procedures
6 and pending legal actions, paying par-
7 ticular attention to ensuring enrollment in
8 cases of disputes between local educational
9 agencies; and

10 “(vi) include procedures for State
11 educational agencies or local educational
12 agencies to determine the need for, and en-
13 sure the delivery of, additional academic
14 support in cases in which a local edu-
15 cational agency has unlawfully denied a
16 student access to school or school services,
17 including transportation.

18 “(D) A description of programs for school
19 and other local educational agency personnel
20 (including the liaisons, principals, attendance
21 officers, teachers, enrollment personnel, and
22 pupil services personnel) to heighten the aware-
23 ness of such personnel of the specific needs of
24 homeless adolescents, including runaway and
25 homeless youths.

1 “(E) A description of procedures that en-
2 sure that homeless children and youths are able
3 to participate in Federal, State, or local nutri-
4 tion programs.

5 “(F) A description of procedures that en-
6 sure that—

7 “(i) homeless children have access to
8 public preschool programs, administered by
9 the State educational agency or local edu-
10 cational agency, including through the poli-
11 cies and practices required under para-
12 graph (7);

13 “(ii) homeless youths, including
14 youths separated from public schools, are
15 identified and accorded access to appro-
16 priate secondary education and related
17 support services, including through the im-
18 plementation of policies and practices to
19 ensure that such youths are—

20 “(I) able to receive credit for full
21 or partial coursework satisfactorily
22 completed while attending a prior
23 school;

1 “(II) are afforded opportunities
2 to recover credits lost during periods
3 of homelessness; and

4 “(III) are not penalized for ab-
5 sences related to homelessness and
6 are allowed to receive credit for work
7 completed after their enrollment; and

8 “(iii) homeless children and youths
9 who meet the relevant eligibility criteria
10 have access to magnet school, summer
11 school, vocational and technical education,
12 advanced placement, online learning oppor-
13 tunities, and charter school programs.

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

17 “(H) Strategies to address other problems
18 with respect to the education of homeless chil-
19 dren and youths, including enrollment problems
20 related to—

21 “(i) immunization and other required
22 health records and screenings;

23 “(ii) residency requirements;

24 “(iii) lack of birth certificates, school
25 records, or other documentation;

1 “(iv) guardianship issues; or

2 “(v) uniform or dress code require-
3 ments.

4 “(I) A demonstration that the State edu-
5 cational agency, and local educational agencies
6 and schools in the State, regularly review and
7 revise their policies and practices to remove
8 barriers to the identification, enrollment, at-
9 tendance, retention, and success of homeless
10 children and youths in schools, including in
11 early care and education programs, in the
12 State.

13 “(J) Assurances that the following will be
14 carried out:

15 “(i) PREVENTION OF STIGMAS AND
16 SEGREGATION.—The State educational
17 agency and local educational agencies in
18 the State will adopt policies and practices
19 to ensure that homeless children and
20 youths are not stigmatized or segregated
21 on the basis of their status as homeless.

22 “(ii) LIAISON.—Local educational
23 agencies will designate a staff person as
24 the local educational agency liaison for
25 homeless children and youths, who shall

1 have sufficient training, resources, and
2 time to carry out the duties described in
3 paragraph (6), and who may also be a co-
4 ordinator for other Federal programs.

5 “(iii) PROVISION OF TRANSPOR-
6 TATION.—The State and local educational
7 agencies will adopt policies and practices to
8 ensure that transportation is provided ex-
9 peditiously, at the request of the parent or
10 guardian involved (or in the case of an un-
11 accompanied youth, the liaison), to and
12 from the school of origin (as defined in
13 paragraph (3)(J)), for as long as the stu-
14 dent has the right to attend the school of
15 origin as determined in paragraph (3)(A),
16 in accordance with the following, as appli-
17 cable:

18 “(I) WITHIN ONE LOCAL EDU-
19 CATIONAL AGENCY.—If the child or
20 youth continues to live in the area
21 served by the local educational agency
22 for the school of origin, the child’s or
23 youth’s transportation to and from
24 the school of origin shall be provided

1 or arranged by the local educational
2 agency for the school of origin.

3 “(II) INVOLVING MORE THAN
4 ONE LOCAL EDUCATIONAL AGENCY.—

5 If the child’s or youth’s living ar-
6 rangements in the area served by the
7 local educational agency of origin ter-
8minate and the child or youth, though
9 continuing the child’s or youth’s edu-
10 cation in the school of origin, begins
11 living in an area served by another
12 local educational agency, the local
13 educational agency of origin and the
14 local educational agency for the area
15 in which the child or youth is living
16 shall share equally the cost and re-
17 sponsibility for providing transpor-
18 tation to and from the school of origin
19 unless the agencies agree upon an-
20 other method to apportion cost and
21 responsibility, or the State educational
22 agency has devised another method to
23 apportion cost and responsibility
24 among local educational agencies.

1 “(iv) SCHOOL SUCCESS.—The State
2 educational agency and local educational
3 agencies will adopt policies and practices to
4 promote school success for homeless chil-
5 dren and youths, including by—

6 “(I) ensuring that homeless chil-
7 dren and youths have opportunities to
8 meet the same challenging State stu-
9 dent academic achievement standards
10 to which other students are held;

11 “(II) ensuring that homeless chil-
12 dren and youths are able to partici-
13 pate fully in all classes and school ac-
14 tivities, including extracurricular ac-
15 tivities, athletic activities for which
16 they meet skill level requirements, be-
17 fore and after school programs, sum-
18 mer school programs, field trips,
19 classes, tests, and activities with fees,
20 services provided under title I of the
21 Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. 6301 et seq.)
23 and similar State and local programs,
24 and other activities made available to
25 nonhomeless students; and

1 “(III) ensuring that such policies
2 and practices remove barriers to par-
3 ticipation related to fees, credit ac-
4 crual policies, lack of guardianship,
5 lack of transportation, enrollment and
6 participation deadlines, and residency
7 requirements.

8 “(2) COMPLIANCE.—

9 “(A) IN GENERAL.—Each plan adopted
10 under this subsection shall also describe how
11 the State will ensure that local educational
12 agencies in the State will comply with the re-
13 quirements of paragraphs (3) through (7).

14 “(B) COORDINATION.—Such plan shall in-
15 dicate what technical assistance the State will
16 furnish to local educational agencies and how
17 compliance efforts will be coordinated with the
18 local educational agency liaisons designated
19 under paragraph (1)(J)(ii).

20 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
21 MENTS.—

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

1 “(i) continue the child’s or youth’s
2 education in the school of origin for the
3 duration of homelessness—

4 “(I) in any case in which the
5 child or youth becomes a homeless
6 child or youth between academic years
7 or during an academic year; and

8 “(II) for the remainder of the
9 academic year, if the child or youth
10 becomes permanently housed during
11 an academic year; or

12 “(ii) enroll the child or youth in any
13 public school that nonhomeless students
14 who live in the attendance area in which
15 the child or youth is actually living are eli-
16 gible to attend.

17 “(B) SCHOOL STABILITY.—To promote the
18 school stability of the child or youth, and in de-
19 termining the best interest of the child or youth
20 under subparagraph (A), the local educational
21 agency shall—

22 “(i) presume that keeping the child or
23 youth in the school of origin is in the
24 child’s or youth’s best interest, except
25 when doing so is contrary to the wishes of

1 the child’s or youth’s parent or guardian,
2 or the unaccompanied youth;

3 “(ii) consider student-centered factors
4 related to the child’s or youth’s best inter-
5 est, giving priority to the wishes of the
6 parent, guardian, or unaccompanied youth,
7 including—

8 “(I) the harmful impact of school
9 mobility on academic achievement and
10 social and emotional well-being;

11 “(II) the age of the child or
12 youth;

13 “(III) the impact any commute
14 may have on the child’s or youth’s
15 education;

16 “(IV) personal safety issues;

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

20 “(VI) the length of anticipated
21 stay in a temporary shelter or other
22 temporary location;

23 “(VII) the time remaining in the
24 school year; and

1 “(VIII) the school placement of
2 family members;

3 “(iii) if, after conducting the best in-
4 terest determination described in clause
5 (ii), the local educational agency deter-
6 mines that it is not in the child’s or
7 youth’s best interest to attend the school of
8 origin or the school requested by the par-
9 ent, guardian, or unaccompanied youth,
10 provide the child’s or youth’s parent or
11 guardian or the unaccompanied youth with
12 a written explanation of the reasons for its
13 determination, in a manner and form un-
14 derstandable to such parent, guardian, or
15 youth, including information regarding the
16 right to appeal described in subparagraph
17 (E);

18 “(iv) in the case of an unaccompanied
19 youth, ensure that the liaison designated
20 under paragraph (1)(J)(ii) assists in place-
21 ment or enrollment decisions under this
22 subparagraph, gives priority to the views of
23 such unaccompanied youth, and provides
24 notice to such youth of the right to appeal
25 described in subparagraph (E); and

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

3 “(C) ENROLLMENT.—

4 “(i) IN GENERAL.—The school se-
5 lected in accordance with this paragraph
6 shall immediately enroll the homeless child
7 or youth, even if the child or youth—

8 “(I) is unable to produce records
9 normally required for enrollment, in-
10 cluding previous academic records,
11 records of immunizations and health
12 screenings and other required health
13 records, proof of residency or guard-
14 ianship, or other documentation;

15 “(II) has unpaid fines or fees
16 from prior schools or is unable to pay
17 fees in the school selected; or

18 “(III) has missed application or
19 enrollment deadlines during any pe-
20 riod of homelessness.

21 “(ii) RELEVANT ACADEMIC
22 RECORDS.—The enrolling school shall im-
23 mediately contact the school last attended
24 by the child or youth to obtain relevant
25 academic and other records.

1 “(iii) RELEVANT HEALTH RECORDS.—

2 If the child or youth needs to obtain immu-
3 nizations or health screenings, or immuni-
4 zation or other required health records, the
5 enrolling school shall immediately enroll
6 the child or youth and refer the parent or
7 guardian of the child or youth, or the un-
8 accompanied youth, to the local edu-
9 cational agency liaison designated under
10 paragraph (1)(J)(ii), who shall assist in
11 obtaining necessary immunizations or
12 screenings, or immunization or other re-
13 quired health records in accordance with
14 subparagraph (D).

15 “(iv) NO LIABILITY.—Whenever the
16 school selected enrolls an unaccompanied
17 youth in accordance with this paragraph,
18 no liability shall be imposed upon the
19 school by reason of enrolling the youth
20 without parent or guardian consent.

21 “(D) RECORDS.—

22 “(i) IN GENERAL.—Any record ordi-
23 narily kept by the school, including records
24 of immunizations and health screenings
25 and other required health records, aca-

1 demic records, birth certificates, guardian-
2 ship records, and evaluations for special
3 services or programs, regarding each
4 homeless child or youth shall be—

5 “(I) maintained so that the
6 records involved are available, in a
7 timely fashion, when a homeless child
8 or youth enters a new school or school
9 district;

10 “(II) immediately sent to the en-
11 rolling school, even if the child or
12 youth owes fees or fines or was not
13 withdrawn from the previous school in
14 conformance with local withdrawal
15 procedures; and

16 “(III) maintained in a manner
17 consistent with section 444 of the
18 General Education Provisions Act (20
19 U.S.C. 1232g).

20 “(ii) RELEASE.—School records need-
21 ed for academic placement decisions shall
22 be released immediately by the previous
23 school by facsimile transmission or other
24 available electronic means.

1 “(E) DISPUTES.—If a dispute arises over
2 eligibility for services, school selection, enroll-
3 ment in a school, or any other issue under this
4 subtitle—

5 “(i) the child or youth involved shall
6 be immediately enrolled in the school in
7 which enrollment is sought, pending final
8 resolution of the dispute, including all
9 available appeals;

10 “(ii) the parent, guardian, or unac-
11 companied youth involved shall be provided
12 with written explanations of any decisions
13 made by the school, the local educational
14 agency, or the State educational agency in-
15 volved, which shall include information
16 about the right to appeal such decisions;

17 “(iii) the parent, guardian, or unac-
18 companied youth shall be referred to the
19 local educational agency liaison designated
20 under paragraph (1)(J)(ii), who shall carry
21 out the dispute resolution process as de-
22 scribed in paragraph (1)(C) as expedi-
23 tiously as possible after receiving notice of
24 such dispute; and

1 “(iv) in the case of an unaccompanied
2 youth, the liaison shall ensure that the
3 youth is immediately enrolled in the school
4 in which the youth seeks enrollment pend-
5 ing resolution of such dispute.

6 “(F) PLACEMENT CHOICE.—The choice re-
7 garding placement shall be made regardless of
8 whether the child or youth involved lives with
9 the homeless parents or has been temporarily
10 placed elsewhere.

11 “(G) CONTACT INFORMATION.—Nothing in
12 this subtitle shall prohibit a local educational
13 agency from requiring a parent or guardian of
14 a homeless child to submit contact information.

15 “(H) PRIVACY.—Information about a
16 homeless child’s or youth’s living situation shall
17 be treated as a student education record under
18 section 444 of the General Education Provi-
19 sions Act (20 U.S.C. 1232g) and shall not be
20 released to housing providers, employers, law
21 enforcement personnel, or other persons or
22 agencies not authorized to have such informa-
23 tion under section 99.31 of title 34, Code of
24 Federal Regulations, paying particular atten-
25 tion to preventing disruption of the living situa-

1 tion of the child or youth and to supporting the
2 safety of such children and youths who are sur-
3 vivors of domestic violence and unaccompanied
4 youths.

5 “(I) ACADEMIC ACHIEVEMENT.—The
6 school selected in accordance with this para-
7 graph shall ensure that homeless children and
8 youths have opportunities to meet the same
9 challenging State student academic achievement
10 standards to which other students are held, in-
11 cluding implementing the policies and practices
12 required by paragraph (1)(J)(iv).

13 “(J) SCHOOL OF ORIGIN DEFINED.—In
14 this paragraph:

15 “(i) IN GENERAL.—The term ‘school
16 of origin’ means the school that a child or
17 youth attended when permanently housed
18 or the school in which the child or youth
19 was last enrolled.

20 “(ii) RECEIVING SCHOOL.—When the
21 child or youth completes the final grade
22 level served by the school of origin, as de-
23 scribed in clause (i), the term ‘school of or-
24 igin’ shall include the designated receiving

1 school at the next grade level for all feeder
2 schools.

3 “(4) COMPARABLE SERVICES.—In addition to
4 receiving services provided for homeless children and
5 youths under this subtitle or other Federal, State, or
6 local laws, regulations, policies, or practices, each
7 homeless child or youth to be assisted under this
8 subtitle also shall be provided services comparable to
9 services offered to other students in the school se-
10 lected under paragraph (3), including the following:

11 “(A) Transportation services.

12 “(B) Educational services for which the
13 child or youth meets the eligibility criteria, in-
14 cluding services provided under title I of the El-
15 elementary and Secondary Education Act of 1965
16 (20 U.S.C. 6301 et seq.) or services of similar
17 State or local programs, charter schools, mag-
18 net schools, educational programs for children
19 with disabilities, and educational programs for
20 students with limited English proficiency.

21 “(C) Programs in vocational and technical
22 education.

23 “(D) Programs for gifted and talented stu-
24 dents.

25 “(E) School nutrition programs.

1 “(5) COORDINATION.—

2 “(A) IN GENERAL.—Each local educational
3 agency shall coordinate—

4 “(i) the provision of services under
5 this subtitle with the services of local social
6 services agencies and other agencies or en-
7 tities providing services to homeless chil-
8 dren and youths and their families, includ-
9 ing services and programs funded under
10 the Runaway and Homeless Youth Act (42
11 U.S.C. 5701 et seq.) or provided by other
12 agencies serving unaccompanied youths,
13 public and private child welfare agencies,
14 Head Start centers and local entities ad-
15 ministering State-funded preschool pro-
16 grams, and agencies providing mental
17 health services;

18 “(ii) transportation, transfer of school
19 records, and other interdistrict activities,
20 with other local educational agencies;

21 “(iii) the provision of services under
22 this subtitle with the provision of other
23 education programs, including programs
24 provided under titles I, III, and IV of the
25 Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6301 et seq., 6801 et
2 seq., and 7101 et seq.) and similar State
3 and local programs, programs in vocational
4 and technical education, truancy and drop-
5 out prevention programs, before and after
6 school programs, summer school programs,
7 programs provided for students with dis-
8 abilities, students with limited English pro-
9 ficiency, and gifted and talented students,
10 and local educational agency transpor-
11 tation services; and

12 “(iv) activities, planning, and initia-
13 tives with State and local agencies and or-
14 ganizations providing emergency, transi-
15 tional, and permanent housing and other
16 services to homeless families and unaccom-
17 panied youths, including developing and
18 implementing strategies to minimize edu-
19 cational disruption for children and youths
20 who become homeless.

21 “(B) COORDINATION PURPOSE.—The co-
22 ordination required under subparagraph (A)
23 shall be designed to—

24 “(i) ensure that all homeless children
25 and youths are promptly identified;

1 “(ii) ensure that homeless children
2 and youths have access to and are in rea-
3 sonable proximity to available education
4 and related support services;

5 “(iii) decrease school mobility and en-
6 sure that agencies placing homeless chil-
7 dren and youth in housing and agencies
8 providing housing and other services con-
9 sider the proximity of housing and services
10 to a child or youth’s school of origin (as
11 defined in paragraph (3)(J)); and

12 “(iv) raise the awareness of school
13 personnel and service providers of the ef-
14 fects of short-term stays in a shelter and
15 other challenges associated with homeless-
16 ness.

17 “(C) HOMELESS CHILDREN AND YOUTHS
18 WITH DISABILITIES.—

19 “(i) IN GENERAL.—For children and
20 youth who are to be assisted both under
21 this subtitle, and under the Individuals
22 with Disabilities Education Act (20 U.S.C.
23 1400 et seq.) or section 504 of the Reha-
24 bilitation Act of 1973 (29 U.S.C. 794),
25 each local educational agency shall coordi-

1 nate the provision of services under this
2 subtitle with the provision of programs for
3 children with disabilities served by that
4 local educational agency and other involved
5 local educational agencies.

6 “(ii) COST AND RESPONSIBILITY FOR
7 INDIVIDUALS WITH DISABILITIES.—Such
8 coordination shall include the following:

9 “(I) TRANSPORTATION.—Each
10 local educational agency shall adopt
11 policies and practices to apportion the
12 cost and responsibility for providing
13 transportation to children and youths
14 entitled to transportation services
15 under both paragraph (1)(J)(iii) and
16 the Individuals with Disabilities Edu-
17 cation Act (20 U.S.C. 1400 et seq.) or
18 section 504 of the Rehabilitation Act
19 of 1973 (29 U.S.C. 794).

20 “(II) PUBLIC OR PRIVATE EDU-
21 CATIONAL PROGRAM.—

22 “(aa) IN GENERAL.—Except
23 as provided in item (bb), if a
24 local educational agency has
25 placed a child or youth in a pri-

1 vate educational program, or in a
2 public educational program out-
3 side the area served by that local
4 educational agency, under section
5 614(d)(1)(A) of the Individuals
6 with Disabilities Education Act
7 (20 U.S.C. 1414(d)(1)(A)), and
8 though moving to an area served
9 by another local educational
10 agency, the homeless child or
11 youth is to remain in that edu-
12 cational program as the child's or
13 youth's school of origin (as de-
14 fined in paragraph (3)(J)) under
15 subparagraphs (A) and (B) of
16 paragraph (3), the local edu-
17 cational agency that made the
18 placement shall continue pay-
19 ments for the placement.

20 “(bb) EXCEPTION.—Item
21 (aa) shall apply unless the local
22 educational agency that made the
23 placement and the local edu-
24 cational agency in the area where
25 the student is temporarily resid-

1 ing agree upon another method
2 to apportion the cost, or the
3 State educational agency involved
4 has devised another method to
5 apportion cost and responsibility
6 among local educational agencies.

7 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

8 “(A) DUTIES.—Each local educational
9 agency liaison for homeless children and youths,
10 designated under paragraph (1)(J)(ii), shall en-
11 sure that—

12 “(i) all homeless children and youths
13 are identified by school personnel and
14 through outreach and coordination activi-
15 ties with other entities and agencies, in-
16 cluding through such measures as inquiries
17 concerning housing status on school reg-
18 istration forms and on withdrawal or exit
19 forms;

20 “(ii) homeless children and youths are
21 immediately enrolled in, and have a full
22 and equal opportunity to succeed in,
23 schools of that local educational agency;

24 “(iii) homeless families, and homeless
25 children and youths, have access to edu-

1 cational services for which such families,
2 children, and youths are eligible, including
3 services through Head Start, Early Head
4 Start, early intervention, and Even Start
5 programs, and preschool programs de-
6 scribed in paragraph (7)(A);

7 “(iv) homeless families, and homeless
8 children and youths receive referrals to
9 health care services, dental services, mental
10 health and substance abuse services, hous-
11 ing services, and other appropriate serv-
12 ices;

13 “(v) the parents or guardians of
14 homeless children and youths are informed
15 of the educational and related opportuni-
16 ties available to their children, including
17 early care and education opportunities, and
18 are provided with meaningful opportunities
19 to participate in the education of their chil-
20 dren;

21 “(vi) public notice of the educational
22 rights of homeless children and youths is
23 incorporated into documents related to
24 residency requirements or enrollment, pro-
25 vided upon school enrollment and with-

1 drawal, posted on the local educational
2 agency’s website, and disseminated in loca-
3 tions frequented by parents or guardians
4 of such children and youths, and unaccom-
5 panied youths, including schools, shelters,
6 public libraries, and soup kitchens, in a
7 manner and form understandable to par-
8 ents and guardians of homeless children
9 and youths and unaccompanied youths;

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

12 “(viii) the parent or guardian of a
13 homeless child or youth, and any unaccom-
14 panied youth, is fully informed of all trans-
15 portation services, including transportation
16 to the school of origin, as described in
17 paragraph (1)(J)(iii), and is assisted in ac-
18 cessing transportation to the school that is
19 selected under paragraph (3)(A);

20 “(ix) school personnel are adequately
21 prepared to implement this subtitle and re-
22 ceive professional development, resource
23 materials, technical assistance, and other
24 support; and

25 “(x) unaccompanied youths—

1 “(I) are enrolled in school;

2 “(II) have opportunities to meet
3 the same challenging State student
4 academic achievement standards to
5 which other students are held, includ-
6 ing through implementation of the
7 policies and practices required by sub-
8 paragraphs (F)(ii) and (J)(iv) of
9 paragraph (1); and

10 “(III) are informed of their sta-
11 tus as independent students under
12 section 480 of the Higher Education
13 Act of 1965 (20 U.S.C. 1087vv), in-
14 cluding through school counselors that
15 have received professional develop-
16 ment about unaccompanied youth,
17 and receive verification of such status
18 for purposes of the Free Application
19 for Federal Student Aid described in
20 section 483 of such Act (20 U.S.C.
21 1090).

22 “(B) NOTICE.—State Coordinators ap-
23 pointed under subsection (d)(3) and local edu-
24 cational agencies shall inform school personnel,
25 service providers, and advocates working with

1 homeless families and homeless children and
2 youths of the contact information and duties of
3 the local educational agency liaisons, including
4 publishing an annually updated list of the liai-
5 sons on the State educational agency's website.

6 “(C) LOCAL AND STATE COORDINATION.—
7 The local educational agency liaisons shall, as a
8 part of their duties, coordinate and collaborate
9 with the State Coordinators and community
10 and school personnel responsible for the provi-
11 sion of education and related support services
12 to homeless children and youths. Such coordina-
13 tion shall include collecting and providing to the
14 State Coordinator the reliable, valid, and com-
15 prehensive data needed to meet the require-
16 ments of paragraphs (1) and (3) of subsection
17 (f).

18 “(D) PROFESSIONAL DEVELOPMENT.—The
19 local educational agency liaisons shall partici-
20 pate in the professional development and other
21 technical assistance activities provided by the
22 State Coordinator pursuant to subsection (f)(5).

23 “(7) SCHOOL READINESS FOR HOMELESS CHIL-
24 DREN.—

1 “(A) STATE AND LOCAL EDUCATIONAL
2 AGENCIES.—Each State educational agency and
3 local educational agency shall ensure that enti-
4 ties carrying out preschool programs funded,
5 administered, or overseen by the agency in-
6 volved—

7 “(i) comply with paragraphs (3) and
8 (4), except that in the absence of contrary
9 State law or policy, such entities shall not
10 be required to enroll a homeless child im-
11 mediately in an early care and education
12 program that is operating at full capacity
13 when the child seeks to enroll;

14 “(ii) identify and prioritize homeless
15 children for enrollment and increase their
16 enrollment and attendance in early care
17 and education programs, including through
18 policies such as—

19 “(I) reserving spaces in preschool
20 programs for homeless children;

21 “(II) conducting targeted out-
22 reach to homeless children and their
23 families;

24 “(III) waiving application dead-
25 lines;

1 “(IV) providing ongoing profes-
2 sional development for staff regarding
3 the needs of homeless children and
4 their families and strategies to serve
5 the children and families; and

6 “(V) developing the capacity to
7 serve all identified homeless children;
8 and

9 “(iii) review the educational and re-
10 lated needs of homeless children and their
11 families in such agency’s service area, in
12 coordination with the liaison designated
13 under paragraph (1)(J)(ii), and develop
14 policies and practices to meet identified
15 needs.

16 “(B) OTHER STATE AGENCIES.—In the
17 case of State-funded early care and education
18 programs that are not funded, administered, or
19 overseen by the State educational agency or a
20 local educational agency, the State agency that
21 funds, administers, or oversees such early care
22 and education programs shall—

23 “(i) develop, review, and revise its
24 policies and practices to remove barriers to
25 the identification, enrollment, attendance,

1 retention, and success of homeless children
2 for or in early learning programs funded,
3 administered, or overseen by the agency;

4 “(ii) ensure that the entities comply
5 with the provisions of paragraph (3) and
6 (4) except that such entities, with respect
7 to such programs—

8 “(I) shall not be required to en-
9 roll a homeless child immediately in a
10 preschool program that is operating at
11 full capacity when the child seeks to
12 enroll, in the absence of contrary
13 State law or policy;

14 “(II) shall not be subject to the
15 dispute resolution procedures of the
16 State educational agency or local edu-
17 cational agencies, but shall ensure
18 that all of the dispute resolution pro-
19 cedures available through such pro-
20 grams and the State agency that
21 funds, administers, or oversees such
22 programs are accessible to parents
23 and guardians of homeless children
24 and shall provide such parents and

1 guardians with a written explanation
2 of their dispute and appeal rights; and

3 “(III) shall not be subject to the
4 transportation requirements of para-
5 graphs (1)(J)(iii) or (3)(B)(v), but
6 shall remove barriers to transpor-
7 tation services for homeless children
8 and shall, to the maximum extent
9 practicable, arrange or provide trans-
10 portation for homeless children to at-
11 tend preschool programs, including
12 their preschool program of origin;

13 “(iii) identify and prioritize homeless
14 children for enrollment and increase their
15 enrollment and attendance in preschool
16 programs, including through policies such
17 as—

18 “(I) reserving spaces in preschool
19 programs for homeless children;

20 “(II) conducting targeted out-
21 reach to homeless children and their
22 families;

23 “(III) waiving application dead-
24 lines;

1 “(IV) providing ongoing profes-
 2 sional development for staff regarding
 3 the needs of homeless children and
 4 their families and strategies to serve
 5 the children and families; and

6 “(V) develop capacity to serve all
 7 identified homeless children; and

8 “(iv) review the educational and re-
 9 lated needs of homeless children and their
 10 families in the State, in coordination with
 11 the Office of the Coordinator for Edu-
 12 cation of Homeless Children and Youths
 13 established under subsection (d)(3), and
 14 develop policies and practices to meet iden-
 15 tified needs.

16 “(h) PROHIBITION ON SEGREGATING HOMELESS
 17 CHILDREN AND YOUTHS.—

18 “(1) IN GENERAL.—In providing a free appro-
 19 priate public education to a homeless child or youth,
 20 no State receiving funds under this subtitle shall
 21 segregate such child or youth in a separate school,
 22 or in a separate program within a school, based on
 23 such child’s or youth’s status as homeless.

24 “(2) TRANSITION FROM SEGREGATED SCHOOLS
 25 IN FORMERLY COVERED COUNTIES.—To ensure a

1 smooth, rapid, and complete transition for all home-
2 less children and youths from segregated to nonseg-
3 regated schools or programs, in formerly covered
4 counties, each local educational agency that serves
5 such a covered county shall—

6 “(A) coordinate activities with those seg-
7 regated schools and schools with segregated
8 programs located in formerly covered counties,
9 to identify each homeless child and youth en-
10 rolled in such schools and programs;

11 “(B) for each homeless child and youth so
12 identified, determine if the child or youth has a
13 school of origin (as defined in subsection
14 (g)(3)(J)) and either—

15 “(i) immediately enroll the child or
16 youth in the school of origin if it is in the
17 child’s or youth’s best interest in accord-
18 ance with this subtitle and consistent with
19 the wishes of the parent, guardian, or un-
20 accompanied youth involved, and provide
21 transportation to and from the school of
22 origin; or

23 “(ii) immediately enroll the child or
24 youth in any nonsegregated public school if
25 enrollment in the school of origin is not in

1 the child’s or youth’s best interest in ac-
2 cordance with this subtitle or is against the
3 wishes of the parent, guardian, or unac-
4 companied youth;

5 “(C) provide the parent, guardian, or un-
6 accompanied youth with information about the
7 dispute resolution process available under this
8 subtitle;

9 “(D) ensure that each homeless child or
10 youth receives the full protections and services
11 provided by this subtitle; and

12 “(E) implement other policies and prac-
13 tices necessary to ensure a smooth, rapid, and
14 complete integration of the children and youths
15 into the public schools of the local educational
16 agency.

17 “(3) ROLE OF STATE EDUCATIONAL AGENCY IN
18 TRANSITION.—The State educational agencies of
19 California and Arizona shall provide technical assist-
20 ance to the local educational agencies in the State
21 that serve formerly covered counties to ensure the
22 requirements of paragraph (2) are met.

23 “(4) TRANSITION PERIOD.—Not later than the
24 end of the academic year in which the Educational
25 Success for Children and Youth Without Homes Act

1 of 2011 is enacted, the transition referred to in
2 paragraph (2) shall be complete.

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

10 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
11 **THE EDUCATION OF HOMELESS CHILDREN**
12 **AND YOUTHS.**

13 “(a) GENERAL AUTHORITY.—

14 “(1) IN GENERAL.—The State educational
15 agency shall, in accordance with section 722(e), and
16 from amounts made available to such agency under
17 section 726, make subgrants to local educational
18 agencies for the purpose of facilitating the identifica-
19 tion, enrollment, attendance, and success in school
20 of homeless children and youths.

21 “(2) SERVICES.—

22 “(A) IN GENERAL.—Services under para-
23 graph (1)—

1 “(i) may be provided through pro-
2 grams on school grounds or at other facili-
3 ties; and

4 “(ii) shall, to the maximum extent
5 practicable, be provided through existing
6 programs and mechanisms that integrate
7 homeless children and youths with non-
8 homeless children and youths.

9 “(B) SERVICES ON SCHOOL GROUNDS.—If
10 services under paragraph (1) are provided to
11 homeless children and youths on school
12 grounds, the school involved may use funds
13 under this subtitle to provide the same services
14 to other children and youths who are deter-
15 mined by the local educational agency serving
16 the school to be at risk of failing in, or drop-
17 ping out of, school.

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

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

1 “(b) APPLICATION.—A local educational agency that
2 desires to receive a subgrant under this section shall sub-
3 mit an application to the State educational agency at such
4 time, in such manner, and containing or accompanied by
5 such information as the State educational agency may rea-
6 sonably require. Such application shall include the fol-
7 lowing:

8 “(1) An assessment of the educational and re-
9 lated needs of homeless children and youths in the
10 area served by the local educational agency (which
11 may be undertaken as part of a needs assessment
12 for another disadvantaged group).

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

16 “(3) An assurance that the local educational
17 agency’s combined fiscal effort per student, or the
18 aggregate expenditures of that agency and the State
19 with respect to the provision of free public education
20 by such agency for the fiscal year preceding the fis-
21 cal year for which the subgrant determination is
22 made, was not less than 90 percent of such com-
23 bined fiscal effort or aggregate expenditures for the
24 second fiscal year preceding the fiscal year for which
25 the determination is made.

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

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

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

12 “(7) A description of the policies and practices
13 the local educational agency has implemented to re-
14 move barriers to the identification, enrollment, at-
15 tendance, retention, and success in school of all
16 homeless children and youths.

17 “(c) AWARDS.—

18 “(1) IN GENERAL.—The State educational
19 agency shall, in accordance with the requirements of
20 this subtitle and from amounts made available to it
21 under section 722(a), make subgrants on a competi-
22 tive basis to local educational agencies that submit
23 applications under subsection (b). Such subgrants
24 shall be awarded on the basis of the need of such

1 agencies for assistance under this subtitle and the
2 quality of the applications submitted.

3 “(2) NEED.—

4 “(A) IN GENERAL.—In determining need
5 under paragraph (1), the State educational
6 agency may consider the number of homeless
7 children and youths enrolled in preschool, ele-
8 mentary schools, and secondary schools within
9 the area served by the local educational agency,
10 and shall consider the needs of such children
11 and youths and the ability of the local edu-
12 cational agency to meet such needs.

13 “(B) OTHER CONSIDERATIONS.—The
14 State educational agency may also consider the
15 following:

16 “(i) The extent to which the proposed
17 use of funds will facilitate the identifica-
18 tion, enrollment, attendance, retention, and
19 educational success of homeless children
20 and youths.

21 “(ii) The extent to which the applica-
22 tion reflects coordination with other local
23 and State agencies that serve homeless
24 children and youths.

1 “(iii) The extent to which the appli-
2 cant exhibits in the application and in cur-
3 rent practice (as of the date of submission
4 of the application) a commitment to edu-
5 cation for all homeless children and youths.

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

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

11 “(A) The applicant’s needs assessment
12 under subsection (b)(2) and the likelihood that
13 the program presented in the application will
14 meet such needs.

15 “(B) The types, intensity, and coordination
16 of the services to be provided under the pro-
17 gram.

18 “(C) The extent to which the applicant will
19 promote meaningful involvement of parents or
20 guardians of homeless children or youths in the
21 education of their children.

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

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

3 “(F) The extent to which services provided
4 under this subtitle will be coordinated with
5 other services available to homeless children
6 and youths and their families, including housing
7 and child welfare services and services provided
8 under the Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1400 et seq.), title I of
10 the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6301 et seq.), and similar
12 State and local programs.

13 “(G) The extent to which the local edu-
14 cational agency will use the subgrant to lever-
15 age resources, including by maximizing
16 nonsubgrant funding for the position of the liai-
17 son described in section 722(g)(1)(J)(ii) and
18 the provision of transportation.

19 “(H) The local educational agency’s use of
20 funds to serve homeless children and youths
21 under section 1113(c)(3) of title I of the Ele-
22 mentary and Secondary Education Act of 1965
23 (20 U.S.C. 6313(c)(3)).

24 “(I) The extent to which the applicant’s
25 program meets such other measures as the

1 State educational agency considers to be indic-
2 ative of a high-quality program, including the
3 extent to which the local educational agency will
4 provide services to unaccompanied youth and
5 preschool-aged children.

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

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

13 “(1) The provision of tutoring, supplemental in-
14 struction, and enriched educational services that are
15 linked to the achievement of the same challenging
16 State academic content standards and challenging
17 State student academic achievement standards as
18 the State establishes for other children and youths.

19 “(2) The provision of expedited evaluations of
20 the strengths, needs, and eligibility of homeless chil-
21 dren and youths, including needs and eligibility for
22 programs and services (including educational pro-
23 grams for gifted and talented students, children with
24 disabilities, and students with limited English pro-
25 ficiency, charter school programs, magnet school

1 programs, and programs in vocational and technical
2 education, and school nutrition programs).

3 “(3) Professional development and other activi-
4 ties for educators and pupil services personnel that
5 are designed to heighten the understanding and sen-
6 sitivity of such educators and personnel to the needs
7 of homeless children and youths, the rights of such
8 children and youths under this subtitle, and the spe-
9 cific educational needs of runaway and homeless
10 youths.

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

14 “(5) The provision of assistance to defray the
15 cost of transportation under paragraphs (1)(J)(iii)
16 and (4)(A) of section 722(g), and transportation to
17 preschool programs, not otherwise provided through
18 Federal, State, or local funding.

19 “(6) The provision of developmentally appro-
20 priate early childhood development programs, not
21 otherwise provided through Federal, State, or local
22 funding.

23 “(7) The provision of services and assistance to
24 attract, engage, and retain homeless children and
25 youths, particularly homeless children and youths

1 who are not enrolled in school, in public school pro-
2 grams and services provided to nonhomeless children
3 and youths.

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

9 “(9) If necessary, the payment of fees and
10 other costs associated with tracking, obtaining, and
11 transferring records necessary to facilitate the ap-
12 propriate placement of homeless children and youths
13 in school or preschool programs, including birth cer-
14 tificates, immunization or other required health
15 records, academic records, guardianship records, and
16 evaluations for special programs or services.

17 “(10) The provision of education and training
18 to the parents of homeless children and youths about
19 the rights of, and resources available to, such chil-
20 dren and youths, and other activities designed to in-
21 crease the meaningful involvement of parents or
22 guardians of homeless children or youths in the edu-
23 cation of their children.

24 “(11) The development of coordination of ac-
25 tivities between schools and agencies providing serv-

1 ices to homeless children and youths, as described in
2 section 722(g)(5).

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

5 “(13) Activities to address the particular needs
6 of homeless children and youths that may arise from
7 domestic violence and parental mental health or sub-
8 stance abuse problems.

9 “(14) The adaptation of space and purchase of
10 supplies for any nonschool facilities made available
11 under subsection (a)(2) to provide services under
12 this subsection.

13 “(15) The provision of school supplies, includ-
14 ing supplies to be distributed at shelters or tem-
15 porary housing facilities, or other appropriate loca-
16 tions.

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

21 “(17) The provision of other extraordinary or
22 emergency assistance needed to enable homeless chil-
23 dren and youths to enroll, attend, and succeed in
24 school or preschool programs.

1 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

2 “(a) REVIEW OF STATE PLANS.—In reviewing the
3 State plan submitted by a State educational agency under
4 section 722(g), the Secretary shall use a peer review pro-
5 cess and shall evaluate whether State laws, policies, and
6 practices described in such plan adequately address the
7 problems of all homeless children and youths relating to
8 access to education and placement as described in such
9 plan.

10 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
11 provide support and technical assistance to State edu-
12 cational agencies to assist such agencies in carrying out
13 their responsibilities under this subtitle, and shall estab-
14 lish or designate a Federal Office of the Coordinator for
15 Education of Homeless Children and Youths that has suf-
16 ficient capacity, resources, and support to carry out the
17 responsibilities described in this subtitle.

18 “(c) NOTICE.—

19 “(1) IN GENERAL.—The Secretary shall, before
20 the next school year that begins after the date of en-
21 actment of the Educational Success for Children and
22 Youth Without Homes Act of 2011, develop and dis-
23 seminate a public notice of the educational rights of
24 homeless children and youths. The notice shall in-
25 clude information regarding the definition of home-
26 less children and youths in section 725.

1 “(2) DISSEMINATION.—The Secretary shall dis-
2 seminate the notice nationally. The Secretary also
3 shall disseminate such notice to heads of other De-
4 partment of Education offices, including those re-
5 sponsible for special education programs, higher
6 education, and programs under parts A, B, C, D, G,
7 and H of title I, title III, title IV, and part B of title
8 V of the Elementary and Secondary Education Act
9 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
10 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
11 6801 et seq., 7102 et seq., and 7221 et seq.). The
12 Secretary shall also disseminate such notice to heads
13 of other Federal agencies, and grant recipients and
14 other entities carrying out federally funded pro-
15 grams, including Head Start program grantees,
16 grant recipients under the Health Care for the
17 Homeless program of the Health Resources and
18 Services Administration of the Department of
19 Health and Human Services, grant recipients under
20 the Emergency Food and Shelter National Board
21 Program of the Federal Emergency Management
22 Agency, grant recipients under the Runaway and
23 Homeless Youth Act (42 U.S.C. 5701 et seq.), grant
24 recipients under the John H. Chafee Foster Care
25 Independence program, grant recipients under home-

1 less assistance programs administered by the De-
2 partment of Housing and Urban Development, and
3 recipients of Federal funding for programs carried
4 out by the Administration on Children, Youth and
5 Families of the Department of Health and Human
6 Services.

7 “(d) EVALUATION AND DISSEMINATION.—

8 “(1) IN GENERAL.—The Secretary shall con-
9 duct evaluation, dissemination, and technical assist-
10 ance activities for programs that are designed to
11 meet the educational needs of homeless preschool, el-
12 elementary school, and secondary school students, and
13 may use funds appropriated under section 726 to
14 award grants to, or enter into contracts or coopera-
15 tive agreements with, eligible entities to enable the
16 eligible entities to carry out such activities.

17 “(2) PRIORITIES.—The Secretary, in awarding
18 such grant, or entering into such contract or coopera-
19 tive agreement, may, without regard to the rule-
20 making procedures under section 553 of title 5,
21 United States Code, limit competitions to, or other-
22 wise give priority to, entities with—

23 “(A) demonstrated experience in dissemi-
24 nation and technical assistance activities, in-
25 cluding using the Internet and other state-of-

1 the-art technology for efficient and cost-effective
2 dissemination of information and technical
3 assistance;

4 “(B) demonstrated experience in the areas
5 of homelessness, serving at-risk youth, and edu-
6 cation; and

7 “(C) established networks, and a history of
8 collaboration, among State educational agen-
9 cies, local educational agencies, and national or-
10 ganizations that provide services to homeless
11 children and youths, and homeless families.

12 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
13 retary shall require applications for grants under section
14 722 to be submitted to the Secretary not later than the
15 expiration of the 120-day period beginning on the date
16 that funds are available for purposes of making such
17 grants and shall make such grants not later than the expi-
18 ration of the 180-day period beginning on such date.

19 “(f) DETERMINATION BY SECRETARY.—The Sec-
20 retary, based on the information received from the States
21 and information gathered by the Secretary under sub-
22 section (h), shall determine the extent to which State edu-
23 cational agencies are ensuring that each homeless child or
24 youth has access to a free appropriate public education,
25 as described in section 721(1). The Secretary shall provide

1 support and technical assistance to State educational
2 agencies in areas in which barriers to a free appropriate
3 public education persist.

4 “(g) PUBLICATION.—The Secretary shall develop,
5 issue, and publish in the Federal Register, not later than
6 90 days after the date of enactment of the Educational
7 Success for Children and Youth Without Homes Act of
8 2011, a summary of the changes enacted by that Act and
9 related strategies, which summary shall include—

10 “(1) strategies by which a State can assist local
11 educational agencies to implement the provisions
12 amended by the Act;

13 “(2) strategies by which a State can review and
14 revise State policies and procedures that may
15 present barriers to the identification, enrollment, at-
16 tendance, and success of homeless children and
17 youths in school; and

18 “(3) strategies by which entities carrying out
19 preschool programs can implement requirements of
20 section 722(g)(7).

21 “(h) INFORMATION.—

22 “(1) IN GENERAL.—From funds appropriated
23 under section 726, the Secretary shall, directly or
24 through grants, contracts, or cooperative agree-
25 ments, periodically but no less frequently than every

1 2 years, collect and disseminate publicly data and in-
2 formation regarding—

3 “(A) the number of homeless children and
4 youths in all areas served by local educational
5 agencies, including homeless children enrolled in
6 preschool programs described in section
7 722(g)(7)(A) and the type of living situation in
8 which such children and youth are living when
9 identified;

10 “(B) the education and related support
11 services such children and youths receive;

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

14 “(D) the academic progress being made by
15 homeless children and youths, including the
16 percent or number of homeless children and
17 youths participating in State assessments; and

18 “(E) such other data and information as
19 the Secretary determines to be necessary and
20 relevant to carry out this subtitle.

21 “(2) COORDINATION.—The Secretary shall co-
22 ordinate such collection and dissemination with
23 other agencies and entities that receive assistance
24 and administer programs under this subtitle.

1 “(i) REPORT.—Not later than 4 years after the date
2 of enactment of the Educational Success for Children and
3 Youth Without Homes Act of 2011, the Secretary shall
4 prepare and submit to the President and the Committee
5 on Education and Labor of the House of Representatives
6 and the Committee on Health, Education, Labor, and
7 Pensions of the Senate a report on the status of the provi-
8 sion of education and related support services to homeless
9 children and youths, which shall include information on—

10 “(1) the education of homeless children and
11 youths; and

12 “(2) the actions of the Secretary and the effec-
13 tiveness of the programs supported under this sub-
14 title.

15 **“SEC. 725. DEFINITIONS.**

16 “In this subtitle:

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

20 “(2) FORMERLY COVERED COUNTIES.—The
21 term ‘formerly covered counties’ means, with respect
22 to California, San Joaquin County, Orange County,
23 and San Diego County, and with respect to Arizona,
24 Maricopa County.

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

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

6 “(B) includes—

7 “(i) children and youths who—

8 “(I) are sharing the housing of
9 other persons due to loss of housing,
10 economic hardship, or a similar rea-
11 son;

12 “(II) are living in motels, hotels,
13 trailer parks, or camping grounds due
14 to the lack of alternative adequate ac-
15 commodations;

16 “(III) are living in emergency or
17 transitional shelters;

18 “(IV) are abandoned in hospitals;
19 or

20 “(V) are awaiting foster care
21 placement;

22 “(ii) children and youths who have a
23 primary nighttime residence that is a pub-
24 lic or private place not designed for or or-
25 dinarily used as a regular sleeping accom-

1 modation for human beings (within the
2 meaning of section 103(a)(2)(C));

3 “(iii) children and youths who are liv-
4 ing in cars, parks, public spaces, aban-
5 doned buildings, substandard housing, bus
6 or train stations, or similar settings; and

7 “(iv) migratory children (as such term
8 is defined in section 1309 of the Elemen-
9 tary and Secondary Education Act of 1965
10 (20 U.S.C. 6399)) who qualify as homeless
11 for the purposes of this subtitle because
12 the children are living in circumstances de-
13 scribed in clauses (i) through (iii).

14 “(4) INCLUDE; INCLUDING.—The terms ‘in-
15 clude’ and ‘including’ mean that the items named
16 are not all of the possible items that are covered,
17 whether like or unlike the items named.

18 “(5) LOCAL EDUCATIONAL AGENCY; STATE
19 EDUCATIONAL AGENCY.—The terms ‘local edu-
20 cational agency’ and ‘State educational agency’ have
21 the meanings given such terms in section 9101 of
22 the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 7801).

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

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

4 “(8) UNACCOMPANIED YOUTH.—The term ‘un-
5 accompanied youth’ means a homeless child or youth
6 not in the physical custody of a parent or legal
7 guardian.

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

9 “For the purpose of carrying out this subtitle, there
10 are authorized to be appropriated to the Secretary
11 \$300,000,000 for fiscal year 2012 and such sums as may
12 be necessary for each of fiscal years 2013 through 2018.”.

13 **SEC. 3. CONFORMING AMENDMENTS.**

14 The Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6301 et seq.) is amended—

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

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

19 “(L) ACCOUNTABILITY FOR HOMELESS
20 CHILDREN AND YOUTHS.—The accountability
21 provisions under this Act shall ensure that
22 homeless children and youths (as defined in sec-
23 tion 725(3) of the McKinney-Vento Homeless
24 Assistance Act), are included in academic as-
25 sessment, reporting, and accountability systems,

1 consistent with paragraph (3)(C)(xi). Notwith-
2 standing the requirements of subsection (i), the
3 State is not required to disaggregate the assess-
4 ment results of homeless children and youths as
5 a separate category under subparagraph
6 (C)(v).”; and

7 (B) in subsection (c)—

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

10 (ii) in paragraph (14), by striking the
11 period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

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

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

19 (A) by striking subsection (b)(1)(O) and
20 inserting the following:

21 “(O) a description of—

22 “(i) how the local educational agency
23 will ensure the enrollment, attendance, and
24 success of homeless children and youths;

1 “(ii) the services the local educational
2 agency will provide homeless children and
3 youths, including services provided with
4 funds reserved under section 1113(c)(3);

5 “(iii) the amount of funds reserved
6 under section 1113(c)(3);

7 “(iv) the needs assessment conducted
8 to determine the amount of funds reserved
9 under section 1113(c)(3);

10 “(v) how the amount of funds re-
11 served under section 1113(c)(3) was deter-
12 mined and the amount of funds’ relation to
13 the needs assessment;

14 “(vi) the collaborative role of the liai-
15 son designated pursuant to section
16 722(g)(1)(J)(ii) of the McKinney-Vento
17 Homeless Assistance Act in determining
18 the amount of funds reserved and the serv-
19 ices provided; and

20 “(vii) the services the local edu-
21 cational agency provided homeless children
22 and youths in the previous academic year,
23 including services provided with funds re-
24 served under section 1113(c)(3), an expla-
25 nation of any discrepancy between the an-

1 anticipated and actual use of funds, and an
2 explanation of any unspent reserved
3 funds;” and

4 (B) in subsection (c)(1)—

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

7 (ii) in subparagraph (O), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(P) comply with the requirements of sub-
13 title B of title VII of the McKinney-Vento
14 Homeless Assistance Act that relate to the local
15 educational agency.”;

16 (3) by striking section 1113(c)(3) (20 U.S.C.
17 6313(c)(3)) and inserting the following:

18 “(3) RESERVATION.—

19 “(A) IN GENERAL.—

20 “(i) FUNDS FOR HOMELESS CHIL-
21 DREN AND YOUTHS.—A local educational
22 agency shall reserve funds under this part
23 to assist homeless children and youths who
24 are attending schools receiving assistance
25 under section 1114 or 1115, or schools not

1 receiving assistance under this part, in sat-
2 isfying the State’s academic achievement
3 standards.

4 “(ii) HOMELESS CHILDREN AND
5 YOUTHS.—In this paragraph, the term
6 ‘homeless children and youths’ has the
7 meaning given the term in section 725(3)
8 of the McKinney-Vento Homeless Assist-
9 ance Act.

10 “(B) USE OF FUNDS.—Notwithstanding
11 the requirements of subsections (b) and (c) of
12 section 1120A, funds reserved under subpara-
13 graph (A) may be used to provide homeless
14 children and youths with services not ordinarily
15 provided to other students under this part, in-
16 cluding—

17 “(i) providing funding for the liaison
18 designated pursuant to section
19 722(g)(1)(J)(ii) of the McKinney-Vento
20 Homeless Assistance Act;

21 “(ii) providing transportation pursu-
22 ant to section 722(g)(1)(J)(iii) of such
23 Act;

1 “(iii) providing services to preschool-
2 aged homeless children and homeless sec-
3 ondary school students;

4 “(iv) providing support services to
5 homeless children and youths in shelters
6 and other locations where they may live;
7 and

8 “(v) removing barriers to homeless
9 children and youths’ enrollment, attend-
10 ance, retention, and success in school.

11 “(C) AMOUNT RESERVED.—The amount of
12 funds reserved under subparagraph (A) shall be
13 determined collaboratively with the liaison des-
14 ignated pursuant to section 722(g)(1)(J)(ii) of
15 the McKinney-Vento Homeless Assistance Act
16 and based upon an assessment of the needs of
17 homeless children and youths in the local edu-
18 cational agency, including consideration of the
19 following:

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

24 “(ii) Available data related to child,
25 youth, and family homelessness in the local

1 educational agency, including data re-
2 ported to the Department of Housing and
3 Urban Development, data reported to the
4 Department of Health and Human Serv-
5 ices under the Runaway and Homeless
6 Youth Act (42 U.S.C. 5701 et seq.), and
7 data reported by Head Start, Early Head
8 Start, and other preschool programs in the
9 local educational agency.

10 “(iii) Information related to child,
11 youth, and family homelessness in the local
12 educational agency obtained through the
13 coordination and collaboration required
14 under subsections (f)(4) and (g)(5) of sec-
15 tion 722 of the McKinney-Vento Homeless
16 Assistance Act.

17 “(iv) The number of homeless children
18 and youths reported by the local edu-
19 cational agency to the State educational
20 agency under section 722(f)(3) of the
21 McKinney-Vento Homeless Assistance Act
22 for the previous school year.

23 “(v) Gaps in identification of homeless
24 children and youths in the local edu-
25 cational agency, as described by the liaison

1 designated pursuant to section
2 722(g)(1)(J)(ii) of the McKinney-Vento
3 Homeless Assistance Act.

4 “(vi) Transportation and other needs
5 of homeless children and youths, as de-
6 scribed by the liaison designated pursuant
7 to section 722(g)(1)(J)(ii) of the McKin-
8 ney-Vento Homeless Assistance Act.

9 “(vii) Strategies to improve or main-
10 tain academic achievement and high school
11 graduation rates for homeless children and
12 youths in the local educational agency.

13 “(D) INTEGRATION.—The services pro-
14 vided to homeless children and youths shall, to
15 the maximum extent practicable, integrate
16 homeless children and youths with non-homeless
17 children and youths.

18 “(E) COMPARABLE SERVICES.—A local
19 educational agency shall reserve such funds as
20 are necessary under this part to provide serv-
21 ices comparable to those provided to children in
22 schools funded under this part to serve—

23 “(i) children in local institutions for
24 neglected children; and

1 “(ii) if appropriate, children in local
2 institutions for delinquent children, and
3 neglected or delinquent children in commu-
4 nity day school programs.”;

5 (4) in section 1114(b)(1)(A) (20 U.S.C.
6 6314(b)(1)(A)), by inserting “and homeless children
7 and youths as defined in section 725(3) of the
8 McKinney-Vento Homeless Assistance Act” before
9 “that is based on information”;

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

12 “(E) HOMELESS CHILDREN AND
13 YOUTHS.—A child or youth who is homeless, as
14 defined in section 725(3) of the McKinney-
15 Vento Homeless Assistance Act, and attending
16 any school served by the local educational agen-
17 cy is eligible for services under this part.”;

18 (6) in section 1118(a)(2)(E) (20 U.S.C.
19 6318(a)(2)(E)), by inserting “are homeless,” before
20 “are disabled”;

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

24 (8) by striking section 1821(1) (20 U.S.C.
25 6561(1)) and inserting the following:

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

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

10 (A) by amending subparagraph (H) to
11 read as follows:

12 “(H) counseling and mentoring for at-risk
13 students, including students who are homeless
14 children and youths, as defined in section
15 725(3) of the McKinney-Vento Homeless As-
16 sistance Act;”;

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

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

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

22 “(K) outreach activities to locate and iden-
23 tify at-risk students, including homeless chil-
24 dren and youths, as defined in section 725(3)

1 of the McKinney-Vento Homeless Assistance
2 Act.”;

3 (10) in section 1823(b)(1) (20 U.S.C.
4 6561b(b)(1))—

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

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

9 (C) by adding at the end the following new
10 subparagraph:

11 “(H) describe how the strategies and ac-
12 tivities will include outreach and services to
13 homeless children and youths, as defined in sec-
14 tion 725(3) of the McKinney-Vento Homeless
15 Assistance Act.”;

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

17 (A) in subparagraph (A), by inserting “,
18 including homeless children and youths, as de-
19 fined in section 725(3) of the McKinney-Vento
20 Homeless Assistance Act” after “at-risk stu-
21 dents”; and

22 (B) in subparagraph (B), by inserting “,
23 homeless children and youths (as defined in sec-
24 tion 725(3) of the McKinney-Vento Homeless

1 Assistance Act),” after “racial and ethnic mi-
2 norities”;

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

4 (A) in paragraph (10), by inserting “, in-
5 cluding homeless children and youths (as de-
6 fined in section 725(3) of the McKinney-Vento
7 Homeless Assistance Act),” after “participating
8 students”;

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

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

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

14 “(15) contains an assurance that the State edu-
15 cational agency will require eligible entities to de-
16 scribe in the entities’ applications under section
17 4204(b) how such entities will ensure the participa-
18 tion, attendance, and success of eligible homeless
19 children and youths (as defined in section 725(3) of
20 the McKinney-Vento Homeless Assistance Act), pay-
21 ing particular attention to the needs of unaccom-
22 panied youths.”; and

23 (13) in section 5203(b)(3)(L) (20 U.S.C.
24 7221b(b)(3)(L)), by inserting before the semicolon
25 at the end the following: “, and the local educational

1 agency requirements under subtitle B of title VII of
2 the McKinney-Vento Homeless Assistance Act”.

○