NATIONAL ASSOCIATION FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

McKinney-Vento Homeless Assistance Act, Subtitle VII-B

Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective October 1, 2016) [1]

`SEC. 721. STATEMENT OF POLICY. (42 U.S.C. 11431)

`The following is the policy of the Congress:

`(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

`(2) In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

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`(3) Homelessness is not sufficient reason to separate students from the mainstream school environment.

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`(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State academic standards to which all students are held.

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`SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11432)

`(a) GENERAL AUTHORITY- The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

`(b) GRANTS FROM ALLOTMENTS—The Secretary shall make the grants to States from the allotments made under subsection (c)(1).

Deleted: APPLICATION- No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

`(c) ALLOCATION AND RESERVATIONS-

[1] Unless otherwise noted.

`(1) ALLOCATION- (A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 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 that no State shall receive less than the greater of--

`(i) $150,000;

`(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

`(iii) the amount such State received under this section for fiscal year 2001.

`(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), 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) 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 Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

`(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

`(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

`(3) STATE DEFINED- For purposes of this subsection, the term `State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

`(d) ACTIVITIES- Grants under this section shall be used for the following:

`(1) To carry out the policies set forth in section 721 in the State.

`(2) To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable such children and youths to enroll in, attend, and succeed in school, including, if appropriate, in preschool programs.

`(3) To establish or designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle in accordance with subsection (f).

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

`(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

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

(B) to heighten the awareness of the liaisons and personnel of, and their capacity to respond to, specific needs in the education of homeless children and youths.

`(e) STATE AND LOCAL SUBGRANTS-

`(1) MINIMUM DISBURSEMENTS BY STATES- From the sums made available each year to a State through grants under subsection (a) to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

`(2) USE BY STATE EDUCATIONAL AGENCY- A State educational agency may use the grant funds remaining after the State educational agency distributes subgrants under paragraph (1) to conduct activities under subsection (f) directly or through grants or contracts.

`(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS-

`(A) IN GENERAL- Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

`(B) EXCEPTION- Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if--

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`(i) the school meets the requirements of subparagraph (C);

`(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

`(iii) the State is otherwise eligible to receive funds under this subtitle.

`(C) SCHOOL REQUIREMENTS- For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall--

`(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that--

`(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

`(II) sets forth the general rights provided under this subtitle;

`(III) specifically states--

`(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

`(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

`(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

`(dd) that homeless children and youths should not be stigmatized by school personnel; and

`(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

`(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

`(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

`(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

`(iv) demonstrate in the school's application for funds under this subtitle that such school--

`(I) is complying with clauses (i) and (ii); and

`(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with section 1111 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

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`(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

`(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall--

`(i) implement a coordinated system for ensuring that homeless children and youths--

`(I) are advised of the choice of schools provided in subsection (g)(3)(A);

`(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

`(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

`(ii) document that written notice has been provided--

`(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

`(II) in accordance with subsection (g)(6)(A)(vi);

`(iii) prohibit schools within the agency's jurisdiction from referring homeless children or

youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

`(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

`(v) not use funds received under this subtitle to establish--

`(I) new or additional separate schools for homeless children or youths; or

`(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

`(F) REPORT-

`(i) PREPARATION- The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on--

`(I) compliance with all requirements of this paragraph;

`(II) barriers to school access in the school districts served by the local educational agencies;

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`(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools; and

(IV) the progress the separate schools are making in helping all students meet the challenging State academic standards.

`(ii) COMPLIANCE WITH INFORMATION REQUESTS- For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

`(iii) SUBMISSION- The Secretary shall submit the report described in clause (i) to--

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`(I) the President;

`(II) the Committee on Education and the Workforce of the House of Representatives;

and

`(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

`(G) DEFINITION- For purposes of this paragraph, the term `covered county' means--

`(i) San Joaquin County, California;

`(ii) Orange County, California;

`(iii) San Diego County, California; and

`(iv) Maricopa County, Arizona.

`(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall--

`(1) gather and make publicly available reliable, valid, and comprehensive information on—

(A) the number of homeless children and youths identified in the State, which shall be posted annually on the State educational agency's website;
(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;
(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;
(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and
(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

`(2) develop and carry out the State plan described in subsection (g);

`(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

`(4) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with--

`(A) educators, including teachers, special education personnel, administrators, and child

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development and preschool program personnel;

`(B) providers of services to homeless children and youths and their families, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

`(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

`(E) community organizations and groups representing homeless children and youths and their families;

`(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the liaison; and

(7) respond to inquiries from parents and guardians of homeless children and youths, and (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.

`(g) STATE PLAN-

`(1) IN GENERAL- For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

`(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic standards as all students are expected to meet.

`(B) A description of the procedures the State educational agency will use to identify such

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children and youths in the State and to assess their needs.

`(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

`(D) A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.

`(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

`(F) A description of procedures that ensure that--

`(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

`(ii) youths described in section 725(2) and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

`(iii) homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, on-line learning, and charter school programs, if such programs are available at the State and local levels.

`(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

`(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by--

`(i) requirements of immunization and other required health records;

`(ii) residency requirements;

`(iii) lack of birth certificates, school records, or other documentation;

`(iv) guardianship issues; or

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`(v) uniform or dress code requirements.

`(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

`(J) Assurances that the following will be carried out--

`(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

`(ii) The local educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.

`(iii) The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin (as determined under paragraph (3)), in accordance with the following, as applicable:

`(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

`(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

(iv) The State and the local educational agencies in the State will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator.

(K) A description of how youths described in section 725(2) will receive assistance from

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counselors to advise such youths, and prepare and improve the readiness of such youths for college.

`(2) COMPLIANCE-

`(A) IN GENERAL- Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

`(B) COORDINATION- Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

`(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

`(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

`(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

`(I) in any case in which a family becomes homeless between academic years or during an academic year; and

`(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

`(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

`(B) SCHOOL STABILITY- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

`(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

`(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency

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determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

`(iv) in the case of an unaccompanied youth, ensure that the local educational agency 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 under subparagraph (E).

`(C) IMMEDIATE 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, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

(II) has missed application or enrollment deadlines during any period of homelessness.

`(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

`(iii) RELEVANT HEALTH RECORDS.— If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

`(D) RECORDS- Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained--

`(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

`(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

`(E) ENROLLMENT DISPUTES- If a dispute arises over eligibility, or school selection or

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enrollment in a school--

`(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

`(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;

`(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

`(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

`(F) PLACEMENT CHOICE- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

`(G) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

`(H) CONTACT INFORMATION- Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child or youth to submit contact information.

(I) SCHOOL OF ORIGIN DEFINED- In this paragraph:

(i) IN GENERAL.-- The term `school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

`(4) COMPARABLE SERVICES- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under

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paragraph (3), including the following:

`(A) Transportation services.

`(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

`(C) Programs in career and technical education.

`(D) Programs for gifted and talented students.

`(E) School nutrition programs.

`(5) COORDINATION-

`(A) IN GENERAL- Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate--

`(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

`(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

`(B) HOUSING ASSISTANCE- If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

`(C) COORDINATION PURPOSE- The coordination required under subparagraphs (A) and (B) shall be designed to--

(i) ensure that homeless children and youths are promptly identified;

`(ii) ensure that all homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

`(iii) raise the awareness of school personnel and service providers of the effects of short-

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term stays in a shelter and other challenges associated with homelessness.

(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

`(6) LOCAL EDUCATIONAL AGENCY LIAISON-

`(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that--

`(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

`(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

`(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

`(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

`(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

`(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

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`(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

(ix) school personnel providing services under this subtitle receive professional development and other support; and

(x) unaccompanied youths—

(I) are enrolled in school;

(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

`(B) NOTICE- State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency's website.

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`(C) LOCAL AND STATE COORDINATION- Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

(D) HOMELESS STATUS.—A local educational agency liaison designated under paragraph (1)(J)(ii) who receives training described in subsection (f)(6) may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the local educational agency, or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, is eligible for such program or service.

`(7) REVIEW AND REVISIONS-

`(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools that are selected under paragraph (3).

`(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

`(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

`SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11433)

`(a) GENERAL AUTHORITY-

`(1) IN GENERAL- The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youths.

`(2) SERVICES-

`(A) IN GENERAL- Services under paragraph (1)--

`(i) may be provided through programs on school grounds or at other facilities;

`(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

`(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

`(B) SERVICES ON SCHOOL GROUNDS- If services under paragraph (1) are provided on school grounds, the related schools--

`(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

`(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in

settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time--

`(I) for health and safety emergencies; or

`(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

`(3) REQUIREMENT- Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(4) DURATION OF GRANTS.—Subgrants made under this section shall be for terms of not to exceed 3 years.

`(b) APPLICATION- A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

`(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

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

`(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

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

`(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

(7) An assurance that the local educational agency will meet the requirements of section 722(g)(3).

`(c) AWARDS-

`(1) IN GENERAL- The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

`(2) NEED- In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in early childhood education and other preschool programs, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

`(A) The extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youths.

`(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.

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`(C) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youths.

`(D) Such other criteria as the State agency determines appropriate.

`(3) QUALITY- In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

`(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

`(B) The types, intensity, and coordination of the services to be provided under the program.

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

`(D) The extent to which homeless children and youths will be integrated into the regular education program.

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`(E) The quality of the applicant's evaluation plan for the program.

`(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

(H) How the local educational agency will use funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

`(I) The extent to which the applicant's program meets such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

`(d) AUTHORIZED ACTIVITIES- A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

`(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic standards as the State establishes for other children and youths.

`(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and English learners, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in career and technical education, and school nutrition programs).

`(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

`(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

`(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

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`(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.

`(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, particularly homeless children and youths who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

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`(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

`(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

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`(10) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and other activities designed to increase the meaningful involvement of parents and guardians of homeless children and youths in the education of such children and youths.

`(11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

`(12) The provision of specialized instructional support services (including violence prevention counseling) and referrals for such services.

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`(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence and parental mental health or substance abuse problems.

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

`(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

`(16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school and participate fully in school activities.

`SEC. 724. SECRETARIAL RESPONSIBILITIES. (42 U.S.C. 11434)

`(a) REVIEW OF STATE PLANS- In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether

State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

`(b) TECHNICAL ASSISTANCE- The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

`(c) NOTICE-

(1) IN GENERAL.-- The Secretary shall, before the next school year that begins after the date of enactment of the Every Student Succeeds Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

(2) DISSEMINATION.—The Secretary shall disseminate the notice nationwide to all Federal agencies, and grant recipients, serving homeless families or homeless children and youths.

`(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE- The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

`(e) SUBMISSION AND DISTRIBUTION- The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

`(f) DETERMINATION BY SECRETARY- The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.

`(g) GUIDELINES- The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Student Succeeds Act, guidelines concerning ways in which a State--

`(1) may assist local educational agencies to implement the provisions related to homeless children and youths amended by that Act; and

`(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youths, and the enrollment, attendance, and success of homeless

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children and youths in school.

`(h) INFORMATION-

`(1) IN GENERAL- From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding--

`(A) the number and primary nighttime residence of homeless children and youths in all areas served by local educational agencies;

`(B) the education and related services such children and youths receive;

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

`(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

`(2) COORDINATION- The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

`(i) REPORT- Not later than 4 years after the date of enactment of the Every Student Succeeds Act, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on--

`(1) the education of homeless children and youths; and

`(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

`SEC. 725. DEFINITIONS. (42 U.S.C. 11434A)

`For purposes of this subtitle:

`(1) The terms `enroll' and `enrollment' include attending classes and participating fully in school activities.

`(2) The term `homeless children and youths'--

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

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`(B) includes--

`(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals[2];

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`(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

`(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

`(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

`(3) The terms `local educational agency' and `State educational agency' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965.

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`(4) The term `Secretary' means the Secretary of Education.

`(5) The term `State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

`(6) The term `unaccompanied youth' includes a homeless child or youth not in the physical custody of a parent or guardian.

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[2] The deletion of "or are awaiting foster care placement" goes into effect on December 10, 2016 in every State except Arkansas, Delaware and Nevada, where the deletion is effective on December 10, 2017. The relevant statutory language is as follows:
(b) EFFECTIVE DATE.—
(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 1 year after the date of enactment of this Act.
(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.
(c) COVERED STATE.—For purposes of this section the term ''covered State'' means a State that has a statutory law that defines or describes the phrase ''awaiting foster care placement'', for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

`SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated to carry out this subtitle $85,000,000 for each of fiscal years 2017 through 2020.'

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facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

`(5)

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;
and

`(ii) describes how the applicant will meet the requirements of section 722(g)(3)