

107TH CONGRESS
1ST SESSION

H. R. 623

To provide funds to assist homeless children and youth.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

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

A BILL

To provide funds to assist homeless children and youth.

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 “McKinney-Vento
5 Homeless Education Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) An estimated 1,000,000 children in the
9 United States will experience homelessness this year.

1 (2) Homelessness has a devastating impact on
2 the educational opportunities of children and youth;
3 homeless children go hungry at more than twice the
4 rate of other children; have 4 times the rate of de-
5 layed development; and are twice as likely to repeat
6 a grade.

7 (3) Despite steady progress in school enroll-
8 ment and attendance resulting from the passage in
9 1987 of the Stewart B. McKinney Homeless Assist-
10 ance Act, homeless students still face numerous bar-
11 riers to education, including residency, guardianship
12 and registration requirements, as well as delays in
13 the transfer of school records, and inadequate trans-
14 portation service.

15 (4) Homeless youth face unique barriers in ac-
16 cessing education through the secondary level, par-
17 ticularly in instances where they have become sepa-
18 rated from the public school system.

19 (5) Homeless preschool age children, who may
20 benefit most dramatically from early childhood serv-
21 ices, are often overlooked.

22 (6) School is one of the few secure factors in
23 the lives of homeless children and youth, providing
24 stability, structure, and accomplishment during a
25 time of great upheaval.

1 (7) Homeless children and youth require edu-
2 cational stability and the opportunity to maintain
3 regular consistent attendance in school so that they
4 acquire the skills necessary to escape poverty and
5 lead productive, healthy lives as adults.

6 (8) In the 14 years since the passage of the
7 McKinney Act, educators and service providers have
8 learned much about policies and practices which help
9 remove the barriers described.

10 **SEC. 3. PURPOSE.**

11 The purpose of this title is to reauthorize and
12 strengthen subtitle B of title VI of the McKinney-Vento
13 Homeless Assistance Act by amending it—

14 (1) to include innovative practices, such as
15 those enacted in Illinois, proven to be effective in
16 helping homeless children and youth enroll, attend,
17 and succeed in school; and

18 (2) to ensure that all children and youth im-
19 pacted by the loss of fixed, regular, and adequate
20 housing receive a quality education and secure their
21 chance for a brighter future.

22 **SEC. 4. EDUCATION FOR HOMELESS CHILDREN AND**
23 **YOUTH.**

24 Subtitle B of title VI of the McKinney-Vento Home-
25 less Assistance Act is amended to read as follows:

1 **“Subtitle B—Education for**
2 **Homeless Children and Youth**

3 **“SEC. 721. STATEMENT OF POLICY.**

4 “It is the policy of the Congress that—

5 “(1) each State educational agency ensure that
6 each child of a homeless individual and each home-
7 less youth has equal access to the same free, appro-
8 priate public education, including a public preschool
9 education, as provided to other children and youth;

10 “(2) in any State that has a compulsory resi-
11 dency requirement as a component of the State’s
12 compulsory school attendance laws or other laws,
13 regulations, practices, or policies that may act as a
14 barrier to the enrollment, attendance, or success in
15 school of homeless children and youth, the State re-
16 view and undertake steps to revise such laws, regula-
17 tions, practices, or policies to ensure that homeless
18 children and youth are afforded the same free, ap-
19 propriate public education as provided to other chil-
20 dren and youth;

21 “(3) homelessness alone is not sufficient reason
22 to separate students from the mainstream school en-
23 vironment; and

24 “(4) homeless children and youth must have ac-
25 cess to the education and other services need to en-

1 sure that such children and youth have an oppor-
2 tunity to meet the same challenging State student
3 performance standards to which all students are
4 held.

5 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
6 **THE EDUCATION OF HOMELESS CHILDREN**
7 **AND YOUTH.**

8 “(a) GENERAL AUTHORITY.—The Secretary is au-
9 thorized to make grants to States in accordance with the
10 provisions of this section to enable such States to carry
11 out the activities described in subsections (d), (e), (f), and
12 (g).

13 “(b) APPLICATION.—No State may receive a grant
14 under this section unless the State educational agency
15 submits an application to the Secretary at such time, in
16 such manner, and containing or accompanied by such in-
17 formation as the Secretary may reasonably require.

18 “(c) ALLOCATION AND RESERVATIONS.—

19 “(1) IN GENERAL.—Subject to paragraph (2)
20 and section 724(d), from the amounts appropriated
21 for each fiscal year under section 726, the Secretary
22 is authorized to allot to each State an amount that
23 bears the same ratio to the amount appropriated for
24 such year under section 726 as the amount allocated
25 under section 1122 of the Elementary and Sec-

1 ondary Education Act of 1965 to the State for that
2 year bears to the total amount allocated under sec-
3 tion 1122 to all States for that year, except that
4 in any fiscal year no State shall receive less than
5 \$125,000 or one-half of 1 percent, whichever is
6 greater.

7 “(2) RESERVATION.—(A) The Secretary is au-
8 thorized to reserve 0.1 percent of the amount appro-
9 priated for each fiscal year under section 726 to be
10 allocated by the Secretary among the Virgin Islands,
11 Guam, American Samoa, and the Commonwealth of
12 the Northern Mariana Islands, according to their re-
13 spective need for assistance under this subtitle (as
14 the subtitle was then in effect), as determined by the
15 Secretary.

16 “(B)(i) The Secretary is authorized to transfer
17 one percent of the amount appropriated for each fis-
18 cal year under section 726 to the Department of the
19 Interior for programs for Indian students served by
20 schools funded by the Secretary of the Interior, as
21 determined under the Indian Self-Determination and
22 Education Assistance Act, that are consistent with
23 the purposes of this subtitle.

24 “(ii) The Secretary and the Secretary of the In-
25 terior shall enter into an agreement, consistent with

1 the requirements of this subtitle, for the distribution
2 and use of the funds described in clause (i) under
3 terms that the Secretary determines best meet the
4 purposes of the programs described in such clause.
5 Such agreement shall set forth the plans of the Sec-
6 retary of the Interior for the use of the amounts
7 transferred, including appropriate goals, objectives,
8 and milestones.

9 “(d) ACTIVITIES.—Grants under this section shall be
10 used—

11 “(1) to carry out the policies set forth in sec-
12 tion 721 in the State;

13 “(2) to provide activities for, and services to,
14 homeless children, including preschool aged children,
15 and homeless youth that enable such children and
16 youth to enroll in, attend, and succeed in school, or,
17 if appropriate, in preschool programs;

18 “(3) to establish or designate an Office of the
19 Coordinator of Education of Homeless Children and
20 Youth in the State educational agency in accordance
21 with subsection (f);

22 “(4) to prepare and carry out the State plan
23 described in subsection (g); and

24 “(5) to develop and implement professional de-
25 velopment programs for school personnel to heighten

1 their awareness of, and capacity to respond to, spe-
2 cific problems in the education of homeless children
3 and youth.

4 “(e) STATE AND LOCAL GRANTS.—

5 “(1) IN GENERAL.—

6 “(A) DISTRIBUTION.—From the amount
7 made available each year to carry out this sub-
8 title, the State educational agency shall dis-
9 tribute not less than 75 percent of such amount
10 in subgrants to local educational agencies for
11 the purposes of carrying out section 723, except
12 that a State that receives the minimum amount
13 described in subsection (c)(1) shall distribute
14 not less than 50 percent in subgrants to local
15 educational agencies for the purposes of car-
16 rying out such section.

17 “(B) STATE USES OF FUNDS.—A State
18 educational agency may use funds made avail-
19 able for State use under this title to conduct ac-
20 tivities under subsection (f) directly or through
21 grants.

22 “(2) PROHIBITION ON SEGREGATING HOMELESS
23 STUDENTS.—In providing a free public education to
24 a homeless child or youth, no State receiving funds
25 under this subtitle shall segregate such child or

1 youth, either in a separate school, or in a separate
2 program within a school, based on such child or
3 youth's status as homeless, except as provided in
4 section 723(a)(2)(B)(ii).

5 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
6 NATOR.—The Coordinator of Education of Homeless Chil-
7 dren and Youth established in each State shall—

8 “(1) gather, to the extent possible, reliable,
9 valid, and comprehensive information on the nature
10 and extent of the problems homeless children and
11 youth have in gaining access to public preschool pro-
12 grams and to public elementary and secondary
13 schools, the difficulties in identifying the special
14 needs of such children and youth, any progress made
15 by the State educational agency and local edu-
16 cational agencies in the State in addressing such
17 problems and difficulties, and the success of the pro-
18 gram under this subtitle in allowing homeless chil-
19 dren and youth to enroll in, attend, and succeed in,
20 school;

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

23 “(3) collect and transmit to the Secretary, in-
24 formation gathered pursuant to paragraphs (1) and

1 (2) at such time and in such manner as the Sec-
2 retary may require;

3 “(4) identify any schools or programs that seg-
4 regate students as prohibited in subsection (e)(2),
5 provide technical assistance and support to local
6 educational agencies to assist them in removing any
7 barriers that may have resulted in the operation of
8 such segregated programs, and promptly integrate
9 homeless children and youth into the schools and
10 programs serving nonhomeless children and youth;

11 “(5) facilitate coordination between the State
12 educational agency, the State social services agency,
13 and other agencies providing services to homeless
14 children and youth, including homeless children and
15 youth who are preschool age, and families of such
16 children and youth;

17 “(6) in order to improve the provision of com-
18 prehensive education and related services to home-
19 less children and youth and their families, coordinate
20 and collaborate with—

21 “(A) educators, including child develop-
22 ment and preschool program personnel;

23 “(B) providers of services to homeless and
24 runaway children and youth and homeless fami-
25 lies (including domestic violence agencies, shel-

1 ter operators, transitional housing facilities,
2 runaway and homeless youth centers, and tran-
3 sitional living programs for homeless youth);

4 “(C) local educational agency liaisons for
5 homeless children and youth; and

6 “(D) community organizations and groups
7 representing homeless children and youth and
8 their families; and

9 “(7) provide technical assistance to local edu-
10 cational agencies, in coordination with local liaisons
11 established under this subtitle, to ensure that local
12 educational agencies comply with the requirements
13 of paragraphs (3) through (7) of subsection (g).

14 “(g) STATE PLAN.—

15 “(1) IN GENERAL.—Each State shall submit to
16 the Secretary a plan to provide for the education of
17 homeless children and youth within the State, which
18 plan shall describe how such children and youth are
19 or will be given the opportunity to meet the same
20 challenging State student performance standards all
21 students are expected to meet, shall describe the
22 procedures the State educational agency will use to
23 identify such children and youth in the State and
24 to assess their special needs, and shall—

1 “(A) describe procedures for the prompt
2 resolution of disputes regarding the educational
3 placement of homeless children and youth;

4 “(B) describe programs for school per-
5 sonnel (including principals, attendance officers,
6 teachers, and enrollment personnel), to heighten
7 the awareness of such personnel of the specific
8 needs of runaway and homeless youth;

9 “(C) describe procedures that ensure that
10 homeless children and youth who meet the rel-
11 evant eligibility criteria are able to participate
12 in Federal, State, or local food programs;

13 “(D) describe procedures that ensure
14 that—

15 “(i) homeless children have equal ac-
16 cess to the same public preschool pro-
17 grams, administered by the State agency,
18 as provided to other children;

19 “(ii) homeless youth, including unac-
20 companied youth, and youth separated
21 from the public schools are identified and
22 accorded equal access to appropriate sec-
23 ondary education and support services; and

24 “(iii) homeless children and youth
25 who meet the relevant eligibility criteria

1 are able to participate in Federal, State, or
2 local before- and after-school care pro-
3 grams;

4 “(E) address problems set forth in the in-
5 formation transmitted to the Secretary under
6 subsection (f)(3);

7 “(F) address other problems with respect
8 to the education of homeless children and
9 youth, including problems caused by—

10 “(i) transportation issues; and

11 “(ii) enrollment delays that are caused
12 by—

13 “(I) immunization and health re-
14 quirements;

15 “(II) residency requirements;

16 “(III) lack of birth certificates,
17 school records, or other documenta-
18 tion;

19 “(IV) guardianship issues; or

20 “(V) uniform or dress code re-
21 quirements.

22 “(G) demonstrate that the State edu-
23 cational agency and local educational agencies
24 in the State have developed, and shall review
25 and revise, policies to remove barriers to the en-

1 rollment and retention of homeless children and
2 youth in schools in the State; and

3 “(H) contain assurances that—

4 “(i) the State educational agency and
5 local educational agencies in the State will
6 adopt policies and practices to ensure that
7 homeless children and youth are not seg-
8 regated or stigmatized on the basis of their
9 status as homeless; and

10 “(ii) such local educational agencies
11 will designate an appropriate staff person,
12 who may also be a coordinator for other
13 Federal programs, as a liaison for home-
14 less children and youth.

15 “(2) COMPLIANCE.—

16 “(A) IN GENERAL.—Each plan adopted
17 under this subsection shall also describe how
18 the State will ensure that local educational
19 agencies throughout the State will comply with
20 the requirements of paragraphs (3) through
21 (7).

22 “(B) COORDINATION.—Such plan shall in-
23 dicate what technical assistance the State will
24 furnish to local educational agencies and how

1 compliance efforts will be coordinated with the
2 local liaisons established under this subtitle.

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

5 “(A) IN GENERAL.—The local educational
6 agency of each child and youth to be assisted
7 under this subtitle shall, according to the child’s
8 or youth’s best interests, either—

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

13 “(I) in any case in which a fam-
14 ily becomes homeless between aca-
15 demic years or during the academic
16 year; and

17 “(II) for the remainder of the
18 academic year if the child becomes
19 permanently housed during the aca-
20 demic year; or

21 “(ii) enroll the child or youth in any
22 school that nonhomeless students who live
23 in the attendance area in which the child
24 or youth is actually living are eligible to at-
25 tend.

1 “(B) BEST INTERESTS.—In determining
2 the best interests of the child or youth under
3 subparagraph (A), the local educational agency
4 shall—

5 “(i) to the extent feasible, keep a
6 homeless child or youth in the school of or-
7 igin, except when doing so is contrary to
8 the wishes of the child’s or youth’s parent
9 or guardian, or, in the case of an unaccom-
10 panied youth, contrary to the youth’s wish;
11 and

12 “(ii) provide a written explanation, in-
13 cluding a statement regarding the right to
14 appeal under subparagraph (E), to the
15 homeless child or youth’s parent or guard-
16 ian (or, in the case of an unaccompanied
17 youth, the youth) if the local educational
18 agency sends such child or youth to a
19 school other than the school of origin or
20 a school requested by the parent or guard-
21 ian (or, in the case of an unaccompanied
22 youth, the youth).

23 “(C) ENROLLMENT.—(i) The school se-
24 lected in accordance with this paragraph shall
25 immediately enroll (as defined in section

1 725(2)) the homeless child or youth even if the
2 child or youth is unable to produce records nor-
3 mally required for enrollment, such as previous
4 academic records, medical records, proof of resi-
5 dency, or other documentation.

6 “(ii) The enrolling school shall immediately
7 contact the school last attended by the child or
8 youth to obtain relevant academic and other
9 records. If the child or youth needs to obtain
10 immunizations, or immunization or health
11 records, the enrolling school, pursuant to para-
12 graph (6), shall promptly refer the child or
13 youth to the liaison, who shall assist in obtain-
14 ing necessary immunizations, or immunization
15 or health records.

16 “(D) RECORDS.—Any record ordinarily
17 kept by the school, including immunization
18 records, academic records, birth certificates,
19 guardianship records, and evaluations for spe-
20 cial services or programs, of each homeless
21 child or youth shall be maintained—

22 “(i) so that the records are available,
23 in a timely fashion, when a child or youth
24 enters a new school or local educational
25 agency; and

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act.

4 “(E) ENROLLMENT DISPUTES.—If a dis-
5 pute arises over selection or enrollment in a
6 school—

7 “(i) the child or youth shall be admit-
8 ted immediately to the school in which the
9 parent or guardian (or, in the case of an
10 unaccompanied youth, the youth) seeks en-
11 rollment, pending resolution of the dispute;

12 “(ii) the parent or guardian of the
13 child or youth (or, in the case of an unac-
14 companied youth, the youth) shall be pro-
15 vided with a written explanation of the
16 school’s decision regarding school selection
17 or enrollment, including rights of the par-
18 ent, guardian, or youth to appeal the deci-
19 sion; and

20 “(iii) the child, youth, parent, or
21 guardian shall be referred to the local liai-
22 son, who shall carry out the State’s griev-
23 ance procedure as described in paragraph
24 (1)(A) not later than 7 days after receiving
25 notice of the dispute.

1 “(F) PLACEMENT CHOICE.—The choice re-
2 garding placement shall be made regardless of
3 whether the child or youth lives with the home-
4 less parent, or has been temporarily placed else-
5 where.

6 “(G) CONTACT INFORMATION.—Nothing in
7 this subtitle shall prohibit a local educational
8 agency from requiring a parent or guardian of
9 a homeless child, or a homeless youth, to sub-
10 mit contact information required by the local
11 educational agency of a parent or guardian of
12 a nonhomeless child.

13 “(H) DEFINITION.—For purposes of this
14 paragraph, the term “school of origin” means
15 the school that the child or youth attended
16 when permanently housed, or the school in
17 which the child or youth was last enrolled.

18 “(4) COMPARABLE SERVICES.—Each homeless
19 child or youth to be assisted under this subtitle shall
20 be provided services comparable to services offered
21 to other students in the school selected according to
22 the provisions of paragraph (3), including—

23 “(A) transportation services;

24 “(B) educational services for which the
25 child or youth meets the eligibility criteria, such

1 as educational programs for children with dis-
2 abilities, and educational programs for students
3 with limited-English proficiency;

4 “(C) programs in vocational education;

5 “(D) programs for gifted and talented stu-
6 dents; and

7 “(E) programs that provide meals to
8 schools.

9 “(5) COORDINATION.—

10 “(A) IN GENERAL.—Each local educational
11 agency that receives assistance under this sub-
12 title shall coordinate—

13 “(i) the provision of services under
14 this subtitle with local services agencies
15 and other agencies or programs providing
16 services to homeless children and youth
17 and their families, including services and
18 programs funded under the Runaway and
19 Homeless Youth Act (42 U.S.C. 5701 et
20 seq.); and

21 “(ii) with other local educational
22 agencies on interdistrict issues, such as
23 transportation or transfer of school
24 records.

1 “(B) EXPEDITED ASSISTANCE.—Coordina-
2 tion of services under subparagraph (A) may
3 include—

4 “(i) developing and implementing
5 methods for expediting assistance (such as
6 food, clothing, shelter, housing, eviction
7 prevention, and money) and services (such
8 as medical care, mental health treatment,
9 counseling, mentoring, day care, and rec-
10 reational activities) to homeless children
11 and youth and their families; and

12 “(ii) when appropriate, developing
13 agreements with other programs to make
14 assistance and service to homeless students
15 and their families a priority, and devel-
16 oping a network for the prompt dissemina-
17 tion of information regarding educational
18 rights and opportunities, including existing
19 school programs and support services such
20 as magnet, specialized and alternative
21 school programs, open application periods
22 to gain entry to these programs, tutoring,
23 and special education and early interven-
24 tion services that may be accessed by
25 homeless students.

1 “(C) HOUSING ASSISTANCE.—

2 “(i) IN GENERAL.—If applicable, each
3 State and local educational agency in a
4 State that receives assistance under this
5 subtitle shall coordinate with State and
6 local housing agencies responsible for de-
7 veloping the comprehensive housing afford-
8 ability strategy described in section 105 of
9 the Cranston-Gonzales National Affordable
10 Housing Act (42 U.S.C. 12705) to provide
11 information regarding the impact and ex-
12 tent of homelessness on children and youth
13 in the community, to ensure adequate
14 planning, when feasible, to reduce the dis-
15 placement of children and youth, and to
16 minimize educational disruption for chil-
17 dren and youth who become homeless.

18 “(ii) SHELTER.—Coordination of such
19 housing options shall be undertaken spe-
20 cifically with agencies responsible for the
21 planning, establishment, and funding of
22 shelter for homeless families and youth to
23 ensure that families and youth suffering
24 the loss of housing can access shelter in

1 reasonable proximity to the school of ori-
2 gin.

3 “(D) COORDINATION PURPOSE.—The co-
4 ordination required under subparagraphs (A),
5 (B), and (C) shall be designed—

6 “(i) to ensure that homeless children
7 and youth have access and reasonable
8 proximity to available education and re-
9 lated support services; and

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

15 “(6) LIAISON.—

16 “(A) DUTIES.—Each local liaison for
17 homeless children and youth, designated pursu-
18 ant to paragraph (1)(H)(ii), shall ensure that—

19 “(i) homeless children and youth are
20 identified by school personnel and through
21 coordination activities with other entities
22 and agencies;

23 “(ii) homeless children and youth en-
24 roll in, and have a full and equal oppor-

1 tunity to succeed in, schools of that agen-
2 cy;

3 “(iii) homeless families, children, and
4 youth receive educational services for
5 which such families, children, and youth
6 are eligible, including Head Start and
7 Even Start programs and preschool pro-
8 grams administered by the local edu-
9 cational agency, and referrals to health
10 care services, dental services, mental health
11 services, and other appropriate services;

12 “(iv) the parent or guardian of a
13 homeless child or youth, and any unaccom-
14 panied youth, is fully informed of the edu-
15 cation and related opportunities available
16 to the child or youth and that the parent
17 or guardian is provided with meaningful
18 opportunities to participate in the edu-
19 cation of the child or youth;

20 “(v) public notice of the educational
21 rights of such children and youth is dis-
22 seminated where such children and youth
23 receive services under this Act (such as
24 schools, shelters, and soup kitchens); and

1 “(vi) enrollment disputes are mediated
2 in accordance with paragraph (3)(E).

3 “(B) NOTICE.—State coordinators, whose
4 duties are described under subsection (d), and
5 local educational agencies shall inform school
6 personnel, service providers, and advocates
7 working with homeless families of the duties of
8 the liaisons.

9 “(C) LOCAL AND STATE COORDINATION.—
10 Local educational agency liaisons for homeless
11 children and youth shall, as a part of their du-
12 ties, coordinate and collaborate with State coor-
13 dinators and community and school personnel
14 responsible for the provision of education and
15 related services to homeless children and youth.

16 “(7) REVIEW AND REVISIONS.—

17 “(A) REVIEW AND REVISION OF POLI-
18 CIES.—Each State educational agency and local
19 educational agency shall review and revise any
20 policies that may act as barriers to the enroll-
21 ment of homeless children and youth in schools
22 selected in accordance with paragraph (3).

23 “(B) CONSIDERATION.—In reviewing and
24 revising such policies, consideration shall be
25 given to issues concerning transportation, im-

1 munization, residency, birth certificates, school
2 records, other documentation, guardianship,
3 and uniform or dress code requirements.

4 “(C) SPECIAL ATTENTION.—Special atten-
5 tion shall be given to ensuring the enrollment
6 and attendance of homeless children and youth
7 who are not currently attending school.

8 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**
9 **EDUCATION OF HOMELESS CHILDREN AND**
10 **YOUTH.**

11 “(a) GENERAL AUTHORITY.—

12 “(1) IN GENERAL.—The State educational
13 agency shall, in accordance with section 722(e) and
14 from amounts made available to such agency under
15 section 722(c), make subgrants to local educational
16 agencies for the purpose of facilitating the enroll-
17 ment, attendance, and success in school of homeless
18 children and youth.

19 “(2) SERVICES.—

20 “(A) IN GENERAL.—Services under para-
21 graph (1)—

22 “(i) may be provided through pro-
23 grams on school grounds or at other facili-
24 ties;

1 “(ii) shall, to the maximum extent
2 practicable, be provided through existing
3 programs and mechanisms that integrate
4 homeless individuals with nonhomeless in-
5 dividuals; and

6 “(iii) shall be designed to expand or
7 improve services provided as part of a
8 school’s regular academic program, but not
9 replace that program.

10 “(B) SERVICES ON SCHOOL GROUNDS.—If
11 services under paragraph (1) are provided on
12 school grounds, schools—

13 “(i) may use funds under this subtitle
14 to provide the same services to other chil-
15 dren and youth who are determined by the
16 local educational agency to be at risk of
17 failing in, or dropping out of, schools, sub-
18 ject to the requirements of clause (ii); and

19 “(ii) shall not provide services in set-
20 tings within a school that segregates home-
21 less children and youth from other children
22 and youth, except as is necessary for short
23 periods of time—

24 “(I) for health and safety emer-
25 gencies; or

1 “(II) to provide temporary, spe-
2 cial, supplementary services to meet
3 the unique needs of homeless children
4 and youth.

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

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

17 “(1) an assessment of the educational and re-
18 lated needs of homeless children and youth in such
19 agency (which may be undertaken as a part of needs
20 assessments for other disadvantaged groups), includ-
21 ing, for example, the particular needs of homeless
22 youth who have become separated from school and
23 may need special supports to enroll and succeed in
24 school, and preschool age children, including pre-en-

1 rollment requirements that act as a barrier to entry
2 into preschool programs;

3 “(2) a description of the services and programs
4 for which assistance is sought and the problems to
5 be addressed through the provision of such services
6 and programs, including services and programs af-
7 fecting unaccompanied youth, youth separated from
8 school and preschool age children, including those in
9 need of early intervention services;

10 “(3) an assurance that the local educational
11 agency’s combined fiscal effort per student or the
12 aggregate expenditures of that agency and the State
13 with respect to the provision of free public education
14 by such agency for the fiscal year preceding the fis-
15 cal year for which the determination is made was
16 not less than 90 percent of such combined fiscal ef-
17 fort or aggregate expenditures for the second fiscal
18 year preceding the fiscal year for which the deter-
19 mination is made;

20 “(4) an assurance that the applicant complies
21 with, or will use requested funds to come into com-
22 pliance with, paragraphs (3) through (7) of section
23 722(g); and

24 “(5) a description of policies and procedures
25 that the agency will implement to ensure that activi-

1 ties carried out by the agency will not isolate or stig-
2 matize homeless children and youth.

3 “(c) AWARDS.—

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

13 “(2) NEED.—In determining need under para-
14 graph (1), the State educational agency may con-
15 sider the number of homeless children and youth en-
16 rolled in preschool, elementary, and secondary
17 schools within the area served by the agency, and
18 shall consider the needs of such children and youth
19 and the ability of the agency to meet such needs.
20 Such agency may also consider—

21 “(A) the extent to which the proposed use
22 of funds would facilitate the enrollment, reten-
23 tion, and educational success of homeless chil-
24 dren and youth;

1 “(B) the extent to which the application
2 reflects coordination with other local and State
3 agencies that serve homeless children and
4 youth, and meets the requirements of section
5 722(g)(3);

6 “(C) the extent to which the applicant ex-
7 hibits in the application and in current practice
8 a commitment to education for all homeless
9 children and youth; and

10 “(D) such other criteria as the State edu-
11 cational agency determines appropriate.

12 “(3) QUALITY.—In determining the quality of
13 applications under paragraph (1), the State edu-
14 cational agency shall consider—

15 “(A) the applicant’s needs assessment
16 under subsection (b)(1) and the likelihood that
17 the program presented in the application will
18 meet such needs;

19 “(B) the types, intensity, and coordination
20 of the services to be provided under the pro-
21 gram;

22 “(C) the involvement of parents or guard-
23 ians;

1 “(D) the extent to which homeless children
2 and youth will be integrated within the regular
3 education program;

4 “(E) the quality of the applicant’s evalua-
5 tion plan for the program;

6 “(F) the extent to which services provided
7 under this subtitle will be coordinated with
8 other available services; and

9 “(G) such other measures as the State
10 educational agency considers indicative of a
11 high-quality program.

12 “(4) DURATION OF GRANTS.—Grants awarded
13 under this section shall be for terms not to exceed
14 three years.

15 “(d) AUTHORIZED ACTIVITIES.—A local educational
16 agency may use funds awarded under this section for ac-
17 tivities to carry out the purpose of this subtitle,
18 including—

19 “(1) the provision of tutoring, supplemental in-
20 struction, and enriched educational services that are
21 linked to the achievement of the same challenging
22 State student performance standards the State es-
23 tablishes for other children or youth;

24 “(2) the provision of expedited evaluations of
25 the strengths and needs of homeless children and

1 youth, including needs and eligibility for programs
2 and services (such as educational programs for gift-
3 ed and talented students, children with disabilities,
4 and students with limited-English proficiency, serv-
5 ices provided under title I of the Elementary and
6 Secondary Education Act of 1965 or similar State
7 or local programs, programs in vocational education,
8 and school meals programs);

9 “(3) professional development and other activi-
10 ties for educators and pupil services personnel that
11 are designed to heighten the understanding and sen-
12 sitivity of such personnel to the needs of homeless
13 children and youth, the rights of such children and
14 youth under this Act, and the specific educational
15 needs of runaway and homeless youth;

16 “(4) the provision of referral services to home-
17 less children and youth for medical, dental, mental,
18 and other health services;

19 “(5) the provision of assistance to defray the
20 excess cost of transportation for students pursuant
21 to section 722(g)(4)(A), not otherwise provided
22 through Federal, State, or local funding, where nec-
23 essary to enable students to attend the school se-
24 lected under section 722(g)(3);

1 “(6) the provision of developmentally appro-
2 priate early childhood education programs, not oth-
3 erwise provided through Federal, State, or local
4 funding, for preschool aged children;

5 “(7) the provision of services and assistance to
6 attract, engage, and retain homeless youth, including
7 unaccompanied youth, in public school programs and
8 services provided to nonhomeless youth;

9 “(8) the provision of before- and after-school,
10 mentoring, and summer programs for homeless chil-
11 dren and youth in which a teacher or other qualified
12 individual provides tutoring, homework assistance,
13 and supervision of educational activities;

14 “(9) if necessary, the payment of fees and other
15 costs associated with tracking, obtaining, and trans-
16 ferring records necessary to enroll homeless children
17 and youth in school, including birth certificates, im-
18 munization records, academic records, guardianship
19 records, and evaluations for special programs or
20 services;

21 “(10) the provision of education and training to
22 the parents of homeless children and youth about
23 the rights of, and resources available to, such chil-
24 dren and youth;

1 “(11) the development of coordination between
2 schools and agencies providing services to homeless
3 children and youth as described in subsection (g)(5);

4 “(12) the provision of pupil services (including
5 violence prevention counseling) and referrals for
6 such services;

7 “(13) activities to address the particular needs
8 of homeless children and youth that may arise from
9 domestic violence;

10 “(14) the adaptation of space and purchase of
11 supplies for nonschool facilities made available under
12 subsection (a)(2) to provide services under this sub-
13 section;

14 “(15) the provision of school supplies and uni-
15 forms, including those supplies to be distributed at
16 shelters or temporary housing facilities, or other ap-
17 propriate locations; and

18 “(16) the provision of other extraordinary or
19 emergency assistance needed to enable homeless chil-
20 dren and youth to attend school.

21 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

22 “(a) REVIEW OF PLANS.—In reviewing the State
23 plan submitted by a State educational agency under sec-
24 tion 722(g), the Secretary shall use a peer review process
25 and shall evaluate whether State laws, policies, and prac-

1 tices described in such plans adequately address the prob-
2 lems of homeless children and youth relating to access to
3 education and placement as described in such plans.

4 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide support and technical assistance to the State edu-
6 cational agencies to assist such agencies to carry out their
7 responsibilities under this subtitle.

8 “(c) NOTICE.—The Secretary shall, before the next
9 school year that begins after the date of the enactment
10 of the McKinney-Vento Homeless Education Act of 2001,
11 create a public notice of the educational rights of homeless
12 children and youth and disseminate such notice to other
13 Federal agencies, programs, and grantees, including Head
14 Start grantees, health care for homeless projects, emer-
15 gency food and shelter grantees, and homeless assistance
16 programs administered by the Department of Housing
17 and Urban Development.

18 “(d) EVALUATION AND DISSEMINATION.—The Sec-
19 retary shall conduct evaluation and dissemination activi-
20 ties of programs designed to meet the educational needs
21 of homeless elementary and secondary school students,
22 and may use funds appropriated under section 726 to con-
23 duct such activities.

24 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
25 retary shall require applications for grants under this sub-

1 title to be submitted to the Secretary not later than the
2 expiration of the 60-day period beginning on the date that
3 funds are available for purposes of making such grants
4 and shall make such grants not later than the expiration
5 of the 120-day period beginning on such date.

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

13 “(g) INFORMATION.—

14 “(1) IN GENERAL.—From funds appropriated
15 under section 726, the Secretary shall, either di-
16 rectly or through grants, contracts, or cooperative
17 agreements, periodically collect and disseminate data
18 and information regarding—

19 “(A) the number and location of homeless
20 children and youth;

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

23 “(C) the extent to which such needs are
24 being met; and

1 “(D) such other data and information as
2 the Secretary deems necessary and relevant to
3 carry out this subtitle.

4 “(2) COLLECTION AND DISSEMINATION OF IN-
5 FORMATION.—The Secretary shall coordinate such
6 collection and dissemination with other agencies and
7 entities that receive assistance and administer pro-
8 grams under this subtitle.

9 “(h) REPORT.—Not later than 4 years after the date
10 of the enactment of the McKinney-Vento Homeless Edu-
11 cation Act of 2001, the Secretary shall prepare and submit
12 to the President and appropriate committees of the House
13 of Representatives and the Senate a report on the status
14 of education of homeless youth and children, which shall
15 include information on—

16 “(1) the education of homeless children and
17 youth; and

18 “(2) the actions of the Department of Edu-
19 cation and the effectiveness of the programs sup-
20 ported under this subtitle.

21 **“SEC. 725. DEFINITIONS.**

22 “For the purpose of this subtitle, unless otherwise
23 stated, the following terms have the following meanings:

24 “(1) The term ‘homeless children and youth’
25 means individuals who lack a fixed, regular, and

1 adequate nighttime residence (within the meaning of
2 section 103(a)(1)). The term includes children and
3 youth who are living in doubled-up accommodations
4 sharing the housing of another due to loss of hous-
5 ing, economic hardship or a similar reason, are liv-
6 ing in motels, hotels, trailer parks, or camping
7 grounds due to the lack of alternative adequate ac-
8 commodations, are living in emergency or transi-
9 tional shelters, are abandoned in hospitals, or are
10 awaiting foster care placement. The term includes
11 individuals who have a primary nighttime residence
12 that is a public or private place not designed for or
13 ordinarily used as a regular sleeping accommodation
14 for human beings (within the meaning of section
15 103(2)(C)). The term also includes children and
16 youth who are living in cars, parks, public spaces,
17 abandoned buildings or substandard housing, bus or
18 train stations, or similar settings.

19 “(2) The terms ‘enroll’ and ‘enrollment’ include
20 within their meaning, the right to actually attend
21 school.

22 “(3) The terms ‘local educational agency’ and
23 ‘State educational agency’ have the same meaning
24 given such terms in section 14101 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 8801 et seq.).

3 “(4) The term ‘Secretary’ means the Secretary
4 of Education.

5 “(5) The term ‘State’ means each of the 50
6 States, the District of Columbia, and the Common-
7 wealth of Puerto Rico.

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

9 “For the purpose of carrying out this subtitle, there
10 are authorized to be appropriated \$90,000,000 for fiscal
11 year 2002 and such sums as may be necessary for each
12 of fiscal years 2003 through 2006.”.

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