

1       **TITLE IX—MISCELLANEOUS**  
2                   **PROVISIONS**

3       **PART A—AMENDMENTS TO OTHER ACTS**

4       **Subpart 1—National Education Statistics Act**

5       **SEC. 901. AMENDMENT TO NESA.**

6       Section 411 of the National Education Statistics Act  
7 of 1994 (20 U.S.C. 9010) is amended—

8           (1) by amending subsection (b)(2) to read as  
9 follows:

10           “(2) STATE ASSESSMENTS.—(A) The Commis-  
11 sioner, in carrying out the National Assessment—

12                   “(i) may conduct State assessments of stu-  
13 dent achievement in grades 4, 8, and 12; and

14                   “(ii) shall conduct annual State assess-  
15 ments of student achievement in reading and  
16 mathematics in grades 4 and 8 in order for  
17 States to carry out section 1111(c)(2) of the  
18 Elementary and Secondary Education Act of  
19 1965.

20           “(B)(i) Except as provided in clause (ii), a par-  
21 ticipating State shall review and give permission for  
22 the release of results from any test of its students  
23 administered as a part of a State assessment prior  
24 to the release of the data. Refusal by a State to re-  
25 lease its data shall not restrict the release of data



1 from other States that have approved the release of  
2 that data.

3 “(ii) A State participating in the annual State  
4 assessments of its students in reading and mathe-  
5 matics in grades 4 and 8 shall be deemed to have  
6 given its permission to release its data if it has an  
7 approved plan under section 1111 of the Elementary  
8 and Secondary Education Act of 1965.”; and

9 (2) by amending subsection (d) to read as fol-  
10 lows:

11 “(d) PARTICIPATION.—

12 “(1) NATIONAL AND REGIONAL PARTICIPA-  
13 TION.—Participation in the national and regional as-  
14 sessments by State and local educational agencies  
15 shall be voluntary.

16 “(2) STATE PARTICIPATION.—Participation in  
17 assessments made on a State basis shall be vol-  
18 untary.”.

19 **Subpart 2—Homeless Education**

20 **SEC. 911. SHORT TITLE.**

21 This subpart may be cited as the “McKinney-Vento  
22 Homeless Education Assistance Improvements Act of  
23 2001”.

24 **SEC. 912. FINDINGS.**

25 Congress makes the following findings:



1 (1) An estimated 1,000,000 children in the  
2 United States will experience homelessness in 2001.

3 (2) Homelessness has a devastating impact on  
4 the educational opportunities of children and youth.  
5 Homeless children go hungry at more than twice the  
6 rate of other children, have four times the rate of  
7 delayed development, and are twice as likely to re-  
8 peat a grade.

9 (3) Despite steady progress in school enroll-  
10 ment and attendance resulting from the passage in  
11 1987 of the Stewart B. McKinney Homeless Assist-  
12 ance Act (42 U.S.C. 11301 et seq.), homeless stu-  
13 dents still face numerous barriers to education, in-  
14 cluding residency, guardianship and registration re-  
15 quirements, delays in the transfer of school records,  
16 and inadequate transportation service.

17 (4) School is one of the few secure factors in  
18 the lives of homeless children and youth, providing  
19 stability, structure, and accomplishment during a  
20 time of great upheaval.

21 (5) Homeless children and youth require edu-  
22 cational stability and the opportunity to maintain  
23 regular and consistent attendance in school, so that  
24 they acquire the skills necessary to escape poverty  
25 and lead productive, healthy lives as adults.





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

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

17          “(3) homelessness alone is not sufficient reason  
18          to separate students from the mainstream school en-  
19          vironment; and

20          “(4) homeless children and youth must have ac-  
21          cess to the education and other services that such  
22          children and youth need to ensure that such children  
23          and youth have an opportunity to meet the same  
24          challenging State student performance standards to  
25          which all students are held.



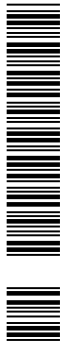
1 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
2 **THE EDUCATION OF HOMELESS CHILDREN**  
3 **AND YOUTH.**

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

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

14 “(c) ALLOCATION AND RESERVATIONS.—

15 “(1) IN GENERAL.—Subject to paragraph (2)  
16 and section 724(d), from the amounts appropriated  
17 for each fiscal year under section 726, the Secretary  
18 is authorized to allot to each State an amount that  
19 bears the same ratio to the amount appropriated for  
20 such year under section 726 as the amount allocated  
21 under section 1122 of the Elementary and Sec-  
22 ondary Education Act of 1965 to the State for that  
23 year bears to the total amount allocated under sec-  
24 tion 1122 of such Act to all States for that year, ex-  
25 cept that no State shall receive less than \$125,000

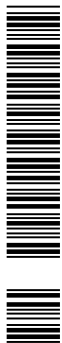


1 or 1/2 of 1 percent of the amount appropriated under  
2 section 726, whichever is greater.

3 “(2) RESERVATION.—(A) The Secretary is au-  
4 thorized to reserve 0.1 percent of the amount appro-  
5 priated for each fiscal year under section 726 to be  
6 allocated by the Secretary among the United States  
7 Virgin Islands, Guam, American Samoa, and the  
8 Commonwealth of the Northern Mariana Islands, ac-  
9 cording to their respective need for assistance under  
10 this subtitle, as determined by the Secretary.

11 “(B)(i) The Secretary shall transfer one percent  
12 of the amount appropriated for each fiscal year  
13 under section 726 to the Department of the Interior  
14 for programs for Indian students served by schools  
15 funded by the Secretary of the Interior, as deter-  
16 mined under the Indian Self-Determination and  
17 Education Assistance Act (25 U.S.C. 450 et seq.),  
18 that are consistent with the purposes of this Act.

19 “(ii) The Secretary and the Secretary of the In-  
20 terior shall enter into an agreement, consistent with  
21 the requirements of this part, for the distribution  
22 and use of the funds described in clause (i) under  
23 terms that the Secretary determines best meet the  
24 purposes of the programs described in such clause.  
25 Such agreement shall set forth the plans of the Sec-



1       retary of the Interior for the use of the amounts  
2       transferred, including appropriate goals, objectives,  
3       and milestones.

4               “(3) STATE DEFINED.—As used in this sub-  
5       section, the term ‘State’ shall not include the United  
6       States Virgin Islands, Guam, American Samoa, and  
7       the Commonwealth of the Northern Mariana Is-  
8       lands.

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 homeless  
15      children, and 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 Coor-  
19      dinator 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) MINIMUM DISBURSEMENTS BY STATES.—

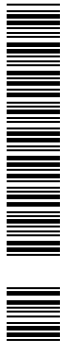
6 From the sums made available each year to carry  
7 out this subtitle, the State education agency shall  
8 distribute not less than 75 percent in grants to local  
9 educational agencies for the purposes of carrying out  
10 section 723, except that States funded at the min-  
11 imum level set forth in subsection (c)(1) shall dis-  
12 tribute not less than 50 percent in grants to local  
13 educational agencies for the purposes of carrying out  
14 section 723.

15 “(2) USE BY STATE EDUCATIONAL AGENCY.—

16 A State educational agency may use funds made  
17 available for State use under this subtitle to conduct  
18 activities under subsection (f) directly or through  
19 grants.

20 “(3) PROHIBITION ON SEGREGATING HOMELESS  
21 STUDENTS.—

22 “(A) IN GENERAL.—Except as provided in  
23 subparagraph (B) and section 723(a)(2)(B)(ii),  
24 in providing a free public education to a home-  
25 less child or youth, no State receiving funds



1 under this subtitle shall segregate such child or  
2 youth, either in a separate school or in a separate  
3 program within a school, based solely on  
4 such child's or youth's status as homeless.

5 “(B) EXCEPTION.—A State that operates  
6 a separate school for homeless children as of  
7 the day preceding the date of enactment of the  
8 McKinney-Vento Homeless Education Assistance  
9 Improvements Act of 2001—

10 “(i) shall remain eligible to receive,  
11 and to distribute to local educational agencies,  
12 funds under this subtitle for such  
13 school; and

14 “(ii) shall not distribute to local educational  
15 agencies in the State any funds  
16 received under this subtitle for use by any  
17 such schools not in operation as of such  
18 date of enactment.

19 “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
20 NATOR.—The Coordinator of Education of Homeless Children  
21 and Youth established in each State shall—

22 “(1) gather, to the extent possible, reliable,  
23 valid, and comprehensive information on the nature  
24 and extent of the problems homeless children and  
25 youth have in gaining access to public preschool pro-



1       grams and to public elementary and secondary  
2       schools, the difficulties in identifying the special  
3       needs of such children and youth, any progress made  
4       by the State educational agency and local edu-  
5       cational agencies in the State in addressing such  
6       problems and difficulties, and the success of the pro-  
7       gram under this subtitle in assisting homeless chil-  
8       dren and youth to enroll in, attend, and succeed in,  
9       school;

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

12           “(3) collect and transmit to the Secretary infor-  
13       mation gathered pursuant to paragraphs (1) and (2)  
14       at such time and in such manner as the Secretary  
15       may require;

16           “(4) facilitate coordination between the State  
17       educational agency, the State social services agency,  
18       and other agencies providing services to homeless  
19       children and youth, including homeless children, in-  
20       cluding preschool-aged homeless children, and youth,  
21       and families of such children and youth;

22           “(5) in order to improve the provision of com-  
23       prehensive education and related services to home-  
24       less children and youth and their families, coordinate  
25       and collaborate with—



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

3           “(B) State and local providers of services  
4           to homeless and runaway children and youth  
5           and homeless families (including domestic vio-  
6           lence agencies, shelter operators, transitional  
7           housing facilities, runaway and homeless youth  
8           centers, and transitional living programs for  
9           homeless youth);

10           “(C) local educational agency liaisons for  
11           homeless children and youth; and

12           “(D) State and local community organiza-  
13           tions and groups representing homeless children  
14           and youth and their families; and

15           “(6) provide technical assistance to local edu-  
16           cational agencies, in coordination with local liaisons  
17           designated under subsection (g)(1)(J)(ii), to ensure  
18           that local educational agencies comply with the re-  
19           quirements of paragraphs (3) through (7) of sub-  
20           section (g).

21           “(g) STATE PLAN.—

22           “(1) IN GENERAL.—Each State shall submit to  
23           the Secretary a plan to provide for the education of  
24           homeless children and youth within the State, which  
25           plan shall—



1           “(A) describe how such children and youth  
2 are or will be given the opportunity to meet the  
3 same challenging State student performance  
4 standards all students are expected to meet;

5           “(B) describe the procedures the State  
6 educational agency will use to identify such chil-  
7 dren and youth in the State and to assess their  
8 special needs;

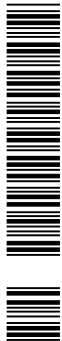
9           “(C) describe procedures for the prompt  
10 resolution of disputes regarding the educational  
11 placement of homeless children and youth;

12           “(D) describe programs for school per-  
13 sonnel (including principals, attendance officers,  
14 teachers, enrollment personnel, and pupil serv-  
15 ices personnel) to heighten the awareness of  
16 such personnel of the specific needs of runaway  
17 and homeless youth;

18           “(E) describe procedures that ensure that  
19 homeless children and youth who meet the rel-  
20 evant eligibility criteria are able to participate  
21 in Federal, State, or local food programs;

22           “(F) describe procedures that ensure  
23 that—

24                   “(i) homeless children have equal ac-  
25 cess to the same public preschool pro-



1                   grams, administered by the State agency,  
2                   as provided to other children;

3                   “(ii) homeless youth and youth sepa-  
4                   rated from the public schools are identified  
5                   and accorded equal access to appropriate  
6                   secondary education and support services;  
7                   and

8                   “(iii) homeless children and youth  
9                   who meet the relevant eligibility criteria  
10                  are able to participate in Federal, State, or  
11                  local before- and after-school care pro-  
12                  grams;

13                  “(G) address problems set forth in the re-  
14                  port provided to the Secretary under subsection  
15                  (f)(3);

16                  “(H) address other problems with respect  
17                  to the education of homeless children and  
18                  youth, including problems caused by enrollment  
19                  delays that are caused by—

20                         “(i) immunization and medical records  
21                         requirements;

22                         “(ii) residency requirements;

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

25                         “(iv) guardianship issues; or



1                   “(v) uniform or dress code require-  
2                   ments;

3                   “(I) demonstrate that the State edu-  
4                   cational agency and local educational agencies  
5                   in the State have developed, and shall review  
6                   and revise, policies to remove barriers to the en-  
7                   rollment and retention of homeless children and  
8                   youth in schools in the State; and

9                   “(J) contain assurances that—

10                   “(i) except as provided in subsection  
11                   (e)(3)(B), State and local educational  
12                   agencies will adopt policies and practices to  
13                   ensure that homeless children and youth  
14                   are not segregated solely on the basis of  
15                   their status as homeless;

16                   “(ii) local educational agencies will  
17                   designate an appropriate staff person, who  
18                   may also be a coordinator for other Fed-  
19                   eral programs, as a liaison for homeless  
20                   children and youth, to carry out the duties  
21                   described in paragraph (6)(A); and

22                   “(iii) the State and its local edu-  
23                   cational agencies will adopt policies and  
24                   practices to ensure that transportation is  
25                   provided, at the request of the parent or



1 guardian (or in the case of an unaccom-  
2 panied youth, the liaison) to and from the  
3 school of origin, as determined in para-  
4 graph (3)(A), in accordance with the fol-  
5 lowing, as applicable:

6 “(I) If the homeless child or  
7 youth continues to live in the area  
8 served by the local educational agency  
9 in which the school of origin is lo-  
10 cated, the child’s or youth’s transpor-  
11 tation to and from the school of origin  
12 shall be provided or arranged by the  
13 local educational agency in which the  
14 school of origin is located.

15 “(II) If the homeless child’s or  
16 youth’s living arrangements in the  
17 area served by the local educational  
18 agency of origin terminate and the  
19 child or youth, though continuing his  
20 or her education in the school of ori-  
21 gin, begins living in the area served  
22 by another local educational agency,  
23 the local educational agency of origin  
24 and the local educational agency in  
25 which the homeless child or youth is





1 living shall agree upon a method to  
 2 apportion the responsibility and costs  
 3 for providing the child with transpor-  
 4 tation to and from the school or ori-  
 5 gin. If the local educational agencies  
 6 are unable to agree upon such meth-  
 7 od, the responsibility and costs for  
 8 transportation shall be shared equally.

9 “(2) COMPLIANCE.—

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

15 “(B) COORDINATION.—Such plan shall in-  
 16 dicate what technical assistance the State will  
 17 furnish to local educational agencies and how  
 18 compliance efforts will be coordinated with the  
 19 local liaisons established under this subchapter.

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

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



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

4                   “(I) in any case in which a fam-  
5 ily becomes homeless between aca-  
6 demic years or during the academic  
7 year; or

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

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

17                   “(B) BEST INTEREST.—In determining the  
18 best interest of the child or youth under sub-  
19 paragraph (A), the local educational agency  
20 shall—

21                   “(i) to the extent feasible, keep a  
22 homeless child or youth in the school of or-  
23 igin, except when doing so is contrary to  
24 the wishes of the child’s or youth’s parent  
25 or guardian;



1                   “(ii) provide a written explanation, in-  
2                   cluding a statement regarding the right to  
3                   appeal under subparagraph (E), to the  
4                   homeless child’s or youth’s parent or  
5                   guardian if the local educational agency  
6                   sends such child or youth to a school other  
7                   than the school of origin or a school re-  
8                   quested by the parent or guardian; and

9                   “(iii) in the case of an unaccompanied  
10                  youth, ensure that the homeless liaison  
11                  designated under paragraph (1)(J)(2) as-  
12                  sists in placement or enrollment decisions  
13                  under this subparagraph and provides no-  
14                  tice to such youth of the right to appeal  
15                  under subparagraph (E).

16                  “(C) ENROLLMENT.—(i) The school se-  
17                  lected in accordance with this paragraph shall  
18                  immediately enroll pursuant to section 725(2)  
19                  the homeless child or youth, even if the child or  
20                  youth is unable to produce records normally re-  
21                  quired for enrollment, such as previous aca-  
22                  demic records, medical records, proof of resi-  
23                  dency, or other documentation.

24                  “(ii) The enrolling school shall immediately  
25                  contact the school last attended by the child or



1 youth to obtain relevant academic and other  
2 records.

3 “(iii) If the child or youth needs to obtain  
4 immunizations or immunization or medical  
5 records, the enrolling school shall immediately  
6 refer the parent or guardian of the child or  
7 youth to the liaison who shall assist in obtain-  
8 ing necessary immunizations or immunization  
9 or medical records in accordance with subpara-  
10 graph (E).

11 “(D) RECORDS.—Any record ordinarily  
12 kept by the school, including immunization or  
13 medical records, academic records, birth certifi-  
14 cates, guardianship records, and evaluations for  
15 special services or programs, of each homeless  
16 child or youth shall be maintained—

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

20 “(ii) in a manner consistent with sec-  
21 tion 444 of the General Education Provi-  
22 sions Act (20 U.S.C. 1232g).

23 “(E) ENROLLMENT DISPUTES.—If a dis-  
24 pute arises over school selection or enrollment  
25 in a school—



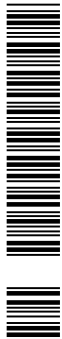
1           “(i) the child or youth shall be imme-  
2           diately admitted to the school in which en-  
3           rollment is sought, pending resolution of  
4           the dispute;

5           “(ii) the parent or guardian of the  
6           child or youth shall be provided with a  
7           written explanation of the school’s decision  
8           regarding school selection or enrollment,  
9           including the rights of the parent, guard-  
10          ian, or youth to appeal the decision;

11          “(iii) the child, youth, parent, or  
12          guardian shall be referred to the local liai-  
13          son designated under paragraph (1)(J)(ii),  
14          who shall carry out the dispute resolution  
15          process as described in paragraph (1)(A)  
16          as expeditiously as possible after receiving  
17          notice of the dispute; and

18          “(iv) in the case of an unaccompanied  
19          youth, the homeless liaison shall ensure  
20          that the youth is immediately enrolled in  
21          school pending resolution of the dispute.

22          “(F) PLACEMENT CHOICE.—The choice re-  
23          garding placement shall be made regardless of  
24          whether the child or youth lives with the home-



1 less parents or has been temporarily placed  
2 elsewhere.

3 “(G) SCHOOL OF ORIGIN DEFINED.—In  
4 this paragraph, the term ‘school of origin’  
5 means the school that the child or youth at-  
6 tended when permanently housed or the school  
7 in which the child or youth was last enrolled.

8 “(H) CONTACT INFORMATION.—Nothing  
9 in this subtitle shall prohibit a local educational  
10 agency from requiring a parent or guardian of  
11 a homeless child to submit contact information  
12 required by the local educational agency of a  
13 parent or guardian of a nonhomeless child.

14 “(4) COMPARABLE SERVICES.—Each homeless  
15 child or youth to be assisted under this subtitle shall  
16 be provided services comparable to services offered  
17 to other students in the school selected under para-  
18 graph (3), including—

19 “(A) transportation services;

20 “(B) educational services for which the  
21 child or youth meets the eligibility criteria, such  
22 as services provided under title I of the Elemen-  
23 tary and Secondary Education Act of 1965 or  
24 similar State or local programs, educational  
25 programs for children with disabilities, and edu-



1 educational programs for students with limited-  
2 English proficiency;

3 “(C) programs in vocational and technical  
4 education;

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

7 “(E) school nutrition programs.

8 “(5) COORDINATION.—

9 “(A) IN GENERAL.—Each local educational  
10 agency serving homeless children and youth  
11 that receives assistance under this subtitle shall  
12 coordinate—

13 “(i) the provision of services under  
14 this subtitle with local social services agen-  
15 cies and other agencies or programs pro-  
16 viding services to homeless children and  
17 youth and their families, including services  
18 and programs funded under the Runaway  
19 and Homeless Youth Act (42 U.S.C. 5701  
20 et 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) HOUSING ASSISTANCE.—If applica-  
2           ble, each State and local educational agency  
3           that receives assistance under this subtitle shall  
4           coordinate with State and local housing agen-  
5           cies responsible for developing the comprehen-  
6           sive housing affordability strategy described in  
7           section 105 of the Cranston-Gonzales National  
8           Affordable Housing Act (42 U.S.C. 12705) to  
9           minimize educational disruption for children  
10          and youth who become homeless.

11          “(C) COORDINATION PURPOSE.—The co-  
12          ordination required under subparagraphs (A)  
13          and (B) shall be designed to—

14                 “(i) ensure that homeless children and  
15                 youth have access and reasonable prox-  
16                 imity to available education and related  
17                 support services; and

18                 “(ii) raise the awareness of school  
19                 personnel and service providers of the ef-  
20                 fects of short-term stays in a shelter and  
21                 other challenges associated with homeless-  
22                 ness.

23          “(6) LIAISON.—





1           “(A) DUTIES.—Each local liaison for  
2 homeless children and youth, designated under  
3 paragraph (1)(J)(ii), shall ensure that—

4           “(i) homeless children and youth are  
5 identified by school personnel and through  
6 coordination activities with other entities  
7 and agencies;

8           “(ii) homeless children and youth en-  
9 roll in, and have an equal opportunity to  
10 succeed in, schools of that agency;

11           “(iii) homeless families, children, and  
12 youth receive educational services for  
13 which such families, children, and youth  
14 are eligible, including Head Start and  
15 Even Start programs and preschool pro-  
16 grams administered by the local edu-  
17 cational agency, and referrals to health  
18 care services, dental services, mental health  
19 services, and other appropriate services;

20           “(iv) the parents or guardians of  
21 homeless children and youth are informed  
22 of the education and related opportunities  
23 available to their children and are provided  
24 with meaningful opportunities to partici-  
25 pate in the education of their children;



1           “(v) public notice of the educational  
2           rights of homeless children and youth is  
3           disseminated where such children and  
4           youth receive services under this Act, such  
5           as family shelters and soup kitchens;

6           “(vi) enrollment disputes are mediated  
7           in accordance with subsection (g)(3)(E);  
8           and

9           “(vii) the parent or guardian of a  
10          homeless child or youth, and any unaccom-  
11          panied youth, is fully informed of all trans-  
12          portation services, including transportation  
13          to the school of origin, as described in  
14          paragraph (1)(J)(ii), and is assisted in ac-  
15          cessing transportation to the school se-  
16          lected in accordance with paragraph  
17          (3)(A).

18          “(B) NOTICE.—State coordinators whose  
19          duties are described under subsection (d) and  
20          local educational agencies shall inform school  
21          personnel, service providers, and advocates  
22          working with homeless families of the duties of  
23          the liaisons.

24          “(C) LOCAL AND STATE COORDINATION.—  
25          Local educational agency liaisons for homeless



1 children and youth shall, as a part of their du-  
2 ties, coordinate and collaborate with State coor-  
3 dinators and community and school personnel  
4 responsible for the provision of education and  
5 related services to homeless children and youth.

6 “(7) REVIEW AND REVISIONS.—

7 “(A) IN GENERAL.—Each State edu-  
8 cational agency and local educational agency  
9 that receives assistance under this subtitle,  
10 shall review and revise any policies that may act  
11 as barriers to the enrollment of homeless chil-  
12 dren and youth in schools selected in accord-  
13 ance with paragraph (3).

14 “(B) CONSIDERATION.—In reviewing and  
15 revising such policies, consideration shall be  
16 given to issues concerning transportation, im-  
17 munization, residency, birth certificates, school  
18 records and other documentation, and guard-  
19 ianship.

20 “(C) SPECIAL ATTENTION.—Special atten-  
21 tion shall be given to ensuring the enrollment  
22 and attendance of homeless children and youth  
23 who are not currently attending school.



1 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**  
2 **EDUCATION OF HOMELESS CHILDREN AND**  
3 **YOUTH.**

4 “(a) GENERAL AUTHORITY.—

5 “(1) IN GENERAL.—The State educational  
6 agency shall, in accordance with section 722(e) and  
7 from amounts made available to such agency under  
8 section 726, make grants to local educational agen-  
9 cies for the purpose of facilitating the enrollment,  
10 attendance, and success in school of homeless chil-  
11 dren and youth.

12 “(2) SERVICES.—

13 “(A) IN GENERAL.—Services under para-  
14 graph (1)—

15 “(i) may be provided through pro-  
16 grams on school grounds or at other facili-  
17 ties;

18 “(ii) shall, to the maximum extent  
19 practicable, be provided through existing  
20 programs and mechanisms that integrate  
21 homeless children and youth with non-  
22 homeless children and youth; and

23 “(iii) shall be designed to expand or  
24 improve services provided as part of a  
25 school’s regular academic program, but not



1 to replace such services provided under  
2 such program.

3 “(B) SERVICES ON SCHOOL GROUNDS.—If  
4 services under paragraph (1) are provided on  
5 school grounds, schools—

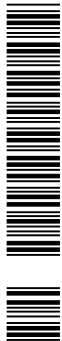
6 “(i) may use funds under this subtitle  
7 to provide the same services to other chil-  
8 dren and youth who are determined by the  
9 local educational agency to be at risk of  
10 failing in, or dropping out of, schools, sub-  
11 ject to the requirements of clause (ii); and

12 “(ii) except as otherwise provided in  
13 section 722(e)(3)(B), shall not provide  
14 services in settings within a school that  
15 segregates homeless children and youth  
16 from other children and youth, except as is  
17 necessary for short periods of time—

18 “(I) for health and safety emer-  
19 gencies; or

20 “(II) to provide temporary, spe-  
21 cial, and supplementary services to  
22 meet the unique needs of homeless  
23 children and youth.

24 “(3) REQUIREMENT.—Services provided under  
25 this section shall not replace the regular academic



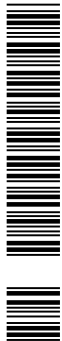
1 program and shall be designed to expand upon or  
2 improve services provided as part of the school's reg-  
3 ular academic program.

4 “(b) APPLICATION.—A local educational agency that  
5 desires to receive a grant under this section shall submit  
6 an application to the State educational agency at such  
7 time, in such manner, and containing or accompanied by  
8 such information as the State educational agency may rea-  
9 sonably require. Each such application shall include—

10 “(1) an assessment of the educational and re-  
11 lated needs of homeless children and youth, as de-  
12 fined in section 725(1) and (2), in the area served  
13 by such agency (which may be undertaken as part  
14 of needs assessments for other disadvantaged  
15 groups);

16 “(2) a description of the services and programs  
17 for which assistance is sought to address the needs  
18 identified in paragraph (1);

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



1 fort or aggregate expenditures for the second fiscal  
2 year preceding the fiscal year for which the deter-  
3 mination is made;

4 “(4) an assurance that the applicant complies  
5 with, or will use requested funds to comply with,  
6 paragraphs (3) through (7) of section 722(g); and

7 “(5) a description of policies and procedures,  
8 consistent with section 722(e)(3)(B), that the agency  
9 will implement to ensure that activities carried out  
10 by the agency will not isolate or stigmatize homeless  
11 children and youth.

12 “(c) AWARDS.—

13 “(1) IN GENERAL.—The State educational  
14 agency shall, in accordance with the requirements of  
15 this subtitle and from amounts made available to it  
16 under section 726, make competitive subgrants to  
17 local educational agencies that submit applications  
18 under subsection (b). Such subgrants shall be  
19 awarded on the basis of the need of such agencies  
20 for assistance under this subtitle and the quality of  
21 the applications submitted.

22 “(2) NEED.—In determining need under para-  
23 graph (1), the State educational agency may con-  
24 sider the number of homeless children and youth en-  
25 rolled in preschool, elementary, and secondary



1 schools within the area served by the agency, and  
2 shall consider the needs of such children and youth  
3 and the ability of the agency to meet such needs.

4 Such agency may also consider—

5 “(A) the extent to which the proposed use  
6 of funds would facilitate the enrollment, reten-  
7 tion, and educational success of homeless chil-  
8 dren and youth;

9 “(B) the extent to which the application—

10 “(i) reflects coordination with other  
11 local and State agencies that serve home-  
12 less children and youth; and

13 “(ii) meets the requirements of sec-  
14 tion 722(g)(3);

15 “(C) the extent to which the applicant ex-  
16 hibits in the application and in current practice  
17 a commitment to education for all homeless  
18 children and youth; and

19 “(D) such other criteria as the State agen-  
20 cy determines appropriate.

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

24 “(A) the applicant’s needs assessment  
25 under subsection (b)(1) and the likelihood that





1 the program presented in the application will  
2 meet such needs;

3 “(B) the types, intensity, and coordination  
4 of the services to be provided under the pro-  
5 gram;

6 “(C) the involvement of parents or guard-  
7 ians;

8 “(D) the extent to which homeless children  
9 and youth will be integrated within the regular  
10 education program;

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

13 “(F) the extent to which services provided  
14 under this subtitle will be coordinated with  
15 other available services; and

16 “(G) such other measures as the State  
17 educational agency considers indicative of a  
18 high-quality program.

19 “(4) DURATION OF GRANTS.—Grants awarded  
20 under this section shall be for terms not to exceed  
21 3 years.

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



1           “(1) the provision of tutoring, supplemental in-  
2           struction, and enriched educational services that are  
3           linked to the achievement of the same challenging  
4           State content standards and challenging State stu-  
5           dent performance standards the State establishes for  
6           other children and youth;

7           “(2) the provision of expedited evaluations of  
8           the strengths and needs of homeless children and  
9           youth, including needs and eligibility for programs  
10          and services (such as educational programs for gift-  
11          ed and talented students, children with disabilities,  
12          and students with limited-English proficiency, serv-  
13          ices provided under title I of the Elementary and  
14          Secondary Education Act of 1965 or similar State  
15          or local programs, programs in vocational and tech-  
16          nical education, and school nutrition programs);

17          “(3) professional development and other activi-  
18          ties for educators and pupil services personnel that  
19          are designed to heighten the understanding and sen-  
20          sitivity of such personnel to the needs of homeless  
21          children and youth, the rights of such children and  
22          youth under this Act, and the specific educational  
23          needs of runaway and homeless youth;



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

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

10           “(6) the provision of developmentally appro-  
11           priate early childhood education programs, not oth-  
12           erwise provided through Federal, State, or local  
13           funding, for preschool-aged children;

14           “(7) the provision of services and assistance to  
15           attract, engage, and retain homeless youth (as de-  
16           scribed in paragraphs (1) and (2) of section 725) in  
17           public school programs and services provided to non-  
18           homeless youth;

19           “(8) the provision for homeless children and  
20           youth of before- and after-school, mentoring, and  
21           summer programs in which a teacher or other quali-  
22           fied individual provides tutoring, homework assist-  
23           ance, and supervision of educational activities;

24           “(9) if necessary, the payment of fees and other  
25           costs associated with tracking, obtaining, and trans-



1       ferring records necessary to enroll homeless children  
2       and youth in school, including birth certificates, im-  
3       munization or medical records, academic records,  
4       guardianship records, and evaluations for special  
5       programs or services;

6               “(10) the provision of education and training to  
7       the parents of homeless children and youth about  
8       the rights of, and resources available to, such chil-  
9       dren and youth;

10              “(11) the development of coordination between  
11       schools and agencies providing services to homeless  
12       children and youth, as described in section  
13       722(g)(5);

14              “(12) the provision of pupil services (including  
15       violence prevention counseling) and referrals for  
16       such services;

17              “(13) activities to address the particular needs  
18       of homeless children and youth that may arise from  
19       domestic violence;

20              “(14) the adaptation of space and purchase of  
21       supplies for nonschool facilities made available under  
22       subsection (a)(2) to provide services under this sub-  
23       section;

24              “(15) the provision of school supplies, including  
25       those supplies to be distributed at shelters or tem-



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

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

6       **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

7               “(a) REVIEW OF PLANS.—In reviewing the State  
8       plan submitted by a State educational agency under sec-  
9       tion 722(g), the Secretary shall use a peer review process  
10      and shall evaluate whether State laws, policies, and prac-  
11      tices described in such plans adequately address the prob-  
12      lems of homeless children and youth relating to access to  
13      education and placement as described in such plans.

14              “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
15      provide support and technical assistance to the State edu-  
16      cational agencies to assist such agencies to carry out their  
17      responsibilities under this subtitle, if requested by the  
18      State educational agency.

19              “(c) NOTICE.—The Secretary shall, before the next  
20      school year that begins after the date of the enactment  
21      of the McKinney-Vento Homeless Education Assistance  
22      Improvements Act of 2001, create and disseminate nation-  
23      wide a public notice of the educational rights of homeless  
24      children and youth and disseminate such notice to other  
25      Federal agencies, programs, and grantees, including Head



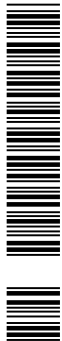
1 Start grantees, Health Care for the Homeless grantees,  
2 Emergency Food and Shelter grantees, and homeless as-  
3 sistance programs administered by the Department of  
4 Housing and Urban Development.

5 “(d) EVALUATION AND DISSEMINATION.—The Sec-  
6 retary shall conduct evaluation and dissemination activi-  
7 ties of programs designed to meet the educational needs  
8 of homeless elementary and secondary school students,  
9 and may use funds appropriated under section 726 to con-  
10 duct such activities.

11 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
12 retary shall require applications for grants under this sub-  
13 title to be submitted to the Secretary not later than the  
14 expiration of the 60-day period beginning on the date that  
15 funds are available for purposes of making such grants  
16 and shall make such grants not later than the expiration  
17 of the 120-day period beginning on such date.

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

25 “(g) INFORMATION.—



1           “(1) IN GENERAL.—From funds appropriated  
2           under section 726, the Secretary shall, either di-  
3           rectly or through grants, contracts, or cooperative  
4           agreements, periodically collect and disseminate data  
5           and information regarding—

6                   “(A) the number and location of homeless  
7           children and youth;

8                   “(B) the education and related services  
9           such children and youth receive;

10                   “(C) the extent to which such needs are  
11           being met; and

12                   “(D) such other data and information as  
13           the Secretary deems necessary and relevant to  
14           carry out this subtitle.

15           “(2) COORDINATION.—The Secretary shall co-  
16           ordinate such collection and dissemination with  
17           other agencies and entities that receive assistance  
18           and administer programs under this subtitle.

19           “(h) REPORT.—Not later than 4 years after the date  
20           of the enactment of the McKinney-Vento Homeless Edu-  
21           cation Assistance Improvements Act of 2001, the Sec-  
22           retary shall prepare and submit to the President and the  
23           Committee on Education and the Workforce of the House  
24           of Representatives and the Committee on Health, Edu-  
25           cation, Labor, and Pensions of the Senate a report on the



1 status of education of homeless children and youth, which  
2 shall include information on—

3 “(1) the education of homeless children and  
4 youth; and

5 “(2) the actions of the Department and the ef-  
6 fectiveness of the programs supported under this  
7 subtitle.

8 **“SEC. 725. DEFINITIONS.**

9 “In this subtitle:

10 “(1) The term ‘homeless children and youth’—

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

14 “(B) includes—

15 “(i) children and youth who are living  
16 in doubled-up accommodations sharing the  
17 housing of another due to loss of housing,  
18 economic hardship or a similar reason, are  
19 living in motels, hotels, trailer parks, or  
20 camping grounds due to the lack of alter-  
21 native adequate accommodations, are living  
22 in emergency or transitional shelters, are  
23 abandoned in hospitals, or are awaiting  
24 foster care placement;





1                   “(ii) individuals who have a primary  
2                   nighttime residence that is a public or pri-  
3                   vate place not designed for or ordinarily  
4                   used as a regular sleeping accommodation  
5                   for human beings (within the meaning of  
6                   section 103(a)(2)(C)); and

7                   “(iii) children and youth who are liv-  
8                   ing in cars, parks, public spaces, aban-  
9                   doned buildings or substandard housing,  
10                  bus or train stations, or similar settings;  
11                  and

12                  “(B) does not include migratory children  
13                  (as such term is defined in section 1309(2) of  
14                  the Elementary and Secondary Education Act  
15                  of 1965), unless such children are staying in ac-  
16                  commodations not fit for habitation.

17                  “(2) The term ‘unaccompanied youth’ includes  
18                  youth not in the physical custody of a parent or  
19                  guardian.

20                  “(3) The terms ‘enroll’ and ‘enrollment’ include  
21                  within their meaning the right to attend classes and  
22                  to participate fully in school activities.

23                  “(4) The terms ‘local educational agency’ and  
24                  ‘State educational agency’ have the meanings given



1 such terms in section 8101 of the Elementary and  
2 Secondary Education Act of 1965.

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

5 “(6) 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 \$36,000,000 for fiscal  
11 year 2002 and such sums as may be necessary for each  
12 of the fiscal years 2003 through 2006.”.

13 **SEC. 915. TECHNICAL AMENDMENT.**

14 (a) IN GENERAL.—Section 1 of Public Law 106–400  
15 (42 U.S.C. 11301) is amended by striking “Section 1 of”  
16 and inserting “Section 101 of”.

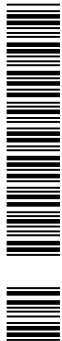
17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall be deemed to be effective on the date  
19 of enactment of Public Law 106–400.

20 **PART B—REPEALS**

21 **SEC. 921. REPEALS.**

22 The following provisions are repealed:

23 (1) GOALS.—Parts A and C of title II and title  
24 VI of Goals 2000: Educate America Act.



1           (2) TROOPS-TO-TEACHERS PROGRAM ACT OF  
2           1999.—The Troops-to-Teachers Program Act of  
3           1999 (title XVII of Public Law 106-65; 20 U.S.C.  
4           9301 et seq.).

5           (3) ESEA.—

6           (A) Title IX, relating to Indian, Native  
7           Hawaiian, and Alaska Native education.

8           (B) Parts A, B, C, D, F, G, I, J, L, of  
9           title X, relating to programs of national signifi-  
10          cance.

11          (C) Title XI, relating to coordinated serv-  
12          ices.

13          (D) Title XII, relating to education infra-  
14          structure.

15          (E) The title heading of title XIII and sec-  
16          tions 13001 and 13002.

17          (F) Title XIV, relating to general provi-  
18          sions.

