

110TH CONGRESS
1ST SESSION

H. R. 3205

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

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2007

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeless Education
5 Improvement Act of 2007”.

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

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

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

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “The following is the policy of Congress:

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

16 “(2) In any State where compulsory residency
17 requirements or other requirements of laws, regula-
18 tions, practices, or policies may act as a barrier to
19 the enrollment, attendance, or success in school or in
20 State-funded or local educational agency-funded pre-
21 school programs of homeless children and youths,
22 the State, and local educational agencies, shall re-
23 view and revise such laws, regulations, practices, or
24 policies to ensure that homeless children and youths
25 are afforded the same free, appropriate public edu-
26 cation as provided to other children and youths.

1 “(c) ALLOCATION AND RESERVATIONS.—

2 “(1) ALLOCATION.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the Secretary is authorized to allot
5 to each State an amount that bears the same
6 ratio to the amount appropriated for such year
7 under section 726 that remains after the Sec-
8 retary reserves funds under paragraph (2) and
9 uses funds to carry out subsections (d) and (h)
10 of section 724, as the amount allocated under
11 section 1122 of the Elementary and Secondary
12 Education Act of 1965 to the State for that
13 year bears to the total amount allocated under
14 section 1122 of such Act to all States for that
15 year, except that no State shall receive less
16 than the greater of—

17 “(i) \$300,000; or

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

21 “(B) RATABLE REDUCTION FOR INSUFFI-
22 CIENT FUNDS.—If there are insufficient funds
23 in a fiscal year to allot to each State the min-
24 imum amount under subparagraph (A), the
25 Secretary shall ratably reduce the allotments to

1 all States based on the proportionate share that
2 each State received under this subsection for
3 the preceding fiscal year.

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

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

21 “(ii) The Secretary and the Secretary of the In-
22 terior shall enter into an agreement, consistent with
23 the requirements of this Part, for the distribution
24 and use of the funds described in clause (i) under
25 terms that the Secretary determines best meet the

1 purposes of the programs described in this Part.
2 Such agreement shall set forth the plans of the Sec-
3 retary of the Interior for the use of the amounts
4 transferred, including appropriate goals, objectives,
5 and milestones.

6 “(3) STATE DEFINED.—For purposes of this
7 subsection, the term ‘State’ does not include the
8 United States Virgin Islands, Guam, American
9 Samoa, or the Commonwealth of the Northern Mar-
10 iana Islands.

11 “(d) ACTIVITIES.—Grants under this section shall be
12 used for the following:

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

15 “(2) To provide activities for, and services to,
16 homeless children and youths that enable such chil-
17 dren and youths to enroll in, attend, and succeed in
18 school and in State-funded or local educational agen-
19 cy-funded preschool programs.

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

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

3 “(5) To develop and implement professional de-
4 velopment activities for liaisons designated under
5 subsection (g)(1)(J)(ii) to heighten their awareness
6 of, and capacity to respond to, specific problems in
7 the education of homeless children and youths.

8 “(e) STATE AND LOCAL SUBGRANTS.—

9 “(1) MINIMUM DISBURSEMENTS BY STATES.—
10 From the sums made available each year to carry
11 out this Part, the State educational agency shall dis-
12 tribute not less than 75 percent in subgrants 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 Part to conduct
18 activities under subsection (f) directly or through
19 grants or contracts.

20 “(3) PROHIBITION ON SEGREGATING HOMELESS
21 CHILDREN AND YOUTHS.—

22 “(A) IN GENERAL.—In providing a free
23 public education to a homeless child or youth,
24 no State receiving funds under this subtitle
25 shall segregate such child or youth in a sepa-

1 rate school, or in a separate program within a
2 school, based on such child's or youth's status
3 as homeless.

4 “(B) TRANSITION FROM SEGREGATED
5 SCHOOLS IN FORMERLY COVERED COUNTIES.—

6 To ensure a smooth, rapid, and complete transi-
7 tion for all homeless children and youths from
8 segregated to nonsegregated schools or pro-
9 grams in formerly covered counties, each local
10 educational agency that serves such a covered
11 county shall—

12 “(i) coordinate with those segregated
13 schools and segregated programs within
14 schools located in formerly covered coun-
15 ties, to identify each homeless child and
16 youth enrolled in such schools and pro-
17 grams;

18 “(ii) for each homeless child and
19 youth so identified, determine if the child
20 or youth has a school of origin;

21 “(iii) immediately enroll each child or
22 youth in the school of origin if it is in the
23 child's or youth's best educational interest
24 in accordance with this Part and consistent
25 with the wishes of the parent, guardian, or

1 unaccompanied youth, and provide trans-
2 portation to and from the school of origin;

3 “(iv) immediately enroll each child or
4 youth in any nonsegregated public school if
5 enrollment in the school of origin is not in
6 the child’s or youth’s best educational in-
7 terests in accordance with this Part or is
8 against the wishes of the parent, guardian,
9 or unaccompanied youth;

10 “(v) ensure that each child and youth
11 receives the full protections and services
12 provided by this Act; and

13 “(vi) implement other policies and
14 practices necessary to ensure a smooth,
15 rapid, and complete integration into the
16 public schools of the local educational
17 agencies.

18 “(C) ROLE OF STATE EDUCATIONAL AGEN-
19 CY IN TRANSITION.—The State educational
20 agencies of California and Arizona shall provide
21 technical assistance to the local educational
22 agencies in the State that serve formerly cov-
23 ered counties to ensure the requirements of
24 subsection (B) are met.

1 “(D) TRANSITION PERIOD.—Not later
2 than the end of the academic year in which the
3 Homeless Education Improvement Act of 2007
4 is enacted, the transition referred to in sub-
5 paragraph (B) shall be complete.

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

9 “(1) gather and make publicly available reliable,
10 valid, and comprehensive information on the nature
11 and extent of the problems homeless children and
12 youths have in gaining access to State-funded or
13 local educational agency-funded preschool programs
14 and to public elementary schools and secondary
15 schools, the difficulties in identifying the special
16 needs and barriers to participation and achievement
17 of such children and youths, any progress made by
18 the State educational agency and local educational
19 agencies in the State in addressing such problems
20 and difficulties, and the success of the programs
21 under this Part in allowing homeless children and
22 youths to enroll in, attend, and succeed in, school;

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

1 “(3) collect and transmit to the Secretary, at
2 such time and in such manner as the Secretary may
3 require, reports containing such information as the
4 Secretary determines is necessary to assess the edu-
5 cational needs of all homeless children and youths
6 within the State, including data requested pursuant
7 to subsection (h) of section 724;

8 “(4) in order to improve identification of home-
9 less children and youths and to improve the provi-
10 sion of comprehensive education and related services
11 to homeless children and youths and their families,
12 and to minimize educational disruption, coordinate
13 and collaborate with—

14 “(A) educators, including special education
15 personnel, State-funded or local educational
16 agency-funded preschool personnel, and per-
17 sonnel from programs provided under titles I,
18 III, and IV of the Elementary and Secondary
19 Education Act of 1965 and similar State pro-
20 grams;

21 “(B) providers of services to homeless chil-
22 dren and youths and families, including public
23 and private child welfare and social services
24 agencies, law enforcement, juvenile and family
25 courts, agencies providing mental health serv-

1 ices, domestic violence agencies, child care pro-
2 viders, runaway and homeless youth centers,
3 and services and programs funded under the
4 Runaway and Homeless Youth Act (42 U.S.C.
5 5701 et seq.);

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

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

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

18 “(5) provide technical assistance to and conduct
19 monitoring of local educational agencies, in coordina-
20 tion with local educational agency liaisons designated
21 under subsection (g)(1)(J)(ii), to ensure that local
22 educational agencies comply with the requirements
23 of section 722(e)(3) and paragraphs (3) through (7)
24 of subsection (g).

25 “(g) STATE PLAN.—

1 “(1) IN GENERAL.—Each State shall submit to
2 the Secretary and implement a plan to provide for
3 the education of all homeless children and youths
4 within the State. Such plan shall include the fol-
5 lowing:

6 “(A) A description of how such children
7 and youths are (or will be) given the oppor-
8 tunity to meet the same challenging State aca-
9 demic achievement standards all students are
10 expected to meet.

11 “(B) A description of the procedures the
12 State educational agency will use to identify
13 such children and youths in the State and to
14 assess their special needs.

15 “(C) A description of procedures for the
16 prompt resolution of disputes arising under this
17 Part, which shall—

18 “(i) ensure that local educational
19 agencies have developed dispute resolution
20 procedures which, at a minimum—

21 “(I) are developed in coordina-
22 tion and collaboration with the liai-
23 sons designated under subsection
24 (g)(1)(J)(ii);

1 “(II) are accessible to parents
2 and guardians of homeless children
3 and youths and unaccompanied
4 youths;

5 “(III) provide such parents,
6 guardians, and youths with sufficient
7 opportunity to present their com-
8 plaints; and

9 “(IV) designate decisionmakers
10 who have received training on the re-
11 quirements of this Part;

12 “(ii) ensure that parents and guard-
13 ians of homeless children and youths and
14 unaccompanied youths who have exhausted
15 the procedures available under clause (i)
16 are able to appeal to the State educational
17 agency, which shall render decisions that
18 are binding on the relevant local edu-
19 cational agencies;

20 “(iii) define the role of the Coordi-
21 nator for Education of Homeless Children
22 and Youths in resolving disputes appealed
23 to the State educational agency;

1 “(iv) include procedures to resolve dis-
2 putes between local educational agencies
3 promptly;

4 “(v) ensure that homeless children
5 and youths are enrolled in school pursuant
6 to subsection (g)(3)(E) and receive trans-
7 portation pursuant to subsection
8 (g)(1)(J)(iii) pending final resolution of
9 disputes, including all available local and
10 State dispute resolution procedures and
11 pending legal actions, paying particular at-
12 tention to ensuring enrollment in cases of
13 disputes between local educational agen-
14 cies; and

15 “(vi) include procedures for State or
16 local educational agencies to determine the
17 need for, and ensure the delivery of, addi-
18 tional academic support in cases where a
19 local educational agency has unlawfully de-
20 nied a student access to school or school
21 services, including transportation.

22 “(D) A description of programs for school
23 and personnel (including liaisons, principals, at-
24 tendance officers, teachers, enrollment per-
25 sonnel, and pupil services personnel) to height-

1 en the awareness of such personnel of the spe-
2 cific needs of homeless adolescents, including
3 runaway and homeless youths.

4 “(E) A description of procedures that en-
5 sure that homeless children and youths are able
6 to participate in Federal, State, or local food
7 programs.

8 “(F) A description of procedures that en-
9 sure that—

10 “(i) homeless children have access to
11 public preschool programs administered by
12 the State educational agency and local edu-
13 cational agency, including through the poli-
14 cies and practices required under sub-
15 section (g)(7);

16 “(ii) homeless youths, including
17 youths separated from the public schools,
18 are identified and accorded access to ap-
19 propriate secondary education and support
20 services, including through the implemen-
21 tation of policies and practices to ensure
22 that such youths are able to receive credit
23 for full or partial coursework satisfactorily
24 completed while attending a prior school
25 and are afforded opportunities to recover

1 credits lost during periods of homelessness;
2 and

3 “(iii) homeless children and youths
4 who meet the relevant eligibility criteria
5 have access to magnet school, summer
6 school, vocational and technical education,
7 advanced placement, and charter school
8 programs.

9 “(G) Strategies to address problems identi-
10 fied in the report provided to the Secretary
11 under subsection (f)(3).

12 “(H) Strategies to address other problems
13 with respect to the education of homeless chil-
14 dren and youths, including enrollment problems
15 related to—

16 “(i) immunization and other required
17 health records and screenings;

18 “(ii) residency requirements;

19 “(iii) lack of birth certificates, school
20 records, or other documentation;

21 “(iv) guardianship issues; or

22 “(v) uniform or dress code require-
23 ments.

24 “(I) A demonstration that the State edu-
25 cational agency and local educational agencies

1 in the State regularly review and revise their
2 policies and practices to remove barriers to the
3 enrollment, attendance, retention, and success
4 of homeless children and youths in schools and
5 preschool programs funded by the State edu-
6 cational agency or local educational agencies in
7 the State.

8 “(J) Assurances that the following will be
9 carried out:

10 “(i) The State educational agency and
11 local educational agencies in the State will
12 adopt policies and practices to ensure that
13 homeless children and youths are not stig-
14 matized or segregated on the basis of their
15 status as homeless.

16 “(ii) Local educational agencies will
17 designate a staff person as the local edu-
18 cational agency liaison for homeless chil-
19 dren and youths, who shall have sufficient
20 training, resources, and time to carry out
21 the duties described in paragraph (6)(A),
22 and who may also be a coordinator for
23 other Federal programs.

24 “(iii) The State and local educational
25 agencies will adopt policies and practices to

1 ensure that transportation is provided ex-
2 peditiously, at the request of the parent or
3 guardian (or in the case of an unaccom-
4 panied youth, the liaison), to and from the
5 school of origin, for as long as the student
6 has the right to attend the school of origin
7 as determined in paragraph (3)(A), in ac-
8 cordance with the following, as applicable:

9 “(I) If the child or youth con-
10 tinues to live in the area served by the
11 local educational agency in which the
12 school of origin is located, the child’s
13 or youth’s transportation to and from
14 the school of origin shall be provided
15 or arranged by the local educational
16 agency in which the school of origin is
17 located.

18 “(II) If the child’s or youth’s liv-
19 ing arrangements in the area served
20 by the local educational agency of ori-
21 gin terminate and the child or youth,
22 though continuing his or her edu-
23 cation in the school of origin, begins
24 living in an area served by another
25 local educational agency, the local

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

13 “(iv) The State educational agency
14 and local educational agencies will adopt
15 policies and practices to ensure that home-
16 less children and youths have opportunities
17 to meet the same challenging State student
18 academic achievement standards to which
19 other students are held and are able to
20 participate fully in all classes and school
21 activities, including extracurricular activi-
22 ties, athletic activities for which they meet
23 skill level requirements, before and after
24 school programs, summer school programs,
25 field trips, classes, tests, and activities with

1 fees, services provided under title I of the
2 Elementary and Secondary Education Act
3 of 1965 and similar State and local pro-
4 grams, and other activities made available
5 to nonhomeless students. Such policies and
6 practices shall pay particular attention to
7 removing barriers related to fees, credit ac-
8 crual policies, the lack of guardianship, en-
9 rollment and participation deadlines, and
10 transportation issues.

11 “(2) COMPLIANCE.—

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

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

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

1 “(A) IN GENERAL.—The local educational
2 agency serving each child or youth to be as-
3 sisted under this Part shall, according to the
4 child’s or youth’s educational best interest—

5 “(i) continue the child’s or youth’s
6 education in the school of origin for the
7 duration of homelessness—

8 “(I) in any case in which a child
9 or youth becomes homeless between
10 academic years or during an academic
11 year; and

12 “(II) for the remainder of the
13 academic year, if the child or youth
14 becomes permanently housed during
15 an academic year; or

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

21 “(B) SCHOOL STABILITY.—In determining
22 the educational best interest of the child or
23 youth under subparagraph (A), and to promote
24 the school stability of the child or youth, the
25 local educational agency shall—

1 “(i) presume that continuing in the
2 school of origin is in the child’s or youth’s
3 best interest, except when doing so is con-
4 trary to the wishes of the child’s or youth’s
5 parent or guardian or the unaccompanied
6 youth;

7 “(ii) consider student-centered factors
8 related to the child’s or youth’s educational
9 best interest, in coordination with the par-
10 ent, guardian, or youth, including—

11 “(I) the harmful impact of school
12 mobility on academic achievement and
13 social and emotional well-being;

14 “(II) the age of the child or
15 youth;

16 “(III) the impact any commute
17 may have on the child’s or youth’s
18 education;

19 “(IV) personal safety issues;

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

23 “(VI) the length of anticipated
24 stay in temporary shelter or other
25 temporary location;

1 “(VII) the time remaining in the
2 school year; and

3 “(VIII) the school placement of
4 family members;

5 “(iii) provide the child’s or youth’s
6 parent or guardian or the unaccompanied
7 youth with a written explanation, in a
8 manner and form understandable to such
9 parent, guardian, or youth, including a
10 statement regarding the right to appeal
11 under subparagraph (E), if the local edu-
12 cational agency determines that it is not in
13 the child’s or youth’s best interest to at-
14 tend the school of origin or the school re-
15 quested by the parent, guardian, or youth;

16 “(iv) in the case of an unaccompanied
17 youth, ensure that the homeless liaison
18 designated under paragraph (1)(J)(ii) as-
19 sists in placement or enrollment decisions
20 under this subparagraph, considers the
21 views of such unaccompanied youth, and
22 provides notice to such youth of the right
23 to appeal under subparagraph (E);

24 “(v) in the case of a child or youth
25 whose school of origin is located in a State

1 adjacent to the State in which the child or
2 youth is living, consider the same student-
3 centered factors contained in subsection
4 (g)(3)(B)(ii); and

5 “(vi) provide transportation pursuant
6 to subsections (g)(1)(J)(iii) and (g)(4).

7 “(C) ENROLLMENT.—

8 “(i) IN GENERAL.—The school se-
9 lected in accordance with this paragraph
10 shall immediately enroll the homeless child
11 or youth, even if the child or youth—

12 “(I) is unable to produce records
13 normally required for enrollment, in-
14 cluding previous academic records, im-
15 munization and other required health
16 records and screenings, proof of resi-
17 dency or guardianship, or other docu-
18 mentation;

19 “(II) has unpaid fines or fees
20 from prior schools or is unable to pay
21 fees in the school selected; or

22 “(III) has missed application
23 deadlines during any period of home-
24 lessness.

1 “(ii) RELEVANT ACADEMIC
2 RECORDS.—The enrolling school shall im-
3 mediately contact the school last attended
4 by the child or youth to obtain relevant
5 academic and other records.

6 “(iii) IMMUNIZATIONS.—If the child
7 or youth needs to obtain immunizations, or
8 immunization or other required health
9 records or screenings, the enrolling school
10 shall immediately enroll the child or youth
11 and refer the parent or guardian of the
12 child or youth, or the unaccompanied
13 youth, to the local educational agency liai-
14 son designated under paragraph (1)(J)(ii),
15 who shall assist in obtaining necessary im-
16 munizations, or immunization or other re-
17 quired health records or screenings, in ac-
18 cordance with subparagraph (D).

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

25 “(D) RECORDS.—

1 “(i) IN GENERAL.—Any record ordi-
2 narily kept by the school, including immu-
3 nization and other health records and
4 screenings, academic records, birth certifi-
5 cates, guardianship records, and evalua-
6 tions for special services or programs, re-
7 garding each homeless child or youth shall
8 be—

9 “(I) maintained so that such
10 records are available, in a timely fash-
11 ion, when a child or youth enters a
12 new school or school district;

13 “(II) immediately sent to the en-
14 rolling school, even if the student owes
15 fees or fines or was not withdrawn
16 from the previous school in conform-
17 ance with local withdrawal procedures;
18 and

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

23 “(ii) RELEASE.—School records need-
24 ed for academic placement decisions shall

1 be released immediately by fax or other
2 available electronic means.

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

7 “(i) the child or youth shall be imme-
8 diately enrolled in the school in which en-
9 rollment is sought, pending final resolution
10 of the dispute, including all available ap-
11 peals;

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

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

1 tiously as possible after receiving notice of
2 such dispute; and

3 “(iv) in the case of an unaccompanied
4 youth, the homeless liaison shall ensure
5 that the youth is immediately enrolled in
6 the school in which the youth seeks enroll-
7 ment pending resolution of such dispute.

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

13 “(G) SCHOOL OF ORIGIN DEFINED.—In
14 this paragraph, the term ‘school of origin’
15 means the school that the child or youth at-
16 tended when permanently housed or the school
17 in which the child or youth was last enrolled.
18 Upon the child or youth completing the final
19 grade level served by the school of origin, the
20 term ‘school of origin’ shall include the des-
21 ignated receiving school at the next grade level
22 for all feeder schools.

23 “(H) CONTACT INFORMATION.—Nothing
24 in this Part shall prohibit a local educational

1 agency from requiring a parent or guardian of
2 a homeless child to submit contact information.

3 “(I) PRIVACY.—Information about a home-
4 less child’s or youth’s living situation shall be
5 treated as a student education record under
6 section 444 of the General Education Provi-
7 sions Act (20 U.S.C. 1232g) and shall not be
8 released to housing providers, employers, or
9 other persons or agencies not authorized under
10 section 99.31 of Part 34 of the Code of Federal
11 Regulations, paying particular attention to pre-
12 venting disruption of the living situation and to
13 supporting the safety of survivors of domestic
14 violence and unaccompanied youths.

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

23 “(4) COMPARABLE SERVICES.—In addition to
24 services provided for homeless children and youths
25 by this Part or other Federal, State, or local laws,

1 regulations, policies, or practices, each homeless
2 child or youth to be assisted under this Part also
3 shall be provided services comparable to services of-
4 fered to other students in the school selected under
5 paragraph (3), including the following:

6 “(A) Transportation services.

7 “(B) Educational services for which the
8 child or youth meets the eligibility criteria, in-
9 cluding charter schools, magnet schools, edu-
10 cational programs for children with disabilities,
11 and educational programs for students with
12 limited English proficiency.

13 “(C) Programs in vocational and technical
14 education.

15 “(D) Programs for gifted and talented stu-
16 dents.

17 “(E) School nutrition programs.

18 “(5) COORDINATION.—

19 “(A) IN GENERAL.—Each local educational
20 agency shall coordinate—

21 “(i) the provision of services under
22 this Part with local social services agencies
23 and other agencies or programs providing
24 services to homeless children and youths
25 and their families, including services and

1 programs funded under the Runaway and
2 Homeless Youth Act (42 U.S.C. 5701 et
3 seq.) and other agencies serving unaccom-
4 panied youths, public and private child wel-
5 fare agencies, Head Start and local pro-
6 grams administering State-funded pre-
7 school programs, and agencies providing
8 mental health services;

9 “(ii) with other local educational
10 agencies on interdistrict issues, including
11 transportation and transfer of school
12 records;

13 “(iii) the provision of services under
14 this Part with other education programs,
15 including programs provided under titles I,
16 III, and IV of the Elementary and Sec-
17 ondary Education Act of 1965 and similar
18 State and local programs, programs in vo-
19 cational and technical education, before
20 and after school programs, summer school
21 programs, programs provided for students
22 with disabilities, students with limited
23 English proficiency, and gifted and tal-
24 ented students, and local educational agen-
25 cy transportation directors; and

1 “(iv) with State and local agencies
2 and organizations providing emergency,
3 transitional, and permanent housing and
4 other services to homeless families and un-
5 accompanied youths, including developing
6 and implementing strategies to minimize
7 educational disruption for children and
8 youths who become homeless.

9 “(B) COORDINATION PURPOSE.—The co-
10 ordination required under subparagraph (A)
11 shall be designed to—

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

14 “(ii) ensure that homeless children
15 and youths have access and reasonable
16 proximity to available education and re-
17 lated support services;

18 “(iii) decrease the school mobility and
19 time and length of commute to and from
20 school of homeless children and youths;
21 and

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

1 other challenges associated with homeless-
2 ness.

3 “(C) HOMELESS CHILDREN AND YOUTHS
4 WITH DISABILITIES.—For children and youth to
5 be assisted under both this Part and the Indi-
6 viduals with Disabilities Education Act (20
7 U.S.C. 1400 et. seq.) or section 504 of the Re-
8 habilitation Act of 1973 (29 U.S.C. 794), each
9 local educational agency shall coordinate the
10 provision of services under this Part with pro-
11 grams provided for children with disabilities in
12 that local educational agency and other involved
13 local educational agencies. Such coordination
14 shall include the following:

15 “(i) Each local educational agency
16 shall adopt policies and practices to appor-
17 tion the cost and responsibility for pro-
18 viding transportation to children and
19 youths entitled to transportation services
20 under both subsection (1)(J)(iii) of this
21 Part and the Individuals with Disabilities
22 Education Act or section 504 of the Reha-
23 bilitation Act of 1973.

24 “(ii) If a local educational agency has
25 placed a child or youth in a public or pri-

1 vate educational program outside that local
2 educational agency under section
3 614(d)(1)(A) of the Individuals with Dis-
4 abilities Education Act (20 U.S.C.
5 1414(d)(1)(A)), and though moving to an
6 area served by another local educational
7 agency, the homeless child or youth is to
8 remain in that educational program as his
9 or her school of origin under paragraphs
10 (3)(A) and (B), the local educational agen-
11 cy that made the placement shall continue
12 payments for the placement, unless it and
13 the local educational agency where the stu-
14 dent is temporarily residing agree upon an-
15 other method to apportion the cost or the
16 State educational agency has devised an-
17 other method to apportion cost and respon-
18 sibility among local educational agencies.

19 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

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

24 “(i) homeless children and youths are
25 identified by school personnel and through

1 outreach and coordination activities with
2 other entities and agencies, including
3 through such measures as inquiries con-
4 cerning housing status on school registra-
5 tion forms and on withdrawal or exit
6 forms;

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

11 “(iii) homeless families, children, and
12 youths receive educational services for
13 which such families, children, and youths
14 are eligible, including Head Start and
15 Even Start programs and State-funded or
16 local educational agency-funded preschool
17 programs, and referrals to health care
18 services, dental services, mental health and
19 substance abuse services, housing services,
20 and other appropriate services;

21 “(iv) the parents or guardians of
22 homeless children and youths are informed
23 of the educational and related opportuni-
24 ties available to their children, including
25 preschool opportunities, and are provided

1 with meaningful opportunities to partici-
2 pate in the education of their children;

3 “(v) public notice of the educational
4 rights of homeless children and youths, in-
5 cluding procedures for dispute resolution,
6 is disseminated in locations frequented by
7 parents or guardians of such children and
8 youths, and unaccompanied youths, includ-
9 ing schools, shelters, and soup kitchens, in
10 a manner and form understandable to par-
11 ents and guardians of homeless children
12 and youths and unaccompanied youths;

13 “(vi) disputes are resolved in accord-
14 ance with paragraph (3)(E);

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

23 “(viii) school personnel are adequately
24 prepared to implement this title and re-
25 ceive professional development, resource

1 materials, technical assistance, and other
2 support; and

3 “(ix) unaccompanied youths are en-
4 rolled in school and have opportunities to
5 meet the same challenging State student
6 academic achievement standards to which
7 other students are held, including through
8 implementation of the policies and prac-
9 tices required by subsections (g)(1)(F)(ii)
10 and (g)(1)(J)(iv).

11 “(B) NOTICE.—State coordinators estab-
12 lished under subsection (d)(3) and local edu-
13 cational agencies shall inform school personnel,
14 service providers, and advocates working with
15 homeless families of the contact information
16 and duties of the local educational agency liai-
17 sons.

18 “(C) LOCAL AND STATE COORDINATION.—
19 Local educational agency liaisons for homeless
20 children and youths shall, as a part of their du-
21 ties, coordinate and collaborate with State coor-
22 dinators and community and school personnel
23 responsible for the provision of education and
24 related services to homeless children and
25 youths. Such coordination shall include col-

1 lecting and providing to the State coordinator
2 the data needed to meet the requirements of
3 subsections (f)(1) and (f)(3).

4 “(D) PROFESSIONAL DEVELOPMENT.—
5 Local educational agency liaisons for homeless
6 children and youths shall participate in the pro-
7 fessional development and other technical as-
8 sistance activities provided by the State coordi-
9 nator pursuant to subsection (f)(6).

10 “(7) SCHOOL READINESS FOR HOMELESS CHIL-
11 DREN.—

12 “(A) STATE AND LOCAL EDUCATIONAL
13 AGENCIES.—Each State educational agency and
14 local educational agency shall ensure that pre-
15 school programs funded, administered, or over-
16 seen by such agency—

17 “(i) comply with subsections (g)(3)
18 and (g)(4);

19 “(ii) identify and prioritize homeless
20 children for enrollment and increase their
21 enrollment and attendance in preschool
22 programs, including through policies such
23 as—

24 “(I) reserving spaces in preschool
25 programs for young children;

1 “(II) conducting targeted out-
2 reach to homeless children and their
3 families;

4 “(III) waiving application dead-
5 lines; and

6 “(IV) providing ongoing profes-
7 sional development for staff regarding
8 the needs of homeless children and
9 their families and strategies to serve
10 them; and

11 “(iii) review the educational and re-
12 lated needs of homeless children and their
13 families in such agencies’ service areas, in
14 coordination with the liaison designated
15 under subsection (g)(1)(J)(ii), and develop
16 policies and practices to meet identified
17 needs.

18 “(B) OTHER STATE AGENCIES.—In the
19 case of State-funded preschool programs that
20 are not funded, administered, or overseen by
21 the State educational agency or a local edu-
22 cational agency, the State agency that funds
23 such preschool programs shall—

24 “(i) develop, review, and revise its
25 policies and practices to remove barriers to

1 the enrollment, attendance, retention, and
2 success of homeless children in preschool
3 programs funded, administered, or over-
4 seen by the agency;

5 “(ii) comply with subsections (g)(3)
6 and (g)(4), except that such programs—

7 “(I) shall not be subject to the
8 dispute resolution procedures of the
9 State educational agency or local edu-
10 cational agencies, but shall ensure
11 that all of the dispute resolution pro-
12 cedures available through such pro-
13 grams and the State agency that
14 funds, administers, or oversees such
15 programs are accessible to parents
16 and guardians of homeless children
17 and shall provide such parents and
18 guardians with a written explanation
19 of their dispute and appeal rights; and

20 “(II) shall not be subject to the
21 transportation requirements of sub-
22 sections (g)(1)(J)(iii) or (g)(3)(B)(v),
23 but shall remove barriers to existing
24 transportation services for homeless
25 children and shall, to the maximum

1 extent practicable, arrange or provide
2 transportation for homeless children
3 to attend preschool programs, includ-
4 ing their preschool program of origin;
5 “(iii) identify and prioritize homeless
6 children for enrollment and increase their
7 enrollment and attendance in preschool
8 programs, including through policies such
9 as—

10 “(I) reserving spaces in preschool
11 programs for young children;

12 “(II) conducting targeted out-
13 reach to homeless children and their
14 families;

15 “(III) waiving application dead-
16 lines; and

17 “(IV) providing ongoing profes-
18 sional development for staff regarding
19 the needs of homeless children and
20 their families and strategies to serve
21 them; and

22 “(iv) review the educational and re-
23 lated needs of homeless children and their
24 families in the State, in coordination with
25 the Office of the Coordinator for Edu-

1 cation of Homeless Children and Youths
2 established under subsection (d)(3), and
3 develop policies and practices to meet iden-
4 tified needs.

5 “(h) NO DIMINISHMENT OF POWER.—Nothing in
6 this subtitle shall be construed to diminish the rights of
7 homeless parents, children, or youths otherwise provided
8 under State law.

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

12 “(a) GENERAL AUTHORITY.—

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

20 “(2) SERVICES.—

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

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

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

6 “(B) SERVICES ON SCHOOL GROUNDS.—If
7 services under paragraph (1) are provided on
8 school grounds, schools may use funds under
9 this Part to provide the same services to other
10 children and youths who are determined by the
11 local educational agency to be at risk of failing
12 in, or dropping out of, school.

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

18 “(b) APPLICATION.—A local educational agency that
19 desires to receive a subgrant under this section shall sub-
20 mit an application to the State educational agency at such
21 time, in such manner, and containing or accompanied by
22 such information as the State educational agency may rea-
23 sonably require. Such application shall include the fol-
24 lowing:

1 “(1) An assessment of the educational and re-
2 lated needs of homeless children and youths in the
3 area served by such agency (which may be under-
4 taken as part of needs assessments for other dis-
5 advantaged groups).

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

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

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

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

1 “(6) An assurance that the local educational
2 agency will collect and promptly provide data re-
3 quired by the State coordinator pursuant to sub-
4 sections (f)(1) and (f)(3) of section 722.

5 “(7) A description of the policies and practices
6 the local educational agency has implemented to re-
7 move barriers to the enrollment, attendance, and
8 success in school of all homeless children and
9 youths.

10 “(c) AWARDS.—

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

20 “(2) NEED.—In determining need under para-
21 graph (1), the State educational agency may con-
22 sider the number of homeless children and youths
23 enrolled in State-funded or local educational agency-
24 funded preschool programs and in elementary and
25 secondary schools within the area served by the local

1 educational agency, and shall consider the needs of
2 such children and youths and the ability of the local
3 educational agency to meet such needs. The State
4 educational agency may also consider the following:

5 “(A) The extent to which the proposed use
6 of funds will facilitate the identification, enroll-
7 ment, retention, and educational success of
8 homeless children and youths.

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 youths; and

13 “(ii) describes how the applicant will
14 meet the requirements of section
15 722(g)(3).

16 “(C) The extent to which the applicant ex-
17 hibits in the application and in current practice
18 a commitment to education for all homeless
19 children and youths.

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

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

1 “(A) The applicant’s needs assessment
2 under subsection (b)(1) and the likelihood that
3 the program presented in the application will
4 meet such needs.

5 “(B) The types, intensity, and coordination
6 of the services to be provided under the pro-
7 gram.

8 “(C) The meaningful involvement of par-
9 ents or guardians of homeless children or
10 youths in the education of their children.

11 “(D) The extent to which homeless chil-
12 dren and youths will be integrated within the
13 regular education program.

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

16 “(F) The extent to which services provided
17 under this Part will be coordinated with other
18 services available to homeless children and
19 youths and their families, including housing and
20 child welfare services and services provided
21 under the Individuals with Disabilities Edu-
22 cation Act, title I of the Elementary and Sec-
23 ondary Education Act of 1965, and similar
24 State and local programs.

1 “(G) The extent to which the local edu-
2 cational agency uses the subgrant to leverage
3 resources, including by maximizing non-
4 subgrant funding for the position of the liaison
5 and the provision of transportation.

6 “(H) The reservation of funds to serve
7 homeless children and youths under section
8 1113(c)(3) of title I of the Elementary and Sec-
9 ondary Education Act of 1965 according to the
10 needs assessment conducted pursuant to sub-
11 section (b)(1) of this section, and the use of
12 those funds to meet those needs.

13 “(I) Such other measures as the State edu-
14 cational agency considers indicative of a high-
15 quality program, including the extent to which
16 the local educational agency will provide case
17 management.

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

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

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 academic content standards and challenging
5 State student academic achievement standards the
6 State establishes for other children and youths.

7 “(2) The provision of expedited evaluations of
8 the strengths and needs of homeless children and
9 youths, including needs and eligibility for programs
10 and services (including educational programs for
11 gifted and talented students, children with disabili-
12 ties, and students with limited English proficiency,
13 charter schools, magnet schools, and programs in vo-
14 cational and technical education, and school nutri-
15 tion programs).

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

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

1 “(5) The provision of assistance to defray the
2 cost of transportation to State-funded or local edu-
3 cational agency-funded preschool programs and for
4 students under sections 722(g)(1)(J)(iii) and
5 722(g)(4)(A), not otherwise provided through Fed-
6 eral, State, or local funding, where necessary to en-
7 able students to attend the school selected under
8 section 722(g)(3).

9 “(6) The provision of developmentally appro-
10 prium early childhood development programs, not
11 otherwise provided through Federal, State, or local
12 funding.

13 “(7) The provision of services and assistance to
14 attract, engage, and retain homeless children and
15 youths, particularly homeless children and youths
16 who are not currently enrolled in school, in public
17 school programs and services provided to nonhome-
18 less children and youths.

19 “(8) The provision for homeless children and
20 youths 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
25 other costs associated with tracking, obtaining, and

1 transferring records necessary to facilitate the ap-
2 propriate placement of homeless children and youths
3 in school or State-funded or local educational agen-
4 cy-funded preschool programs, including birth cer-
5 tificates, immunization or medical records, academic
6 records, guardianship records, and evaluations for
7 special programs or services.

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

15 “(11) The development of coordination between
16 schools and agencies providing services to homeless
17 children and youths, as described in section
18 722(g)(5).

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

21 “(13) Activities to address the particular needs
22 of homeless children and youths that may arise from
23 domestic violence and parental mental health or sub-
24 stance abuse problems.

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

5 “(15) The provision of school supplies, includ-
6 ing those supplies to be distributed at shelters or
7 temporary housing facilities, or other appropriate lo-
8 cations.

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

13 “(17) The provision of other extraordinary or
14 emergency assistance needed to enable homeless chil-
15 dren and youths to enroll, attend, and succeed in
16 school or State-funded or local educational agency-
17 funded preschool programs.

18 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

19 “(a) REVIEW OF STATE PLANS.—In reviewing the
20 State plan submitted by a State educational agency under
21 section 722(g), the Secretary shall use a peer review proc-
22 ess and shall evaluate whether State laws, policies, and
23 practices described in such plan adequately address the
24 problems of all homeless children and youths relating to

1 access to education and placement as described in such
2 plan.

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

7 “(c) NOTICE.—The Secretary shall, before the next
8 school year that begins after the date of enactment of the
9 Homeless Education Improvement Act of 2007, create and
10 disseminate nationwide a public notice of the educational
11 rights of homeless children and youths, including informa-
12 tion regarding the definition of homeless children and
13 youths in paragraph (3) of section 725, and disseminate
14 such notice to other Department of Education offices, in-
15 cluding those responsible for special education programs,
16 higher education, and parts A, B, C, D, G, and H of title
17 I, title III, title IV, and part B of title V of the Elementary
18 and Secondary Education Act of 1965. The Secretary
19 shall also disseminate such notice to other Federal agen-
20 cies, programs, and grantees, including Head Start grant-
21 ees, Health Care for the Homeless grantees, Emergency
22 Food and Shelter grantees, Runaway and Homeless Youth
23 Act grantees, Chafee Independence Program grantees,
24 homeless assistance programs administered by the Depart-
25 ment of Housing and Urban Development, and the Office

1 of the Administration of Children Youth and Families of
2 the Department of Health and Human Services.

3 “(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall conduct evaluation and dissemination activi-
5 ties of programs designed to meet the educational needs
6 of homeless preschool, elementary, and secondary school
7 students, and may use funds appropriated under section
8 726 to award grants to, or enter into contracts or coopera-
9 tive agreements with, eligible entities to enable the eligible
10 entities to carry out such activities.

11 “(1) PRIORITIES.—The Secretary, in making
12 an award of such grant, contract, or cooperative
13 agreement, may, without regard to the rulemaking
14 procedures under section 553 of title 5, United
15 States Code, limit competitions to, or otherwise give
16 priority to programs with—

17 “(A) demonstrated experience in dissemi-
18 nation and technical assistance activities, in-
19 cluding using the Internet and other state-of-
20 the-art technology for efficient and cost-effec-
21 tive dissemination of information and technical
22 assistance;

23 “(B) demonstrated experience in the areas
24 of homelessness, at-risk youth, and education;
25 and

1 “(C) established collaborations and net-
2 works among State educational agencies, local
3 educational agencies, and national organizations
4 that provide services to homeless children,
5 youths, and families.

6 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
7 retary shall require applications for grants under section
8 722 of this Part to be submitted to the Secretary not later
9 than the expiration of the 120-day period beginning on
10 the date that funds are available for purposes of making
11 such grants and shall make such grants not later than
12 the expiration of the 180-day period beginning on such
13 date.

14 “(f) DETERMINATION BY SECRETARY.—The Sec-
15 retary, based on the information received from the States
16 and information gathered by the Secretary under sub-
17 section (h), shall determine the extent to which State edu-
18 cational agencies are ensuring that each homeless child
19 and homeless youth has access to a free appropriate public
20 education, as described in section 721(1), and shall pro-
21 vide support and technical assistance to State educational
22 agencies in areas in which barriers to a free appropriate
23 public education persist.

24 “(g) PUBLICATION.—The Secretary shall develop,
25 issue, and publish in the Federal Register, not later than

1 90 days after the date of enactment of the Homeless Edu-
2 cation Improvement Act of 2007, a summary of the
3 changes enacted by that Act. The summary shall in-
4 clude—

5 “(1) strategies by which a State may assist
6 local educational agencies to implement the amend-
7 ments;

8 “(2) strategies by which a State can review and
9 revise State policies and procedures that may
10 present barriers to the enrollment, attendance, and
11 success of homeless children and youths; and

12 “(3) strategies by which State-funded or local
13 educational agency-funded preschool programs can
14 implement the requirements of section 722(g)(7).

15 “(h) INFORMATION.—

16 “(1) IN GENERAL.—From funds appropriated
17 under section 726, the Secretary shall, directly or
18 through grants, contracts, or cooperative agree-
19 ments, periodically, but no less frequently than every
20 two years, collect and disseminate publicly data and
21 information regarding—

22 “(A) the number, and type of temporary
23 housing of homeless children and youths, in-
24 cluding such children and youths enrolled in
25 State-funded or local educational agency-funded

1 preschool programs, in all local educational
2 agencies;

3 “(B) the education and related services
4 such children and youths receive;

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

7 “(D) the academic progress being made by
8 homeless children and youths, including the
9 percent or number of homeless children and
10 youths participating in State assessments; and

11 “(E) such other data and information as
12 the Secretary determines to be necessary and
13 relevant to carry out this Part.

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

18 “(i) REPORT.—Not later than four years after the
19 date of enactment of the Homeless Education Improve-
20 ment Act of 2007, the Secretary shall prepare and submit
21 to the President and the Committee on Education and
22 Labor of the House of Representatives and the Committee
23 on Health, Education, Labor, and Pensions of the Senate
24 a report on the status of education of homeless children
25 and youths, which shall include information on—

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

3 “(2) the actions of the Secretary and the effec-
4 tiveness of the programs supported under this Part.

5 **“SEC. 725. DEFINITIONS.**

6 “For purposes of this subtitle:

7 “(1) The terms ‘enroll’ and ‘enrollment’ include
8 attending classes and participating fully in school
9 activities.

10 “(2) The term ‘formerly covered counties’
11 means, with respect to California, San Joaquin
12 County, Orange County, and San Diego County, and
13 with respect to Arizona, Maricopa County.

14 “(3) The term ‘homeless children and youths’—

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

18 “(B) includes—

19 “(i) children and youths who are shar-
20 ing the housing of other persons due to
21 loss of housing, economic hardship, or a
22 similar reason, are living in motels, hotels,
23 trailer parks, or camping grounds due to
24 the lack of alternative adequate accom-
25 modations, are living in emergency or tran-

1 sitional shelters, are abandoned in hos-
2 pitals, or are awaiting foster care place-
3 ment;

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

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

14 “(iv) migratory children (as such term
15 is defined in section 1309 of the Elemen-
16 tary and Secondary Education Act of
17 1965) who qualify as homeless for the pur-
18 poses of this subtitle because the children
19 are living in circumstances described in
20 clauses (i) through (iii).

21 “(4) The terms ‘include’ and ‘including’ mean
22 that the items named are not all of the possible
23 items that are covered, whether like or unlike the
24 ones named.

1 “(5) The terms ‘local educational agency’ and
2 ‘State educational agency’ have the meanings given
3 such terms in section 9101 of the Elementary and
4 Secondary Education Act of 1965.

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

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

10 “(8) The term ‘unaccompanied youth’ means a
11 homeless child or youth not in the physical custody
12 of a parent or legal guardian.

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

14 “For the purpose of carrying out this Part, there are
15 authorized to be appropriated to the Secretary
16 \$140,000,000 for fiscal year 2009 and such sums as may
17 be necessary for each of fiscal years 2010 through 2015.

18 **“PART B—TRANSPORTATION ASSISTANCE FOR**

19 **SCHOOL STABILITY, READINESS, AND SUCCESS**

20 **“SEC. 730. GRANTS FOR TRANSPORTATION FOR SCHOOL**

21 **STABILITY, READINESS, AND SUCCESS FOR**

22 **HOMELESS CHILDREN AND YOUTHS.**

23 “(a) GENERAL AUTHORITY.—The Secretary is au-
24 thorized to make grants to States in accordance with the

1 provisions of this section to enable such States to carry
2 out the activities described in subsection (d).

3 “(b) APPLICATION.—No State may receive a grant
4 under this section unless the State educational agency
5 submits an application to the Secretary at such time, in
6 such manner, and containing or accompanied by such in-
7 formation as the Secretary may reasonably require. The
8 application must—

9 “(1) contain assurances that the State, local
10 educational agencies, and preschool programs in the
11 State will meet the requirements of Part A of this
12 subtitle;

13 “(2) contain assurances and describe policies
14 and procedures in the State to ensure that the State
15 educational agency and local educational agencies
16 coordinate and collaborate with public and private
17 child welfare and social service agencies, State-fund-
18 ed or local educational agency-funded preschool pro-
19 grams, and providers of housing and shelter to
20 homeless children, youths, and families, including
21 public housing agencies, shelter operators, transi-
22 tional housing facilities, and transitional living pro-
23 grams for homeless youths, to minimize educational
24 disruption for homeless children and youths;

1 “(3) contain assurances that the State edu-
2 cational agency will review and revise its existing
3 transportation funding polices and procedures to en-
4 sure they promote compliance with the transpor-
5 tation requirements of Part A of this subtitle; and

6 “(4) describe the manner in which funds shall
7 be distributed to local educational agencies and local
8 agencies administering State-funded preschool pro-
9 grams and the transportation costs that shall be
10 funded under subsection (d).

11 “(c) ALLOCATION AND RESERVATIONS.—

12 “(1) ALLOCATION.—(A) The Secretary is au-
13 thorized to allot to each State an amount that bears
14 the same ratio to the amount appropriated for such
15 year under section 733 as the amount allocated
16 under section 1122 of the Elementary and Sec-
17 ondary Education Act of 1965 to the State for that
18 year bears to the total amount allocated under sec-
19 tion 1122 of such Act to all States for that year.

20 “(B) STATE DEFINED.—For purposes of this
21 Part, the term ‘State’ does not include the United
22 States Virgin Islands, Guam, American Samoa, or
23 the Commonwealth of the Northern Mariana Is-
24 lands.

1 “(d) ACTIVITIES.—Grants under this section shall be
2 used to assist local educational agencies and State-funded
3 or local educational-agency funded preschool programs in
4 meeting costs incurred in providing transportation to
5 homeless children and youths, including costs to—

6 “(1) provide transportation to the school of ori-
7 gin pursuant to subsections (g)(1)(J)(iii) and
8 (g)(3)(B)(v) of section 722 Part A of this subtitle;

9 “(2) provide transportation to local agencies ad-
10 ministering State-funded preschool programs pursu-
11 ant to subsection (g)(7) of section 722 of Part A of
12 this subtitle;

13 “(3) provide transportation to academic support
14 services, extracurricular activities, athletic activities,
15 before and after school programs, extended school
16 year services, and adult education programs;

17 “(4) provide transportation to parents or
18 guardians of homeless children or youths to increase
19 their meaningful involvement in the education of
20 their children;

21 “(5) provide transportation to the school serv-
22 ing the attendance area where the child or youth is
23 living in any case where the local educational agency
24 does not normally provide such transportation, if the
25 lack of such transportation presents a barrier to the

1 student's enrollment, attendance, or success in
2 school; and

3 “(6) provide other transportation services to
4 homeless children and youths that the Coordinator
5 for Education of Homeless Children and Youths
6 under section 722(d)(3) of Part A designates as re-
7 imburseable under subsection (b)(4).

8 “(e) STATE AND LOCAL SUBGRANTS.—

9 “(1) FUNCTIONS OF THE OFFICE OF COORDI-
10 NATOR.—The Coordinator for Education of Home-
11 less Children and Youths established in each State
12 under subsection 722(d)(3) of Part A of this subtitle
13 shall develop and carry out the State application de-
14 scribed in subsection (a).

15 “(2) MINIMUM DISBURSEMENTS BY STATES.—
16 From the sums made available each year to carry
17 out this Part, the State educational agency shall dis-
18 tribute not less than 95 percent to local educational
19 agencies and local agencies administering preschool
20 programs to carry out the activities described in sub-
21 section (d).

22 “(3) USE BY STATE EDUCATIONAL AGENCY.—
23 A State educational agency—

24 “(A) shall use funds made available for
25 State use under this Part to collect and trans-

1 mit to the Secretary, together with the data re-
2 quired under section 722(f)(3) of Part A, data
3 indicating, for each of the transportation cat-
4 egories listed in subsection (d), the numbers of
5 children and youths who received transportation
6 services and the percentage of the total funds
7 that were used to provide such services; and

8 “(B) may use funds made available for
9 State use under this Part to conduct activities
10 under subsection (d) directly or through grants
11 or contracts.

12 “(f) RELATION TO PART A.—Notwithstanding the
13 amount appropriated under section 733, nothing in this
14 Part shall be construed to negate or otherwise affect the
15 transportation or other responsibilities of State edu-
16 cational agencies, local educational agencies, or other
17 State agencies under Part A of this subtitle, including the
18 requirements of subsections (g)(1)(J)(iii) and (iv),
19 (g)(3)(B)(v), (g)(4), and (g)(7) of section 722 of Part A
20 of this subtitle.

21 **“SEC. 731. SECRETARIAL RESPONSIBILITIES.**

22 “‘In reviewing the State application submitted by a
23 State educational agency under section 730(b), the Sec-
24 retary shall—

1 “(1) evaluate whether State laws, policies, and
2 practices described in such application and the plans
3 submitted by the State educational agency under
4 subsection 722(g) of Part A of this subtitle and Part
5 A of title I of the Elementary and Secondary Edu-
6 cation Act of 1965 adequately address the problems
7 of all homeless children and youths relating to ac-
8 cess to education and placement; and

9 “(2) ensure that the State application ade-
10 quately meets the requirements of subsection 730(b).

11 **“SEC. 732. DEFINITIONS.**

12 “The terms ‘enrollment’, ‘homeless children and
13 youths’, ‘including’, ‘local educational agency’, ‘Secretary’,
14 and ‘unaccompanied youth’ shall have the meanings given
15 them in section 725 of Part A of this subtitle.

16 **“SEC. 733. AUTHORIZATION OF APPROPRIATIONS.**

17 “For the purpose of carrying out this subtitle, there
18 are authorized to be appropriated \$35,000,000 for fiscal
19 year 2009 and such sums as may be necessary for each
20 of fiscal years 2010 through 2015.”.

21 **SEC. 3. CONFORMING AMENDMENTS.**

22 The Elementary and Secondary Education Act of
23 1965 is amended—

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

1 (A) in subsection (b)(2), by adding after
2 subparagraph (K) the following new subpara-
3 graph:

4 “(L) ACCOUNTABILITY FOR HOMELESS
5 CHILDREN AND YOUTHS.—The accountability
6 provisions under this Act shall ensure that
7 homeless children and youths, as defined in sec-
8 tion 725(3) of subtitle B of title VII of the
9 McKinney-Vento Homeless Assistance Act, are
10 included in academic assessment, reporting, and
11 accountability systems, consistent with section
12 1111(b)(3)(C)(xi) of this Part. Notwithstanding
13 the requirements of subsection (i), the State is
14 not required to disaggregate the assessment re-
15 sults of homeless children and youths as a sepa-
16 rate category under section 1111(b)(2)(C)(v) of
17 this Part.”; and

18 (B) in subsection (c)—

19 (i) in paragraph (13), by striking
20 “and” at the end;

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

24 (iii) by adding at the end the fol-
25 lowing new paragraph:

1 “(15) the State educational agency will ensure
2 that the requirements of subtitle B of title VII of
3 the McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11431 et seq.) that relate to the State edu-
5 cational agency are satisfied.”;

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

7 (A) in subsection (c)(1)—

8 (i) in subparagraph (N), by striking
9 “and” at the end;

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

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

15 “(P) comply with the requirements of sub-
16 title B of title VII of the McKinney-Vento
17 Homeless Assistance Act (42 U.S.C. 11431 et
18 seq.) that relate to the local educational agen-
19 cy.”; and

20 (B) by amending subsection (b)(1)(O) to
21 read as follows:

22 “(O) a description of the services the local
23 educational agency will provide homeless chil-
24 dren and youths, including services provided
25 with funds reserved under section 1113(c)(3),

1 the amount of funds reserved, the needs assess-
2 ment conducted to determine the amount of
3 funds reserved, how the amount of funds re-
4 served is related to the needs assessment, and
5 the collaborative role of the liaison designated
6 pursuant to section 722(g)(1)(J)(ii) of subtitle
7 B of title VII of the McKinney-Vento Homeless
8 Assistance Act in determining the amount of
9 funds reserved and the services provided;”.

10 (3) by amending section 1113(c)(3) (20 U.S.C.
11 6313(c)(3)) to read as follows:

12 “(3) RESERVATION.—

13 “(A) IN GENERAL.—A local educational
14 agency shall reserve funds under this part to
15 assist homeless children and youths (as defined
16 in section 725(3) of subtitle B of title VII of
17 the McKinney-Vento Homeless Assistance Act)
18 who are attending schools participating under
19 sections 1114 or 1115 or nonparticipating
20 schools, in satisfying the State’s academic
21 achievement standards.

22 “(B) USE OF FUNDS.—Notwithstanding
23 the requirements of subsections (b) and (c) of
24 section 1120A, such funds may be used to pro-
25 vide homeless children and youths with services

1 not ordinarily provided to other students under
2 this part, including providing funding for the li-
3 aison designated pursuant to section
4 722(g)(1)(J)(ii) of subtitle B of title VII of the
5 McKinney-Vento Homeless Assistance Act, pro-
6 viding transportation pursuant to section
7 722(g)(1)(J)(iii) of such Act, providing support
8 services to preschool-aged homeless children
9 and homeless secondary school students, pro-
10 viding educationally related support services to
11 children and youths in shelters and other loca-
12 tions where they may live, and removing bar-
13 riers to homeless children’s and youths’ enroll-
14 ment, attendance, retention, and success in
15 school.

16 “(C) AMOUNT RESERVED.—The amount of
17 funds reserved shall be based upon an assess-
18 ment of the educational and related needs of
19 homeless children and youths in the local edu-
20 cational agency and determined collaboratively
21 with the liaison designated pursuant to section
22 722(g)(1)(J)(ii) of subtitle B of title VII of the
23 McKinney-Vento Homeless Assistance Act.

24 “(D) INTEGRATION.—The services pro-
25 vided to homeless children and youths shall, to

1 the maximum extent practicable, integrate
2 homeless children and youths with nonhomeless
3 children and youths.

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

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

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

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

20 (5) by amending section 1115(b)(2)(E) (20
21 U.S.C. 6315(b)(2)(E)) to read as follows:

22 “(E) HOMELESS CHILDREN AND
23 YOUTHS.—A child or youth who is homeless, as
24 defined in section 725(3) of subtitle B of title
25 VII of the McKinney-Vento Homeless Assist-

1 ance Act, and attending any school served by
2 the local educational agency is eligible for serv-
3 ices under this part.”;

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

5 (A) in paragraph (10), by inserting after
6 “participating students” the following: “, in-
7 cluding homeless children and youths as defined
8 in section 725(3) of subtitle B of title VII of
9 the McKinney-Vento Homeless Assistance Act”;

10 (B) in paragraph (13)(B), by striking
11 “and” at the end;

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

14 (D) by adding at the end the following new
15 paragraph:

16 “(15) contains an assurance that the State edu-
17 cational agency will require eligible entities to de-
18 scribe in their applications under section 4204(b)
19 how such entities will ensure the participation, at-
20 tendance, and success of eligible homeless children
21 and youths, as defined in section 725(3) of subtitle
22 B of title VII of the McKinney-Vento Homeless As-
23 sistance Act, paying particular attention to the
24 needs of unaccompanied youths.”; and

1 (7) in section 5203(b)(3)(L) (20 U.S.C.
2 7221b(b)(3)(L)), by inserting before the semicolon
3 at the end the following: “and the local educational
4 agency requirements of subtitle B of title VII of the
5 McKinney-Vento Homeless Assistance Act”.

○