

## EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-95, title IX, §9107, Dec. 10, 2015, 129 Stat. 2137, provided that: “Except as provided in section 9105(b) [set out as a note under section 11434a of this title] or as otherwise provided in this Act [see Tables for classification], this title [probably means “this part”, meaning part A (§§9101-9107) of title IX of Pub. L. 114-95, amending this section and sections 11432 to 11435 of this title and enacting provisions set out as notes under section 11434a of this title] and the amendments made by this title take effect on October 1, 2016.”

## EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

**§ 11432. Grants for State and local activities for the education of homeless children and youths**

**(a) General authority**

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

**(b) Grants from allotments**

The Secretary shall make the grants to States from the allotments made under subsection (c)(1).

**(c) Allocation and reservations**

**(1) Allocation**

(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 11435 of this title that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 11434(d) and (h) of this title, as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6332] to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

- (i) \$150,000;
- (ii) one-fourth of 1 percent of the amount appropriated under section 11435 of this title for that year; or
- (iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

**(2) Reservations**

(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 11435 of this title to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to

their respective need for assistance under this part, as determined by the Secretary.

(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 11435 of this title to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),<sup>1</sup> that are consistent with the purposes of the programs described in this part.

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

**(3) State defined**

For purposes of this subsection, the term “State” does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

**(d) Activities**

Grants under this section shall be used for the following:

- (1) To carry out the policies set forth in section 11431 of this title in the State.
- (2) To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable such children and youths to enroll in, attend, and succeed in school, including, if appropriate, in preschool programs.
- (3) To establish or designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this part in accordance with subsection (f).
- (4) To prepare and carry out the State plan described in subsection (g).
- (5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

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

**(e) State and local subgrants**

**(1) Minimum disbursements by States**

From the sums made available each year to a State through grants under subsection (a) to carry out this part, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 11433 of this title, except that States funded at

<sup>1</sup> See References in Text note below.

the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 11433 of this title.

**(2) Use by State educational agency**

A State educational agency may use the grant funds remaining after the State educational agency distributes subgrants under paragraph (1) to conduct activities under subsection (f) directly or through grants or contracts.

**(3) Prohibition on segregating homeless students**

**(A) In general**

Except as provided in subparagraph (B) and section 11433(a)(2)(B)(ii) of this title, in providing a free public education to a homeless child or youth, no State receiving funds under this part shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

**(B) Exception**

Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 11433(a)(2) of this title, and any other provision of this part relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this part for programs carried out in such school if—

- (i) the school meets the requirements of subparagraph (C);
- (ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and
- (iii) the State is otherwise eligible to receive funds under this part.

**(C) School requirements**

For the State to be eligible under subparagraph (B) to receive funds under this part, the school described in such subparagraph shall—

- (i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—
  - (I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);
  - (II) sets forth the general rights provided under this part;
  - (III) specifically states—
    - (aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);
    - (bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

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

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

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

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

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

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

(iv) demonstrate in the school's application for funds under this part that such school—

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

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with section 1111 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311] and providing a full range of education and related services, including services applicable to students with disabilities).

**(D) School ineligibility**

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

**(E) Local educational agency requirements**

For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

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

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

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

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

(ii) document that written notice has been provided—

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

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

(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

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

(v) not use funds received under this part to establish—

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

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

#### **(F) Report**

##### **(i) Preparation**

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

(I) compliance with all requirements of this paragraph;

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

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

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

##### **(ii) Compliance with information requests**

For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless

Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

##### **(iii) Submission**

The Secretary shall submit the report described in clause (i) to—

(I) the President;

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

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

##### **(G) Definition**

For purposes of this paragraph, the term "covered county" means—

(i) San Joaquin County, California;

(ii) Orange County, California;

(iii) San Diego County, California; and

(iv) Maricopa County, Arizona.

##### **(f) Functions of the Office of the Coordinator**

The Coordinator for Education of Homeless Children and Youths established in each State shall—

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

(A) the number of homeless children and youths identified in the State, which shall be posted annually on the State educational agency's website;

(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

(E) the success of the programs under this part in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

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

(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 11434(h) of this title;

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

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

child development and preschool program personnel;

(B) providers of services to homeless children and youths and their families, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);<sup>1</sup>

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

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

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

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

(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 11302, 11360, and 11434a of this title to the liaison; and

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

**(g) State plan**

**(1) In general**

For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

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

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

(C) A description of procedures for the prompt resolution of disputes regarding the

educational placement of homeless children and youths.

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

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

(F) A description of procedures that ensure that—

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

(ii) youths described in section 11434a(2) of this title and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

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

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

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

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

(ii) residency requirements;

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

(iv) guardianship issues; or

(v) uniform or dress code requirements.

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

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

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

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

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

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

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

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

(K) A description of how youths described in section 11434a(2) of this title will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

## (2) Compliance

### (A) In general

Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State

will comply with the requirements of paragraphs (3) through (7).

### (B) Coordination

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

## (3) Local educational agency requirements

### (A) In general

The local educational agency serving each child or youth to be assisted under this part shall, according to the child's or youth's best interest—

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

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

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

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

### (B) School stability

In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

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

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

(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

**(C) Immediate enrollment**

**(i) In general**

The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

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

**(ii) Relevant academic records**

The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

**(iii) Relevant health records**

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

**(D) Records**

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

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

(ii) in a manner consistent with section 1232g of title 20.

**(E) Enrollment disputes**

If a dispute arises over eligibility, or school selection or enrollment in a school—

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

(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a

written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;

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

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

**(F) Placement choice**

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

**(G) Privacy**

Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 1232g of title 20.

**(H) Contact information**

Nothing in this part shall prohibit a local educational agency from requiring a parent or guardian of a homeless child or youth to submit contact information.

**(I) School of origin defined**

In this paragraph:

**(i) In general**

The term "school of origin" means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

**(ii) Receiving school**

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

**(4) Comparable services**

Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

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

(C) Programs in career and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

**(5) Coordination**

**(A) In general**

Each local educational agency serving homeless children and youths that receives assistance under this part shall coordinate—

(i) the provision of services under this part with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);<sup>1</sup> and

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

**(B) Housing assistance**

If applicable, each State educational agency and local educational agency that receives assistance under this part shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 12705 of this title to minimize educational disruption for children and youths who become homeless.

**(C) Coordination purpose**

The coordination required under subparagraphs (A) and (B) shall be designed to—

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

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

(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

**(D) Homeless children and youths with disabilities**

For children and youths who are to be assisted both under this part, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 794 of title 29, each local educational agency shall coordinate the provision of services under this part with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

**(6) Local educational agency liaison**

**(A) Duties**

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

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

(ii) homeless children and youths are enrolled in, and have a full and equal oppor-

tunity to succeed in, schools of that local educational agency;

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

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

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

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

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

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

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

(x) unaccompanied youths—

(I) are enrolled in school;

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

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

**(B) Notice**

State Coordinators established under subsection (d)(3) and local educational agencies

shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency's website.

**(C) Local and State coordination**

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

**(D) Homeless status**

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

**(7) Review and revisions**

**(A) In general**

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

**(B) Consideration**

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

**(C) Special attention**

Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

(Pub. L. 100-77, title VII, §722, as added Pub. L. 107-110, title X, §1032, Jan. 8, 2002, 115 Stat. 1990; amended Pub. L. 110-289, div. B, title IX, §2901(b), July 30, 2008, 122 Stat. 2875; Pub. L. 114-95, title IX, §9102, Dec. 10, 2015, 129 Stat. 2124.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in subsec. (c)(2)(B)(i), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203,

which was classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians, prior to editorial reclassification as chapter 46 (§5301 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

The Runaway and Homeless Youth Act, referred to in subsecs. (f)(4)(B) and (g)(5)(A)(i), is title III of Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1129, which was classified generally to subchapter III (§5701 et seq.) of chapter 72 of this title, prior to editorial reclassification and renumbering as subchapter III (§11201 et seq.) of chapter 111 of Title 34, Crime Control and Law Enforcement. For complete classification of this Act to the Code, see Short Title of 1974 Act note set out under section 10101 of Title 34 and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (g)(4)(B), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (g)(5)(D), (6)(A)(iii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of Title 20. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Head Start Act, referred to in subsec. (g)(6)(A)(iii), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of this title and Tables.

This chapter, referred to in subsec. (g)(6)(D), was in the original "this Act", meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

PRIOR PROVISIONS

A prior section 11432, Pub. L. 100-77, title VII, §722, as added Pub. L. 103-382, title III, §323, Oct. 20, 1994, 108 Stat. 3957, related to grants for State and local activities for education of homeless children and youth, prior to the general amendment of this part by Pub. L. 107-110.

Another prior section 11432, Pub. L. 100-77, title VII, §722, July 22, 1987, 101 Stat. 525; Pub. L. 100-628, title VII, §702(a), Nov. 7, 1988, 102 Stat. 3245; Pub. L. 101-645, title VI, §612(b), Nov. 29, 1990, 104 Stat. 4735, related to grants for State and local activities for education of homeless children and youth, prior to the general amendment of this part by Pub. L. 103-382.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-95, §9102(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: "No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require."

Subsec. (d)(2). Pub. L. 114-95, §9102(2)(A), substituted "To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable" for "To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable" and "including, if" for "or, if".

Subsec. (d)(3). Pub. L. 114-95, §9102(2)(B), substituted "designate in the State educational agency an Office of



the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this part in accordance with subsection (f).” for “designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f) of this section.”

Subsec. (d)(5). Pub. L. 114-95, §9102(2)(C), added par. (5) and struck out former par. (5) which read as follows: “To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.”

Subsec. (e)(1). Pub. L. 114-95, §9102(3)(A), inserted “a State through grants under subsection (a) to” after “each year to”.

Subsec. (e)(2). Pub. L. 114-95, §9102(3)(B), substituted “the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)” for “funds made available for State use under this part”.

Subsec. (e)(3)(C)(iv)(II). Pub. L. 114-95, §9102(3)(C)(i), substituted “section 1111” for “sections 1111 and 1116”.

Subsec. (e)(3)(E)(ii)(II). Pub. L. 114-95, §9102(3)(C)(ii), substituted “subsection (g)(6)(A)(vi)” for “subsection (g)(6)(A)(v)”.

Subsec. (e)(3)(F)(i)(IV). Pub. L. 114-95, §9102(3)(C)(iii)(I), added subcl. (IV).

Subsec. (e)(3)(F)(iii). Pub. L. 114-95, §9102(3)(C)(iii)(II), substituted “The” for “Not later than 2 years after January 8, 2002, the”.

Subsec. (f). Pub. L. 114-95, §9102(4), added subsec. (f) and struck out former subsec. (f) which related to the functions of the Office of Coordinator.

Subsec. (g). Pub. L. 114-95, §9102(5), added subsec. (g) and struck out former subsec. (g) which related to State plans to provide for the education of homeless children and youths.

Subsec. (h). Pub. L. 114-95, §9102(6), struck out subsec. (h) which related to emergency assistance for certain individuals who become homeless due to home foreclosure.

2008—Subsec. (h). Pub. L. 110-289 added subsec. (h).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Oct. 1, 2016, see section 9107 of Pub. L. 114-95, set out as a note under section 11431 of this title.

#### EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

### § 11433. Local educational agency subgrants for the education of homeless children and youths

#### (a) General authority

##### (1) In general

The State educational agency shall, in accordance with section 11432(e) of this title, and from amounts made available to such agency under section 11435 of this title, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youths.

##### (2) Services

###### (A) In general

Services under paragraph (1)—

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

(ii) shall, to the maximum extent practicable, be provided through existing pro-

grams and mechanisms that integrate homeless children and youths with non-homeless children and youths; and

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

#### (B) Services on school grounds

If services under paragraph (1) are provided on school grounds, the related schools—

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

(ii) except as otherwise provided in section 11432(e)(3)(B) of this title, shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time—

(I) for health and safety emergencies; or

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

#### (3) Requirement

Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school’s regular academic program.

#### (4) Duration of grants

Subgrants made under this section shall be for terms of not to exceed 3 years.

#### (b) Application

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

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

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

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

(4) An assurance that the applicant complies with, or will use requested funds to comply