

sification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

#### PRIOR PROVISIONS

A prior section 11433, Pub. L. 100-77, title VII, §723, as added Pub. L. 103-382, title III, §323, Oct. 20, 1994, 108 Stat. 3962, related to local educational agency grants for education of homeless children and youth, prior to the general amendment of this part by Pub. L. 107-110.

Another prior section 11433, Pub. L. 100-77, title VII, §723, July 22, 1987, 101 Stat. 527; Pub. L. 100-628, title VII, §702(b), Nov. 7, 1988, 102 Stat. 3245; Pub. L. 101-645, title VI, §612(c), Nov. 29, 1990, 104 Stat. 4739, related to local educational agency grants for education of homeless children and youth, prior to the general amendment of this part by Pub. L. 103-382.

#### AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §9103(1)(A), substituted “facilitating the identification, enrollment,” for “facilitating the enrollment.”

Subsec. (a)(2)(B). Pub. L. 114-95, §9103(1)(B), inserted “the related” before “schools” in introductory provisions.

Subsec. (a)(4). Pub. L. 114-95, §9103(1)(C), added par. (4).

Subsec. (b)(6), (7). Pub. L. 114-95, §9103(2), added pars. (6) and (7).

Subsec. (c)(2). Pub. L. 114-95, §9103(3)(A)(i), substituted “early childhood education and other preschool programs, elementary schools, and secondary schools,” for “preschool, elementary, and secondary schools” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 114-95, §9103(3)(A)(ii), inserted “identification,” before “enrollment.”

Subsec. (c)(2)(B). Pub. L. 114-95, §9103(3)(A)(iii), substituted “application reflects coordination with other local and State agencies that serve homeless children and youths.” for “application—

“(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

“(ii) describes how the applicant will meet the requirements of section 11432(g)(3) of this title.”

Subsec. (c)(2)(C). Pub. L. 114-95, §9103(3)(A)(iv), inserted “(as of the date of submission of the application)” after “practice”.

Subsec. (c)(3)(C). Pub. L. 114-95, §9103(3)(B)(i), inserted “extent to which the applicant will promote meaningful” after “The”.

Subsec. (c)(3)(D). Pub. L. 114-95, §9103(3)(B)(ii), substituted “into” for “within”.

Subsec. (c)(3)(G), (H). Pub. L. 114-95, §9103(3)(B)(iv), added subpars. (G) and (H). Former subpar. (G) redesignated (I).

Subsec. (c)(3)(I). Pub. L. 114-95, §9103(3)(B)(iii), (v), redesignated subpar. (G) as (I) and substituted “The extent to which the applicant’s program meets such” for “Such”.

Subsec. (c)(4). Pub. L. 114-95, §9103(3)(C), struck out par. (4). Text read as follows: “Grants awarded under this section shall be for terms not to exceed 3 years.”

Subsec. (d)(1). Pub. L. 114-95, §9103(4)(A), substituted “the same challenging State academic standards as” for “the same challenging State academic content standards and challenging State student academic achievement standards”.

Subsec. (d)(2). Pub. L. 114-95, §9103(4)(B), substituted “English learners” for “students with limited English proficiency” and “career” for “vocational”.

Subsec. (d)(3). Pub. L. 114-95, §9103(4)(C), substituted “specialized instructional support” for “pupil services”.

Subsec. (d)(7). Pub. L. 114-95, §9103(4)(D), substituted “particularly homeless children and youths who are not enrolled in school,” for “and unaccompanied youths.”

Subsec. (d)(9). Pub. L. 114-95, §9103(4)(E), substituted “other required health” for “medical”.

Subsec. (d)(10). Pub. L. 114-95, §9103(4)(F), substituted “parents and guardians” for “parents” and inserted before period at end “, and other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of such children or youths”.

Subsec. (d)(12). Pub. L. 114-95, §9103(4)(G), substituted “specialized instructional support services” for “pupil services”.

Subsec. (d)(13). Pub. L. 114-95, §9103(4)(H), inserted before period at end “and parental mental health or substance abuse problems”.

Subsec. (d)(16). Pub. L. 114-95, §9103(4)(I), inserted before period at end “and participate fully in school activities”.

#### 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.

### § 11434. Secretarial responsibilities

#### (a) Review of State plans

In reviewing the State plan submitted by a State educational agency under section 11432(g) of this title, the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

#### (b) Technical assistance

The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this part, if requested by the State educational agency.

#### (c) Notice

##### (1) In general

The Secretary shall, before the next school year that begins after December 10, 2015, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

##### (2) Dissemination

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

#### (d) Evaluation, dissemination, and technical assistance

The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 11435 of this title to conduct such activities.

#### (e) Submission and distribution

The Secretary shall require applications for grants under this part to be submitted to the

Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

**(f) Determination by Secretary**

The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 11431(1) of this title. The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.

**(g) Guidelines**

The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after December 10, 2015, guidelines concerning ways in which a State—

- (1) may assist local educational agencies to implement the provisions related to homeless children and youths amended by that Act; and
- (2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youths, and the enrollment, attendance, and success of homeless children and youths in school.

**(h) Information**

**(1) In general**

From funds appropriated under section 11435 of this title, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

- (A) the number and primary nighttime residence of homeless children and youths in all areas served by local educational agencies;
- (B) the education and related services such children and youths receive;
- (C) the extent to which the needs of homeless children and youths are being met; and
- (D) such other data and information as the Secretary determines to be necessary and relevant to carry out this part.

**(2) Coordination**

The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this part.

**(i) Report**

Not later than 4 years after December 10, 2015, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

- (1) the education of homeless children and youths; and
- (2) the actions of the Secretary and the effectiveness of the programs supported under this part.

(Pub. L. 100–77, title VII, §724, as added Pub. L. 107–110, title X, §1032, Jan. 8, 2002, 115 Stat. 2004; amended Pub. L. 114–95, title IX, §9104, Dec. 10, 2015, 129 Stat. 2136.)

REFERENCES IN TEXT

That Act, referred to in subsec. (g)(1), is Pub. L. 114–95, Dec. 10, 2015, 129 Stat. 1802, known as The Every Student Succeeds Act. For complete classification of this Act to the Code, see Short Title of 2015 Amendment note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 11434, Pub. L. 100–77, title VII, §724, as added Pub. L. 103–382, title III, §323, Oct. 20, 1994, 108 Stat. 3964, related to Secretarial responsibilities, prior to the general amendment of this part by Pub. L. 107–110.

Another prior section 11434, Pub. L. 100–77, title VII, §724, July 22, 1987, 101 Stat. 528; Pub. L. 101–645, title VI, §612(d), Nov. 29, 1990, 104 Stat. 4742, related to national responsibilities, prior to the general amendment of this part by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114–95, §9104(1), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The Secretary shall, before the next school year that begins after January 8, 2002, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.”

Subsec. (d). Pub. L. 114–95, §9104(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 11435 of this title to conduct such activities.”

Subsec. (e). Pub. L. 114–95, §9104(3), substituted “120-day” for “60-day” and “180-day” for “120-day”.

Subsec. (f). Pub. L. 114–95, §9104(4), inserted at end “The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.”

Subsec. (g). Pub. L. 114–95, §9104(5), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows: “The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after January 8, 2002, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe—

- “(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and
- “(2) how a State can review the State’s requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.”

Subsec. (h)(1)(A). Pub. L. 114–95, §9104(6), substituted “primary nighttime residence” for “location” and inserted before semicolon at end “in all areas served by local educational agencies”.

Subsec. (i). Pub. L. 114–95, §9104(7), substituted “December 10, 2015” for “January 8, 2002”.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education

and Labor of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

#### 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.

### § 11434a. Definitions

For purposes of this part:

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

(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and

(B) includes—

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

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C)<sup>1</sup> of this title);

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

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

(3) The terms “local educational agency” and “State educational agency” have the meanings given such terms in section 7801 of title 20.

(4) The term “Secretary” means the Secretary of Education.

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

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

(Pub. L. 100-77, title VII, §725, as added Pub. L. 107-110, title X, §1032, Jan. 8, 2002, 115 Stat. 2005; amended Pub. L. 114-95, title IX, §§9105(a), 9215(zz), Dec. 10, 2015, 129 Stat. 2136, 2184.)

#### REFERENCES IN TEXT

Section 11302 of this title, referred to in par. (2)(B)(ii), was amended by Pub. L. 111-22, div. B, §1003(a)(2), May

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

20, 2009, 123 Stat. 1664, and, as so amended, section 11302(a)(2) of this title no longer contains a subpar. (C).

#### PRIOR PROVISIONS

A prior section 11434a, Pub. L. 100-77, title VII, §725, as added Pub. L. 103-382, title III, §323, Oct. 20, 1994, 108 Stat. 3965, defined terms, prior to the general amendment of this part by Pub. L. 107-110.

Another prior section 11434a, Pub. L. 100-77, title VII, §725, as added Pub. L. 101-645, title VI, §613(2), Nov. 29, 1990, 104 Stat. 4743, related to reports by Comptroller General, prior to the general amendment of this part by Pub. L. 103-382.

A prior section 725 of Pub. L. 100-77 was renumbered section 726 and was classified to section 11435 of this title, prior to the general amendment of this part by Pub. L. 103-382.

#### AMENDMENTS

2015—Par. (2)(B)(i). Pub. L. 114-95, §9105(a)(1), inserted “or” before “are abandoned” and struck out “or are awaiting foster care placement;” after “hospitals;”.

Par. (3). Pub. L. 114-95, §9215(zz), made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

Pub. L. 114-95, §9105(a)(2), which directed technical amendment to reference in original act which appears in text as reference to section 7801 of title 20, could not be executed because of the intervening amendment by Pub. L. 114-95, §9215(zz). See above and Effective Date of 2015 Amendment notes below.

Par. (6). Pub. L. 114-95, §9105(a)(3), substituted “homeless child or youth not” for “youth not”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 9215(zz) of Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

Pub. L. 114-95, title IX, §9105(b), Dec. 10, 2015, 129 Stat. 2137, provided that:

“(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) [amending this section] shall take effect on the date that is 1 year after the date of enactment of this Act [Dec. 10, 2015].

“(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.”

Amendment by section 9105(a) of Pub. L. 114-95 effective Oct. 1, 2016, except as provided in section 9105(b) of Pub. L. 114-95 (set out above), 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.

#### DEFINITION OF COVERED STATE

Pub. L. 114-95, title IX, §9105(c), Dec. 10, 2015, 129 Stat. 2137, provided that: “For purposes of this section [amending this section and enacting provisions set out as a note above] the term ‘covered State’ means a State that has a statutory law that defines or describes the phrase ‘awaiting foster care placement’, for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)”

### § 11435. Authorization of appropriations

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