

## VII-1

1 **TITLE VII—MCKINNEY HOME-**  
2 **LESS EDUCATION IMPROVE-**  
3 **MENTS ACT OF 1999**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Stewart B. McKinney  
6 Homeless Education Assistance Improvements Act of  
7 1999”.

8 **SEC. 702. FINDINGS.**

9 Congress makes the following findings:

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

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

18 (3) Despite steady progress in school enroll-  
19 ment and attendance resulting from the passage in  
20 1987 of the Stewart B. McKinney Homeless Assist-  
21 ance Act, homeless students still face numerous bar-  
22 riers to education, including residency, guardianship  
23 and registration requirements, as well as delays in  
24 the transfer of school records, and inadequate trans-  
25 portation service.



## VII-2

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

5           (5) Homeless children and youth need to re-  
6           main in school so that they acquire the skills nec-  
7           essary to escape poverty and lead productive, healthy  
8           lives as adults.

9           (6) In the 12 years since the passage of the  
10          McKinney Act, educators and service providers have  
11          learned much about policies and practices which help  
12          remove the barriers described.

13 **SEC. 703. PURPOSE.**

14          The purpose of this title is to strengthen subtitle B  
15          of title VII of the Stewart B. McKinney Homeless Assist-  
16          ance Act (42 U.S.C. 11431 et seq.) by amending it—

17               (1) to include innovative practices, proven to be  
18               effective in helping homeless children and youth en-  
19               roll, attend, and succeed in school; and

20               (2) to help ensure that such individuals receive  
21               a quality education and secure their chance for a  
22               brighter future.



## VII-3

1 **SEC. 704. EDUCATION FOR HOMELESS CHILDREN AND**  
2 **YOUTH.**

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

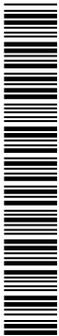
6 **“Subtitle B—Education for**  
7 **Homeless Children and Youth**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “It is the policy of Congress that—

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

15 “(2) in any State that has a compulsory resi-  
16 dency requirement as a component of the State’s  
17 compulsory school attendance laws or other laws,  
18 regulations, practices, or policies that may act as a  
19 barrier to the enrollment, attendance, or success in  
20 school of homeless children and youth, the State re-  
21 view and undertake steps to revise such laws, regula-  
22 tions, practices, or policies to ensure that homeless  
23 children and youth are afforded the same free, pub-  
24 lic education as provided to other children and  
25 youth;





## VII-5

1 for each fiscal year under section 726, the Secretary  
2 is authorized to allot to each State an amount that  
3 bears the same ratio to the amount appropriated for  
4 such year under section 726 as the amount allocated  
5 under section 1122 of the Elementary and Sec-  
6 ondary Education Act of 1965 to the State for that  
7 year bears to the total amount allocated under sec-  
8 tion 1122 to all States for that year, except that no  
9 State shall receive less than \$100,000.

10 “(2) RESERVATION.—(A) The Secretary is au-  
11 thORIZED to reserve 0.1 percent of the amount appro-  
12 priated for each fiscal year under section 726 to be  
13 allocated by the Secretary among the United States  
14 Virgin Islands, Guam, American Samoa, and the  
15 Commonwealth of the Northern Mariana Islands, ac-  
16 cording to their respective need for assistance under  
17 this subtitle, as determined by the Secretary.

18 “(B)(i) The Secretary shall transfer one percent  
19 of the amount appropriated for each fiscal year  
20 under section 726 to the Department of the Interior  
21 for programs for Indian students served by schools  
22 funded by the Secretary of the Interior, as deter-  
23 mined under the Indian Self-Determination and  
24 Education Assistance Act, that are consistent with  
25 the purposes of this Act.



## VII-6

1           “(ii) The Secretary and the Secretary of the In-  
2           terior shall enter into an agreement, consistent with  
3           the requirements of this part, for the distribution  
4           and use of the funds described in clause (i) under  
5           terms that the Secretary determines best meet the  
6           purposes of the programs described in such clause.  
7           Such agreement shall set forth the plans of the Sec-  
8           retary of the Interior for the use of the amounts  
9           transferred, including appropriate goals, objectives,  
10          and milestones.

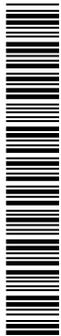
11           “(3) DEFINITION.—As used in this subsection,  
12          the term “State” shall not include the United States  
13          Virgin Islands, Guam, American Samoa, and the  
14          Commonwealth of the Northern Mariana Islands.

15          “(d) ACTIVITIES.—Grants under this section shall be  
16          used—

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

19           “(2) to provide activities for, and services to,  
20          homeless children, including preschool-aged homeless  
21          children, and youth that enable such children and  
22          youth to enroll in, attend, and succeed in school, or,  
23          if appropriate, in preschool programs;

24           “(3) to establish or designate an Office of Coor-  
25          dinator of Education of Homeless Children and



## VII-7

1 Youth in the State educational agency in accordance  
2 with subsection (f);

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

5 “(5) to develop and implement professional de-  
6 velopment programs for school personnel to heighten  
7 their awareness of, and capacity to respond to, spe-  
8 cific problems in the education of homeless children  
9 and youth.

10 “(e) STATE AND LOCAL GRANTS.—

11 “(1) IN GENERAL.—(A) Subject to subpara-  
12 graph (B), if the amount allotted to the State edu-  
13 cational agency for any fiscal year under this sub-  
14 title exceeds the amount such agency received for  
15 fiscal year 1990 under this subtitle, as the subtitle  
16 was then in effect, such agency shall provide grants  
17 to local educational agencies for purposes of section  
18 723.

19 “(B) The State educational agency may reserve  
20 not more than the greater of 5 percent of the  
21 amount such agency receives under this subtitle for  
22 any fiscal year, or the amount such agency received  
23 under this subtitle, as the subtitle was then in effect,  
24 for fiscal year 1990, to conduct activities under sub-  
25 section (f) directly or through grants or contracts.



## VII-8

1           “(2) SPECIAL RULE.—If the amount allotted to  
2           a State educational agency for any fiscal year under  
3           this subtitle is less than the amount such agency re-  
4           ceived for fiscal year 1990 under this subtitle, such  
5           agency, at such agency’s discretion, may provide  
6           grants to local educational agencies in accordance  
7           with section 723 or may conduct activities under  
8           subsection (f) directly or through grants or con-  
9           tracts.

10           “(3) PROHIBITION ON SEGREGATING HOMELESS  
11           STUDENTS.—

12           “(A) IN GENERAL.—Except as provided in  
13           subparagraph (B) and section 723(a)(2)(B)(ii),  
14           in providing a free, public education to a home-  
15           less child or youth, no State receiving funds  
16           under this subtitle shall segregate such child or  
17           youth, either in a separate school, or in a sepa-  
18           rate program within a school, based solely on  
19           such child or youth’s status as homeless.

20           “(B) EXCEPTION.—A State that has es-  
21           tablished a separate school for homeless chil-  
22           dren in the fiscal year preceding the date of the  
23           enactment of the Stewart B. McKinney Home-  
24           less Education Assistance Improvement Act of



## VII-9

1           1999 shall remain eligible to receive funds  
2           under this subtitle for such program.

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

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

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

21          “(3) collect and transmit to the Secretary, in-  
22          formation gathered pursuant to paragraphs (1) and  
23          (2), at such time and in such manner as the Sec-  
24          retary may require;



## VII-10

1           “(4) facilitate coordination between the State  
2 educational agency, the State social services agency,  
3 and other agencies providing services to homeless  
4 children and youth, including homeless children and  
5 youth who are preschool age, and families of such  
6 children and youth; and

7           “(5) in order to improve the provision of com-  
8 prehensive education and related services to home-  
9 less children and youth and their families, coordinate  
10 and collaborate with—

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

13           “(B) providers of services to homeless and  
14 runaway children and youth and homeless fami-  
15 lies (including domestic violence agencies, shel-  
16 ter operators, transitional housing facilities,  
17 runaway and homeless youth centers, and tran-  
18 sitional living programs for homeless youth);

19           “(C) local educational agency liaisons for  
20 homeless children and youth; and

21           “(D) community organizations and groups  
22 representing homeless children and youth and  
23 their families.

24           “(g) STATE PLAN.—



## VII-11

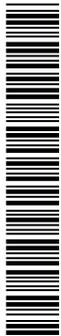
1           “(1) IN GENERAL.—Each State shall submit to  
2           the Secretary a plan to provide for the education of  
3           homeless children and youth within the State, which  
4           plan shall describe how such children and youth are  
5           or will be given the opportunity to meet the same  
6           challenging State student performance standards all  
7           students are expected to meet, shall describe the  
8           procedures the State educational agency will use to  
9           identify such children and youth in the State and to  
10          assess their special needs, and shall—

11                   “(A) describe procedures for the prompt  
12                   resolution of disputes regarding the educational  
13                   placement of homeless children and youth;

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

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

24                   “(D) describe procedures that ensure  
25                   that—



## VII-12

1                   “(i) homeless children have equal ac-  
2                   cess to the same public preschool pro-  
3                   grams, administered by the State agency,  
4                   as provided to other children; and

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

10                  “(E) address problems set forth in the re-  
11                  port provided to the Secretary under subsection  
12                  (f)(3);

13                  “(F) address other problems with respect  
14                  to the education of homeless children and  
15                  youth, including problems caused by—

16                               “(i) transportation issues; and

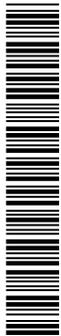
17                               “(ii) enrollment delays that are caused  
18                               by—

19                                       “(I) immunization requirements;

20                                       “(II) residency requirements;

21                                       “(III) lack of birth certificates,  
22                                       school records, or other documenta-  
23                                       tion; or

24                                       “(IV) guardianship issues;



## VII-13

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

7           “(H) contain assurances that—

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

14                   “(ii) designate an appropriate staff  
15                  person, who may also be a coordinator for  
16                  other Federal programs, as a liaison for  
17                  homeless children and youth.

18           “(2) COMPLIANCE.—Each plan adopted under  
19           this subsection shall also demonstrate how the State  
20           will ensure that local educational agencies in the  
21           State will comply with the requirements of para-  
22           graphs (3) through (9).

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



## VII-14

1           “(A) IN GENERAL.—Each local educational  
2 agency serving a homeless child or youth as-  
3 sisted under this subtitle shall, according to the  
4 child’s or youth’s best interest, either—

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

7           “(I) for the duration of their  
8 homelessness;

9           “(II) if the child becomes perma-  
10 nently housed, for the remainder of  
11 the academic year; or

12           “(III) in any case in which a  
13 family becomes homeless between aca-  
14 demic years, for the following aca-  
15 demic 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) BEST INTEREST.—In determining the  
22 best interest of the child or youth under sub-  
23 paragraph (A), the local educational agency  
24 shall keep, to the extent feasible, a homeless  
25 child or youth in the school of origin, except



## VII-15

1 when doing so is contrary to the wishes of the  
2 child's or youth's parent or guardian.

3 “(C) ENROLLMENT.—(i) Except as pro-  
4 vided in clause (iii), a school that a homeless  
5 child seeks to enroll in shall, in accordance with  
6 this paragraph, immediately enroll the homeless  
7 child or youth even if the child or youth is un-  
8 able to produce records normally required for  
9 enrollment, such as previous academic records,  
10 proof of residency, or other documentation.

11 “(ii) The enrolling school shall immediately  
12 contact the school last attended by the child or  
13 youth to obtain relevant academic and other  
14 records.

15 “(iii) A school described in clause (i) is not  
16 required to accept a homeless child until the  
17 school receives the immunization records for  
18 such child. If the child or youth needs to obtain  
19 immunizations, the enrolling school shall  
20 promptly refer parent or guardian of the child  
21 or youth to the appropriate authorities. If a  
22 child is denied enrollment because of the lack of  
23 immunization records, the school denying such  
24 enrollment shall refer the parents of the home-



## VII-16

1 less child or youth to the liaison in accordance  
2 with subparagraph (E).

3 “(D) RECORDS.—Any record ordinarily  
4 kept by the school, including immunization  
5 records, academic records, birth certificates,  
6 guardianship records, and evaluations for spe-  
7 cial services or programs, of each homeless  
8 child or youth shall be maintained—

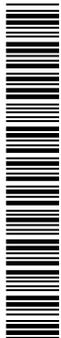
9 “(i) so that the records are available,  
10 in a timely fashion, when a child or youth  
11 enters a new school district; and

12 “(ii) in a manner consistent with sec-  
13 tion 444 of the General Education Provi-  
14 sions Act.

15 “(E) ENROLLMENT DISPUTES.—If there is  
16 a dispute over school selection or enrollment—

17 “(i) except as provided in subpara-  
18 graph (C)(iii), the child or youth shall be  
19 immediately admitted to the school in  
20 which enrollment is sought, pending resolu-  
21 tion of the dispute;

22 “(ii) the parent or guardian shall be  
23 provided with a written explanation of the  
24 school’s decision regarding enrollment, in-



## VII-17

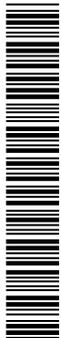
1 cluding the right to appeal the decision;  
2 and

3 “(iii) the parent or guardian shall be  
4 referred to the liaison, who shall carry out  
5 the dispute resolution process as described  
6 in paragraph (6)(D) as expeditiously as  
7 possible, after receiving notice of the dis-  
8 pute.

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

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

19 “(H) CONTACT INFORMATION.—Nothing  
20 in this subtitle shall prohibit a local educational  
21 agency from requiring a parent or guardian of  
22 a homeless child to submit contact information  
23 required by the local educational agency of a  
24 parent or guardian of a nonhomeless child.



## VII-18

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

6                   “(A) transportation services;

7                   “(B) educational services for which the  
8 child or youth meets the eligibility criteria, such  
9 as services provided under title I of the Elemen-  
10 tary and Secondary Education Act of 1965 (20  
11 U.S.C. 6301 et seq.) or similar State or local  
12 programs, educational programs for children  
13 with disabilities, and educational programs for  
14 students with limited-English proficiency;

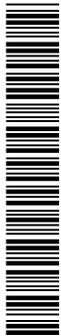
15                   “(C) programs in vocational and technical  
16 education;

17                   “(D) programs for gifted and talented stu-  
18 dents; and

19                   “(E) school nutrition programs.

20           “(5) COORDINATION.—

21                   “(A) IN GENERAL.—Each local educational  
22 agency serving homeless children and youth  
23 that receives assistance under this subtitle shall  
24 coordinate the provision of services under this  
25 subtitle with local social services agencies and



## VII-19

1 other agencies or programs providing services to  
2 homeless children and youth and their families,  
3 including services and programs funded under  
4 the Runaway and Homeless Youth Act. (42  
5 U.S.C. 5701 et seq.).

6 “(B) HOUSING ASSISTANCE.—If applica-  
7 ble, each State and local educational agency  
8 that receives assistance under this subtitle shall  
9 coordinate with State and local housing agen-  
10 cies responsible for developing the comprehen-  
11 sive housing affordability strategy described in  
12 section 105 of the Cranston-Gonzales National  
13 Affordable Housing Act (42 U.S.C. 12705) to  
14 minimize educational disruption for children  
15 and youth who become homeless.

16 “(C) COORDINATION PURPOSE.—The co-  
17 ordination required under subparagraphs (A)  
18 and (B) shall be designed to—

19 “(i) ensure that homeless children and  
20 youth have access to available education  
21 and related support services; and

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



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1 other challenges associated with homeless  
2 children and youth.

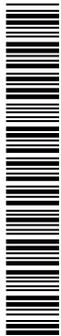
3 “(6) LIAISON.—

4 “(A) DUTIES.—Each local liaison for  
5 homeless children and youth, designated pursu-  
6 ant to subsection (g)(1)(H)(ii), shall ensure  
7 that—

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

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

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



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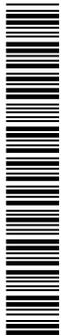
1                   “(iv) public notice of the educational  
 2                   rights of homeless children and youth is  
 3                   disseminated where such children and  
 4                   youth receive services under this Act (such  
 5                   as family shelters and soup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

6                   “(B) NOTICE.—State coordinators and  
 7                   local educational agencies shall inform school  
 8                   personnel, service providers, and advocates  
 9                   working with homeless families of the duties of  
 10                  the liaisons.

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

18                  “(D) DISPUTE RESOLUTION.—Unless an-  
 19                  other individual is designated by State law, the  
 20                  local educational agency liaisons for homeless  
 21                  children and youth shall provide resource infor-  
 22                  mation and assist in resolving disputes under  
 23                  this subtitle, should they arise.

24                  “(7) REVIEW AND REVISIONS.—



## VII-22

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

8           “(B) CONSIDERATION.—In reviewing and  
9           revising such policies, consideration shall be  
10          given to issues concerning transportation, im-  
11          munization, residency, birth certificates, school  
12          records, and other documentation, and guard-  
13          ianship.

14          “(C) SPECIAL ATTENTION.—Special atten-  
15          tion shall be given to ensuring the enrollment  
16          and attendance of homeless children and youth  
17          who are not currently attending school.

18   **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**  
19                   **EDUCATION OF HOMELESS CHILDREN AND**  
20                   **YOUTH.**

21          “(a) GENERAL AUTHORITY.—

22           “(1) IN GENERAL.—The State educational  
23           agency shall, in accordance with section 722(e) and  
24           from amounts made available to such agency under  
25           section 726, make grants to local educational agen-



## VII-23

1       cies for the purpose of facilitating the enrollment,  
2       attendance, and success in school of homeless chil-  
3       dren and youth.

4               “(2) SERVICES.—

5                       “(A) IN GENERAL.—Services under para-  
6       graph (1)—

7                               “(i) may be provided through pro-  
8       grams on school grounds or at other facili-  
9       ties;

10                              “(ii) shall, to the maximum extent  
11       practicable, be provided through existing  
12       programs and mechanisms that integrate  
13       homeless children and youth with non-  
14       homeless children and youth; and

15                              “(iii) shall be designed to expand or  
16       improve services provided as part of a  
17       school’s regular academic program, but not  
18       replace that program.

19                       “(B) SERVICES ON SCHOOL GROUNDS.—If  
20       services under paragraph (1) are provided on  
21       school grounds, schools—

22                              “(i) may use funds under this subtitle  
23       to provide the same services to other chil-  
24       dren and youth who are determined by the  
25       local educational agency to be at risk of



## VII-24

1 failing in, or dropping out of, schools, sub-  
2 ject to the requirements of clause (ii).

3 “(ii) except as otherwise provided in  
4 section 722(e)(3)(B), shall not provide  
5 services in settings within a school that  
6 segregates homeless children and youth  
7 from other children and youth except as is  
8 necessary for short periods of time—

9 “(I) for health and safety emer-  
10 gencies; or

11 “(II) to provide temporary, spe-  
12 cial, supplementary services to meet  
13 the unique needs of homeless children  
14 and youth.

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

20 “(b) APPLICATION.—A local educational agency that  
21 desires to receive a grant under this section shall submit  
22 an application to the State educational agency at such  
23 time, in such manner, and containing or accompanied by  
24 such information as the State educational agency may rea-  
25 sonably require. Each such application shall include—



## VII-25

1           “(1) an assessment of the educational and re-  
2           lated needs of homeless children and youth in such  
3           agency (which may be undertaken as a part of needs  
4           assessments for other disadvantaged groups);

5           “(2) a description of the services and programs  
6           for which assistance is sought and the problems to  
7           be addressed through the provision of such services  
8           and programs;

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); and

22          “(5) a description of policies and procedures,  
23          consistent with section 722(e)(3)(B), that the agency  
24          will implement to ensure that activities carried out



## VII-26

1 by the agency will not isolate or stigmatize homeless  
2 children and youth.

3 “(c) AWARDS.—

4 “(1) IN GENERAL.—The State educational  
5 agency shall, in accordance with the requirements of  
6 this subtitle and from amounts made available to it  
7 under section 726, make competitive subgrants that  
8 result in an equitable distribution of geographic  
9 areas within the State to local educational agencies  
10 that submit applications under subsection (b). Such  
11 subgrants shall be awarded on the basis of the need  
12 of such agencies for assistance under this subtitle  
13 and the quality of the applications submitted.

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

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



VII-27

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

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

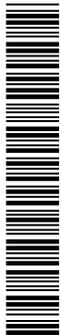
10           “(D) such other criteria as the State agen-  
11 cy determines appropriate.

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

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

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

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



## VII-28

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

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

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

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

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

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

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



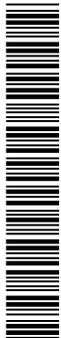
## VII-29

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

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

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

21           “(5) the provision of assistance to defray the  
22          excess cost of transportation for students pursuant  
23          to section 722(g)(4)(A), not otherwise provided  
24          through Federal, State, or local funding, where nec-



## VII-30

1        essary to enable students to attend the school se-  
2        lected under section 722(g)(3);

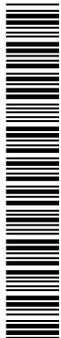
3               “(6) the provision of developmentally appro-  
4        prium early childhood education programs, not oth-  
5        erwise provided through Federal, State, or local  
6        funding, for preschool-aged children;

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

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

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

23               “(10) the development of coordination between  
24        schools and agencies providing services to homeless



## VII-31

1 children and youth, including programs funded  
2 under the Runaway and Homeless Youth Act;

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

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

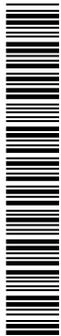
9 “(13) the adaptation of space and purchase of  
10 supplies for nonschool facilities made available under  
11 subsection (a)(2) to provide services under this sub-  
12 section;

13 “(14) the provision of school supplies, including  
14 those supplies to be distributed at shelters or tem-  
15 porary housing facilities, or other appropriate loca-  
16 tions; and

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

20 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

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



## VII-32

1 lems of homeless children and youth relating to access to  
2 education and placement as described in such plans.

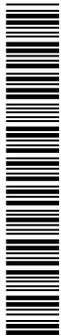
3       “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
4 provide support and technical assistance to the State edu-  
5 cational agencies to assist such agencies to carry out their  
6 responsibilities under this subtitle, if requested by the  
7 State educational agency.

8       “(c) REPORT.—The Secretary shall develop and issue  
9 not later than 60 days after the date of enactment of the  
10 Stewart B. McKinney Homeless Education Assistance Im-  
11 provements Act of 1999, a report to be made available  
12 to States, local educational agencies, and other applicable  
13 agencies regarding the following:

14               “(1) ENROLLMENT.—Such report shall review  
15 successful ways in which a State may assist local  
16 educational agencies to enroll homeless students on  
17 an immediate basis. The report issued by the Sec-  
18 retary shall—

19                       “(A) clarify that enrollment includes a  
20 homeless child’s or youth’s right to actually at-  
21 tend school; and

22                       “(B) clarify requirements that States are  
23 to review immunization and medical or school  
24 records and to make such revisions as appro-



## VII-33

1           priate and necessary in order to enroll homeless  
2           students in school more quickly.

3           “(2) TRANSPORTATION.—The report shall also  
4           address the transportation needs of homeless stu-  
5           dents. The report issued by the Secretary shall—

6                   “(A) explicitly state that the goal of the  
7                   transportation provisions contained in this Act  
8                   is to provide educational stability by reducing  
9                   mobility and therefore provide an effective  
10                  learning environment for homeless children; and

11                   “(B) encourage States to follow programs  
12                  implemented in State law that have successfully  
13                  addressed transportation barriers for homeless  
14                  children.

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

21           “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
22           retary shall require applications for grants under this sub-  
23           title to be submitted to the Secretary not later than the  
24           expiration of the 60-day period beginning on the date that  
25           funds are available for purposes of making such grants



## VII-34

1 and shall make such grants not later than the expiration  
2 of the 120-day period beginning on such date.

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

10 “(g) INFORMATION.—

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

16 “(A) the number and location of homeless  
17 children and youth;

18 “(B) the education and related services  
19 such children and youth receive;

20 “(C) the extent to which such needs are  
21 being met; and

22 “(D) such other data and information as  
23 the Secretary deems necessary and relevant to  
24 carry out this subtitle.



## VII-35

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

5           “(h) REPORT.—Not later than 4 years after the date  
6           of the enactment of the Stewart B. McKinney Homeless  
7           Education Assistance Improvement Act of 1999, the Sec-  
8           retary shall prepare and submit to the President and the  
9           Committee on Education and the Workforce of the House  
10          of Representatives and the Committee on Health, Edu-  
11          cation, Labor, and Pensions of the Senate a report on the  
12          status of education of homeless children and youth, which  
13          shall include information on—

14                 “(1) the education of homeless children and  
15                 youth; and

16                 “(2) the effectiveness of the programs sup-  
17                 ported under this subtitle.

18          **“SEC. 725. DEFINITIONS.**

19                 “For the purpose of this subtitle, unless otherwise  
20                 stated—

21                 “(1) the terms ‘local educational agency’ and  
22                 ‘State educational agency’ have the same meanings  
23                 given such terms under section 14101, of the Ele-  
24                 mentary and Secondary Education Act of 1965 (20  
25                 U.S.C. 8801);



VII-36

1           “(2) the term “Secretary” means the Secretary  
2           of Education; and

3           “(3) the term “State” means each of the 50  
4           States, the District of Columbia, and the Common-  
5           wealth of Puerto Rico.

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

7           “For the purpose of carrying out this subtitle, there  
8           are authorized to be appropriated \$36,000,000 for fiscal  
9           year 2000 and such sums as may be necessary for each  
10          of the fiscal years 2001 through 2004.”.

