

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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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)¹ 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.)

Editorial Notes

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 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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 9215(zz) of Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain non-competitive 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.

(Pub. L. 100–77, title VII, §726, as added Pub. L. 107–110, title X, §1032, Jan. 8, 2002, 115 Stat. 2006; amended Pub. L. 110–289, div. B, title IX, §2901(a), July 30, 2008, 122 Stat. 2875; Pub. L. 114–95, title IX, §9106, Dec. 10, 2015, 129 Stat. 2137.)

Editorial Notes

PRIOR PROVISIONS

A prior section 11435, Pub. L. 100–77, title VII, §726, as added Pub. L. 103–382, title III, §323, Oct. 20, 1994, 108 Stat. 3965, authorized appropriations, prior to the general amendment of this part by Pub. L. 107–110.

Another prior section 11435, Pub. L. 100–77, title VII, §726, formerly §725, July 22, 1987, 101 Stat. 528; Pub. L. 100–628, title VII, §702(c), Nov. 7, 1988, 102 Stat. 3245; renumbered §726, Pub. L. 101–645, title VI, §613(1), Nov. 29, 1990, 104 Stat. 4743, defined terms used in this part, prior to the general amendment of this part by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, §9106, amended section generally. Prior to amendment, text read as follows: “For the pur-

¹ See References in Text note below.