

113TH CONGRESS
1ST SESSION

S. 1754

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless children and youths and foster care children and youth.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2013

Mrs. MURRAY (for herself, Ms. LANDRIEU, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless children and youths and foster care children and youth.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Higher Education Ac-
5 cess and Success for Homeless and Foster Youth Act”.

6 **SEC. 2. DEFINITIONS.**

7 (a) INDEPENDENT STUDENT.—Section 480(d) of the
8 Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is
9 amended—

1 (1) in paragraph (1)(H)—

2 (A) in the matter preceding clause (i)—

3 (i) by striking “during the school year
4 in which the application is submitted”;

5 (ii) by inserting “age 23 or younger”
6 after “unaccompanied youth”; and

7 (iii) by striking “terms are” and in-
8 serting “term is”;

9 (B) in clause (i), by inserting “, or a des-
10 ignee of the liaison” after “Act”;

11 (C) in clause (ii), by striking “a program
12 funded under the Runaway and Homeless
13 Youth Act” and inserting “an emergency or
14 transitional shelter, street outreach program,
15 homeless youth drop-in center, or other pro-
16 gram serving homeless youth,”; and

17 (D) in clause (iii), by striking “program
18 funded under subtitle B of title IV of the
19 McKinney-Vento Homeless Assistance Act (re-
20 lating to emergency shelter grants)” and insert-
21 ing “Federal TRIO program or a Gaining Early
22 Awareness and Readiness for Undergraduate
23 program under chapter 1 or 2 of subpart 2 of
24 part A,”; and

25 (2) by adding at the end the following:

1 “(3) SIMPLIFYING THE DETERMINATION PROC-
2 ESS FOR UNACCOMPANIED YOUTH.—

3 “(A) VERIFICATION.—A financial aid ad-
4 ministrator is not required to verify homeless-
5 ness determinations made by the individuals au-
6 thorized to make such determinations under
7 clause (i), (ii), or (iii) of paragraph (1)(H) in
8 the absence of conflicting information. A docu-
9 mented phone call with, or a written statement
10 from, one of the relevant authorities is suffi-
11 cient verification when needed.

12 “(B) DETERMINATION OF INDEPEND-
13 ENCE.—A financial aid administrator shall
14 make a determination of independence under
15 paragraph (1)(H) if a student does not have,
16 and cannot get, documentation from any of the
17 other designated authorities. This determina-
18 tion is based on the definitions outlined in para-
19 graph (1)(H) and is distinct from a determina-
20 tion of independence under paragraph (1)(I).
21 The determination may be based on a docu-
22 mented interview with the student if there is no
23 written documentation available.

24 “(C) DURATION OF DETERMINATION.—A
25 student shall receive a determination under

1 paragraph (1)(H) during the school year in
 2 which the student initially submits the applica-
 3 tion. In subsequent years, the student shall be
 4 presumed to be independent unless—

5 “(i) the student informs the financial
 6 aid office that circumstances have changed;

7 or

8 “(ii) the financial aid administrator
 9 has specific conflicting information about
 10 the student’s independence.”.

11 (b) FOSTER CARE CHILDREN AND YOUTH.—Section
 12 103 of the Higher Education Act of 1965 (20 U.S.C.
 13 1003) is amended by adding at the end the following:

14 “(25) FOSTER CARE CHILDREN AND YOUTH.—

15 The term ‘foster care children and youth’—

16 “(A) means children and youth whose care
 17 and placement is the responsibility of the State
 18 or Tribal agency that administers a State plan
 19 under part B or E of title IV of the Social Se-
 20 curity Act (42 U.S.C. 621 et seq. and 670 et
 21 seq.), without regard to whether foster care
 22 maintenance payments are made under section
 23 472 of such Act (42 U.S.C. 672) on behalf of
 24 the child; and

1 “(B) includes individuals whose care and
2 placement was the responsibility of the State or
3 Tribal agency that administers a State plan
4 under part B or E of title IV of the Social Se-
5 curity Act (42 U.S.C. 621 et seq. and 670 et
6 seq.) when they were age 13 or older but are
7 no longer the care and responsibility of the
8 State or tribal agency.”.

9 **SEC. 3. STUDENT LOAN OMBUDSMAN.**

10 Section 141(f)(3) of the Higher Education Act of
11 1965 (20 U.S.C. 1018(f)(3)) is amended—

12 (1) in subparagraph (A), by striking “and”
13 after the semicolon;

14 (2) in subparagraph (B), by striking the period
15 at the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(C) receive, review, and resolve expedi-
18 tiously complaints regarding a student’s inde-
19 pendence under subparagraph (B) or (H) of
20 section 480(d)(1), in consultation with knowl-
21 edgeable parties, including child welfare agen-
22 cies, local educational agency liaisons for home-
23 less children and youths designated under sub-
24 title B of title VII of the McKinney-Vento
25 Homeless Assistance Act (42 U.S.C. 11431 et

1 seq.) or State Coordinators for Education of
2 Homeless Children and Youths established
3 under such subtitle.”.

4 **SEC. 4. PROGRAM PARTICIPATION AGREEMENTS.**

5 Section 487(a) of the Higher Education Act of 1965
6 (20 U.S.C. 1094(a)) is amended—

7 (1) in paragraph (19), by inserting “housing fa-
8 cilities,” after “libraries,”; and

9 (2) by adding at the end the following:

10 “(30) The institution certifies that the institu-
11 tion—

12 “(A) has designated an appropriate staff
13 person, who may also be a coordinator for other
14 programs, as a single point of contact to assist
15 homeless children and youths (as such term is
16 defined in section 725 of the McKinney-Vento
17 Homeless Assistance Act (42 U.S.C. 11434a))
18 and foster care children and youth in accessing
19 and completing postsecondary education;

20 “(B) posts public notice about student fi-
21 nancial assistance and other assistance available
22 to homeless children and youths and foster care
23 children and youth, including their eligibility as
24 independent students under subparagraphs (B)
25 and (H) of sections 480(d)(1);

1 “(C) has developed a plan for how home-
2 less children and youths and foster care chil-
3 dren and youth can access housing resources
4 during and between academic terms, through
5 means that may include access to on-campus
6 housing during breaks and a list of housing re-
7 sources in the community that provide short-
8 term housing; and

9 “(D) has included in its application for ad-
10 mission questions (to be answered voluntarily)
11 regarding the applicant’s status as a homeless
12 child or youth or foster care child or youth,
13 which the applicant can answer voluntarily for
14 the limited purpose of being provided informa-
15 tion about financial aid or any other available
16 assistance.”.

17 **SEC. 5. FEDERAL TRIO PROGRAMS.**

18 Section 402A of the Higher Education Act of 1965
19 (20 U.S.C. 1070a–11) is amended—

20 (1) in subsection (c), by striking the fourth sen-
21 tence and inserting the following: “The Secretary
22 shall require each applicant for funds under the pro-
23 grams authorized by this chapter to identify, con-
24 duct specific outreach to, and recruit foster care
25 children and youth and homeless children and

1 youths (as such term is defined in section 725 of the
2 McKinney-Vento Homeless Assistance Act (42
3 U.S.C. 11434a)), in collaboration with child welfare
4 agencies, homeless shelters, and local educational
5 agency liaisons for homeless children and youths
6 designated under section 722(g)(1)(J)(ii) of the
7 McKinney-Vento Homeless Assistance Act (42
8 U.S.C. 11432(g)(1)(J)(ii)), and make available to
9 foster care children and youth and homeless children
10 and youths services under such programs, including
11 mentoring, tutoring, and other services provided by
12 such programs.”; and

13 (2) in subsection (f)(3)—

14 (A) in subparagraph (A)(i), by inserting
15 “and to homeless children and youths and fos-
16 ter care children and youth” after “by the pro-
17 gram”;

18 (B) in subparagraph (B)(i), by inserting
19 “and to homeless children and youths and fos-
20 ter care children and youth” after “by the pro-
21 gram”;

22 (C) in subparagraph (C)(iii), by inserting
23 “and to homeless children and youths and fos-
24 ter care children and youth” after “total num-
25 ber of students”; and

1 (D) in subparagraph (E)(iii), by inserting
2 “and to homeless children and youths and fos-
3 ter care children and youth” after “by the pro-
4 gram”.

5 **SEC. 6. TALENT SEARCH.**

6 Section 402B(d) of the Higher Education Act of
7 1965 (20 U.S.C. 1070a–12(d)) is amended—

8 (1) in paragraph (3), by striking “and” after
9 the semicolon;

10 (2) in paragraph (4), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(5) require that the project collect and submit
14 to the Secretary data on the number of homeless
15 children and youths and foster care children and
16 youth served;

17 “(6) require that the project review and revise
18 policies and practices to remove barriers to the par-
19 ticipation and retention of homeless children and
20 youths and foster care children and youth, including
21 policies to allow immediate participation even if the
22 child or youth is unaccompanied by a parent or
23 guardian or is unable to produce records normally
24 required for enrollment, such as previous academic
25 records, medical records, proof of residency, or other

1 documentation, and other policies consistent with the
2 McKinney-Vento Homeless Assistance Act (42
3 U.S.C. 11301 et seq.);

4 “(7) require that the project submit a descrip-
5 tion of the activities that will be undertaken to out-
6 reach to homeless children and youths and foster
7 care children and youth; and

8 “(8) require that the project submit a descrip-
9 tion of any strategies or program enhancements that
10 were used that were effective in meeting the needs
11 of homeless children and youths and foster care chil-
12 dren and youth.”.

13 **SEC. 7. UPWARD BOUND.**

14 Section 402C(e) of the Higher Education Act of 1965
15 (20 U.S.C. 1070a–13(e)) is amended—

16 (1) in paragraph (4), by striking “and” after
17 the semicolon;

18 (2) in paragraph (5), by striking the period at
19 the end and inserting a semicolon; and

20 (3) by adding at the end the following:

21 “(6) require that the project collect and submit
22 to the Secretary data on the number of homeless
23 children and youths and foster care children and
24 youth served;

1 “(7) require that the project review and revise
2 policies and practices to remove barriers to the par-
3 ticipation and retention of homeless children and
4 youths and foster care children and youth, including
5 policies to allow immediate participation even if the
6 child or youth is unaccompanied by a parent or
7 guardian or is unable to produce records normally
8 required for enrollment, such as previous academic
9 records, medical records, proof of residency, or other
10 documentation, and other policies consistent with the
11 McKinney-Vento Homeless Assistance Act (42
12 U.S.C. 11301 et seq.);

13 “(8) require that the project submit a descrip-
14 tion of the activities that will be undertaken to out-
15 reach to homeless children and youths and foster
16 care children and youth; and

17 “(9) require that the project submit a descrip-
18 tion of any strategies or program enhancements that
19 were used that were effective in meeting the needs
20 of homeless children and youths and foster care chil-
21 dren and youth.”.

22 **SEC. 8. STUDENT SUPPORT SERVICES.**

23 Section 402D(e) of the Higher Education Act of
24 1965 (20 U.S.C. 1070a–14(e)) is amended—

1 (1) in paragraph (5), by striking “and” after
2 the semicolon;

3 (2) in paragraph (6)(B), by striking the period
4 at the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(7) require that the project collect and submit
7 to the Secretary data on the number of homeless
8 children and youths and foster care children and
9 youth served;

10 “(8) require that the project review and revise
11 policies and practices to remove barriers to the par-
12 ticipation and retention of homeless children and
13 youths and foster care children and youth, including
14 policies to allow immediate participation even if the
15 child or youth is unaccompanied by a parent or
16 guardian or is unable to produce records normally
17 required for enrollment, such as previous academic
18 records, medical records, proof of residency, or other
19 documentation;

20 “(9) require that the project submit a descrip-
21 tion of the activities that will be undertaken to out-
22 reach to homeless children and youths and foster
23 care children and youth; and

24 “(10) require that the project submit a descrip-
25 tion of any strategies or program enhancements that

1 were used that were effective in meeting the needs
2 of homeless children and youths and foster care chil-
3 dren and youth.”.

4 **SEC. 9. EDUCATIONAL OPPORTUNITY CENTERS.**

5 Section 402F(e) of the Higher Education Act of 1965
6 (20 U.S.C. 1070a–16(e)) is amended—

7 (1) in paragraph (2), by striking “and” after
8 the semicolon;

9 (2) in paragraph (3), by striking the period at
10 the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(4) require that the project collect and submit
13 to the Secretary data on the number of homeless
14 children and youths and foster care children and
15 youth served;

16 “(5) require that the project review and revise
17 policies and practices to remove barriers to the par-
18 ticipation and retention of homeless children and
19 youths and foster care children and youth, including
20 policies to allow immediate participation even if the
21 child or youth is unaccompanied by a parent or
22 guardian or is unable to produce records normally
23 required for enrollment, such as previous academic
24 records, medical records, proof of residency, or other
25 documentation, and other policies consistent with the

1 McKinney-Vento Homeless Assistance Act (42
2 U.S.C. 11301 et seq.);

3 “(6) require that the project submit a descrip-
4 tion of the activities that will be undertaken to out-
5 reach to homeless children and youths and foster
6 care children and youth; and

7 “(7) require that the project submit a descrip-
8 tion of any strategies or program enhancements that
9 were used that were effective in meeting the needs
10 of homeless children and youths and foster care chil-
11 dren and youth.”.

12 **SEC. 10. GAINING EARLY AWARENESS AND READINESS FOR**
13 **UNDERGRADUATE PROGRAMS.**

14 Section 404C(a)(2) of the Higher Education Act of
15 1965 (20 U.S.C. 1070a–23(a)(2))—

16 (1) in subparagraph (I), by striking “and” after
17 the semicolon;

18 (2) in subparagraph (J), by striking the period
19 at the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(K) describe how the eligible entity will
22 facilitate the participation of foster care chil-
23 dren and youth and homeless children and
24 youths (as such term is defined in section 725

1 of the McKinney-Vento Homeless Assistance
2 Act (42 U.S.C. 11434a)), including—

3 “(i) how the entity will identify foster
4 care children and youth and homeless chil-
5 dren and youths, in collaboration with
6 child welfare agencies, homeless shelters,
7 and local educational agency liaisons for
8 homeless children and youths designated
9 under section 722(g)(1)(J)(ii) of the
10 McKinney-Vento Homeless Assistance Act
11 (42 U.S.C. 11432(g)(1)(J)(ii));

12 “(ii) how the entity will collect and
13 submit to the Secretary data on the num-
14 ber of homeless children and youths and
15 foster care children and youth served; and

16 “(iii) the policies and practices the en-
17 tity will adopt to remove barriers to the
18 participation of homeless children and
19 youths and foster care children and youth,
20 including policies to facilitate continued
21 participation despite changes in residence
22 resulting from homelessness or foster care
23 placement and policies consistent with the
24 McKinney-Vento Homeless Assistance Act
25 (42 U.S.C. 11301 et seq.).”.

1 **SEC. 11. IN-STATE TUITION RATES FOR HOMELESS CHIL-**
 2 **DREN OR YOUTHS AND FOSTER CARE CHIL-**
 3 **DREN AND YOUTH.**

4 Section 135 of the Higher Education Act of 1965 (20
 5 U.S.C. 1015d) is amended—

6 (1) in the section heading, by inserting “, **AND**
 7 **HOMELESS CHILDREN AND YOUTHS AND FOS-**
 8 **TER CARE CHILDREN AND YOUTH**” after “**CHIL-**
 9 **DREN**”;

10 (2) in subsection (a)—

11 (A) by striking “(a) REQUIREMENT.—In
 12 the case” and inserting the following:

13 “(a) REQUIREMENT.—

14 “(1) ARMED FORCES.—In the case”; and

15 (B) by adding at the end the following:

16 “(2) HOMELESS CHILDREN OR YOUTHS AND
 17 FOSTER CARE CHILDREN OR YOUTH.—In the case of
 18 a homeless child or youth or a foster care child or
 19 youth, such State shall not charge such individual
 20 tuition for attendance at a public institution of high-
 21 er education in the State at a rate that is greater
 22 than the rate charged for residents of the State.”;
 23 and

24 (3) by striking subsections (c) and (d) and in-
 25 serting the following:

26 “(c) EFFECTIVE DATE.—

1 “(1) ARMED FORCES.—With respect to an indi-
2 vidual described in subsection (a)(1), this section
3 shall take effect at each public institution of higher
4 education in a State that receives assistance under
5 this Act for the first period of enrollment at such in-
6 stitution that begins after July 1, 2009.

7 “(2) HOMELESS CHILDREN OR YOUTHS AND
8 FOSTER CARE CHILDREN OR YOUTH.—With respect
9 to an individual described in subsection (a)(2), this
10 section shall take effect at each public institution of
11 higher education in a State that receives assistance
12 under this Act for the first period of enrollment at
13 such institution that begins after July 1, 2015.

14 “(d) DEFINITIONS.—In this section:

15 “(1) ARMED FORCES.—The terms ‘armed
16 forces’ and ‘active duty for a period of more than 30
17 days’ have the meanings given those terms in section
18 101 of title 10, United States Code.

19 “(2) HOMELESS CHILDREN AND YOUTHS.—The
20 term ‘homeless children and youths’ has the mean-
21 ing given the term in section 725 of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C.
23 11434a).”.

1 **SEC. 12. GRANT FOR FEDERAL WORK-STUDY PROGRAMS.**

2 Section 443(b)(6) of the Higher Education Act of
3 1965 (42 U.S.C. 2753(b)(6)) is amended by inserting “,
4 and to prioritize employment for students who are cur-
5 rently or formerly homeless children and youths or foster
6 care children and youth” after “thereof”.

7 **SEC. 13. EXCLUDABLE INCOME.**

8 Section 480(e) of the Higher Education Act of 1965
9 (20 U.S.C. 1087vv(e)) is amended by striking paragraph
10 (5) and inserting the following:

11 “(5) payments made and services provided
12 under part E of title IV of the Social Security Act,
13 including the value of vouchers for education and
14 training made available under section 477 of such
15 Act, and any payments made directly to the youth
16 as part of an extended foster care program pursuant
17 to such part E; and”.

18 **SEC. 14. GAO REPORT ON EDUCATIONAL ATTAINMENT OF**
19 **HOMELESS CHILDREN AND YOUTHS AND**
20 **FOSTER CARE CHILDREN AND YOUTH.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall prepare and submit a report
24 on the educational attainment of youth who are or have
25 been homeless, including those who are or have been unac-

1 accompanied homeless youth, and foster care youth to the
2 appropriate committees of Congress.

3 (b) CONTENT.—The report described in subsection
4 (a) shall review and assess enrollment and completion data
5 for both accompanied and unaccompanied homeless youth
6 and foster care youth, including the following:

7 (1) The percentage of such youth attending an
8 institution of higher education.

9 (2) The percentage of such youth graduating
10 from an institution of higher education.

11 (3) The average length of time taken to obtain
12 an associate's or bachelor's degree.

13 (4) The percentage of such youth attending—

14 (A) a public institution of higher edu-
15 cation;

16 (B) a private institution of higher edu-
17 cation;

18 (C) a community college; and

19 (D) a 4-year institution of higher edu-
20 cation.

21 (5) Reasons why such youth choose not to pur-
22 sue a higher education.

23 (6) The availability of public and private tuition
24 assistance specifically for such youth and the aware-
25 ness among such youth of such programs.

1 (7) The availability of other public or private
2 programs designed to encourage and support enroll-
3 ment in, and completion of, higher education for
4 such youth.

5 (8) Ways in which the Department of Edu-
6 cation might increase the educational attainment
7 rates of such youth.

○