

114TH CONGRESS
1ST SESSION

H. R. 4043

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 HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2015

Ms. CLARK of Massachusetts introduced the following bill; which was referred to the Committee on Education and the Workforce

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—

10 (1) in paragraph (1)(H)—

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

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

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

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

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

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

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

24 (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 shall accept a homelessness deter-
5 mination made by any individual authorized to
6 make such determinations under clause (i), (ii),
7 or (iii) of paragraph (1)(H) in the absence of
8 conflicting information. A documented phone
9 call with, or a written statement from, one of
10 the authorized individuals is sufficient
11 verification when needed. For purposes of this
12 paragraph, a financial aid administrator’s dis-
13 agreement with the determination made by an
14 authorized individual shall not be considered
15 conflicting information.

16 “(B) DETERMINATION OF INDEPEND-
17 ENCE.—A financial aid administrator shall
18 make a determination of independence under
19 paragraph (1)(H) if a student does not have,
20 and cannot get, documentation from any of the
21 other designated authorities described in such
22 paragraph. This determination is based on the
23 definitions outlined in paragraph (1)(H) and is
24 distinct from a determination of independence
25 under paragraph (1)(I). The determination may

1 be based on a documented interview with the
2 student if there is no written documentation
3 available. A financial aid administrator shall
4 limit such determination to whether the student
5 meets the definitions in paragraph (1)(H) and
6 shall not inquire about the reasons for the stu-
7 dent's homelessness.

8 “(C) TIMING; USE OF EARLIER DETER-
9 MINATION.—

10 “(i) TIMING.—A determination under
11 paragraph (1)(H) for a student—

12 “(I) shall be made as quickly as
13 practicable;

14 “(II) may be made as early as
15 the year before the award year for
16 which the student initially submits an
17 application; and

18 “(III) shall be made no later
19 than during the award year for which
20 the student initially submits an appli-
21 cation.

22 “(ii) USE OF EARLIER DETERMINA-
23 TION.—Any student who is determined to
24 be independent under paragraph (1)(H)
25 for a preceding award year at an institu-

1 tion shall be presumed to be independent
2 for a subsequent award year at the same
3 institution unless—

4 “(I) the student informs the in-
5 stitution that circumstances have
6 changed; or

7 “(II) the institution has specific
8 conflicting information about the stu-
9 dent’s independence, and has in-
10 formed the student of this information
11 and the opportunity to challenge such
12 information through a documented
13 interview or an impartial review by
14 the Student Loan Ombudsman pursu-
15 ant to section 141(f)(3)(C).”.

16 (b) FOSTER CARE CHILDREN AND YOUTH.—Section
17 103 of the Higher Education Act of 1965 (20 U.S.C.
18 1003) is amended by adding at the end the following:

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

20 The term ‘foster care children and youth’—

21 “(A) means children and youth whose care
22 and placement are the responsibility of the
23 State or Tribal agency that administers a State
24 or Tribal plan under part B or E of title IV of
25 the Social Security Act (42 U.S.C. 621 et seq.

1 and 670 et seq.), without regard to whether fos-
2 ter care maintenance payments are made under
3 section 472 of such Act (42 U.S.C. 672) on be-
4 half of such children and youth; and

5 “(B) includes individuals who were age 13
6 or older when their care and placement were
7 the responsibility of a State or Tribal agency
8 that administered a State or Tribal plan under
9 part B or E of title IV of the Social Security
10 Act (42 U.S.C. 621 et seq. and 670 et seq.)
11 and who are no longer under the care and re-
12 sponsibility of such a State or tribal agency,
13 without regard to any such individual’s subse-
14 quent adoption, guardianship arrangement, or
15 other form of permanency outcome.”.

16 **SEC. 3. STUDENT LOAN OMBUDSMAN.**

17 Section 141(f)(3) of the Higher Education Act of
18 1965 (20 U.S.C. 1018(f)(3)) is amended—

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

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

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

24 “(C) receive, review, and resolve expedi-
25 tiously complaints regarding a student’s inde-

1 pendence under subparagraph (B) or (H) of
2 section 480(d)(1), in consultation with knowl-
3 edgeable parties, including child welfare agen-
4 cies, local educational agency liaisons for home-
5 less children and youths designated under sec-
6 tion 722(g)(1)(J)(ii) of the McKinney-Vento
7 Homeless Assistance Act (42 U.S.C.
8 11432(g)(1)(J)(ii)), or State Coordinators for
9 Education of Homeless Children and Youths es-
10 tablished in accordance with section 722 of
11 such Act (42 U.S.C. 11432).”.

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

13 Section 487(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1094(a)) is amended—

15 (1) in paragraph (19)—

16 (A) by striking “The institution will not”
17 and inserting the following: “The institution—

18 “(A) will not”;

19 (B) by inserting “housing facilities,” after
20 “libraries,”;

21 (C) by striking “institution.” and inserting
22 “institution; and”; and

23 (D) by adding at the end the following:

24 “(B) will provide a means for students to
25 access institutionally owned or operated housing

1 if a student is temporarily unable to meet fi-
2 nancial obligations related to housing, including
3 deposits, due to delayed disbursement of vouch-
4 ers for education and training made available
5 under section 677 of part E of title IV of the
6 Social Security Act or delays attributable to the
7 institution.”; and

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

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

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

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

1 “(C) gives priority for any institutionally
2 owned or operated housing facilities, including
3 student housing facilities that remain open for
4 occupation during school breaks or on a year-
5 round basis, to—

6 “(i) homeless children and youths (as
7 such term is defined in section 725 of the
8 McKinney-Vento Homeless Assistance Act
9 (42 U.S.C. 11434a));

10 “(ii) youths who are unaccompanied,
11 at risk of homelessness, and self-sup-
12 porting; and

13 “(iii) foster care children and youth;

14 “(D) has developed a plan for how home-
15 less children and youths, youths who are unac-
16 companied, at risk of homelessness, and self-
17 supporting, and foster care children and youth
18 can access housing resources during and be-
19 tween academic terms, through means that may
20 include access to institutionally owned or oper-
21 ated housing during breaks and a list of hous-
22 ing resources in the community that provide
23 short-term housing; and

24 “(E) has included, in its application for
25 admission, questions (to be answered volun-

1 tarily) regarding the applicant’s status as a
2 homeless child or youth or foster care child or
3 youth, that—

4 “(i) can be answered by the applicant
5 voluntarily for the limited purpose of being
6 provided information about financial aid or
7 any other available assistance; and

8 “(ii) explain the key terms in the
9 question in a manner children and youth
10 can understand in order to self-identify
11 and declare eligibility as a homeless child
12 or youth or foster care child or youth.”.

13 **SEC. 5. FEDERAL TRIO PROGRAMS.**

14 Section 402A of the Higher Education Act of 1965
15 (20 U.S.C. 1070a–11) is amended—

16 (1) in subsection (c)(6), by striking the last
17 sentence and inserting the following: “The Secretary
18 shall require each applicant for funds under the pro-
19 grams authorized by this chapter to identify and
20 conduct outreach to foster care children and youth
21 and homeless children and youths (as such term is
22 defined in section 725 of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. 11434a)), and
24 make available to foster care children and youth and
25 homeless children and youths services under such

1 programs, including mentoring, tutoring, and other
2 services provided by such programs.”; and

3 (2) in subsection (f)(2), by striking “college
4 students, and” and inserting “college students, fos-
5 ter care children and youth, homeless children and
6 youths, and”.

7 **SEC. 6. TALENT SEARCH.**

8 Section 402B(d) of the Higher Education Act of
9 1965 (20 U.S.C. 1070a–12(d)) is amended—

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

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

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

15 “(5) require an assurance that the entity car-
16 rying out the project has reviewed and revised poli-
17 cies and practices as needed to remove barriers to
18 the participation and retention in the project of
19 homeless children and youths (as such term is de-
20 fined in section 725 of the McKinney-Vento Home-
21 less Assistance Act (42 U.S.C. 11434a)), including
22 unaccompanied youths, and foster care children and
23 youth;

24 “(6) require that such entity submit, as part of
25 the application for the project, a description of the

1 activities that will be undertaken to reach out to
2 homeless children and youths and foster care chil-
3 dren and youth as part of the project; and

4 “(7) require an assurance that such entity will
5 prepare and submit the report required under sec-
6 tion 402H(e) at the conclusion of the project regard-
7 ing homeless children and youths and foster care
8 children and youth.”.

9 **SEC. 7. UPWARD BOUND.**

10 Section 402C(e) of the Higher Education Act of 1965
11 (20 U.S.C. 1070a–13(e)) is amended—

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

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

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

17 “(6) require an assurance that the entity car-
18 rying out the project has reviewed and revised poli-
19 cies and practices as needed to remove barriers to
20 the participation and retention in the project of
21 homeless children and youths (as such term is de-
22 fined in section 725 of the McKinney-Vento Home-
23 less Assistance Act (42 U.S.C. 11434a)), including
24 unaccompanied youths, and foster care children and
25 youth;

1 “(7) require that such entity submit, as part of
2 the application, a description of the activities that
3 will be undertaken to reach out to homeless children
4 and youths and foster care children and youth re-
5 garding the project; and

6 “(8) require an assurance that such entity will
7 prepare and submit the report required under sec-
8 tion 402H(e) at the conclusion of the project regard-
9 ing homeless children and youths and foster care
10 children and youth.”.

11 **SEC. 8. STUDENT SUPPORT SERVICES.**

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

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

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

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

19 “(7) require an assurance that the entity car-
20 rying out the project has reviewed and revised poli-
21 cies and practices as needed to remove barriers to
22 the participation and retention in the project of
23 homeless children and youths (as such term is de-
24 fined in section 725 of the McKinney-Vento Home-
25 less Assistance Act (42 U.S.C. 11434a)), including

1 unaccompanied youths, and foster care children and
2 youth;

3 “(8) require that such entity submit, in the ap-
4 plication for the project, a description of the activi-
5 ties that will be undertaken to reach out to homeless
6 children and youths, and foster care children and
7 youth, who are enrolled or accepted for enrollment
8 at the institution; and

9 “(9) require an assurance that such entity will
10 prepare and submit the report required under sec-
11 tion 402H(e) at the conclusion of the project regard-
12 ing homeless children and youths and foster care
13 children and youth.”.

14 **SEC. 9. EDUCATIONAL OPPORTUNITY CENTERS.**

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

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

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

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

22 “(5) require an assurance that the entity car-
23 rying out the project has reviewed and revised poli-
24 cies and practices as needed to remove barriers to
25 the participation and retention in the project of

1 homeless children and youths (as such term is de-
2 fined in section 725 of the McKinney-Vento Home-
3 less Assistance Act (42 U.S.C. 11434a)), including
4 unaccompanied youths, and foster care children and
5 youth;

6 “(6) require that such entity submit, as part of
7 the application, a description of the activities that
8 will be undertaken to reach out to homeless children
9 and youths and foster care children and youth re-
10 garding the project; and

11 “(7) require an assurance that such entity will
12 prepare and submit the report required under sec-
13 tion 402H(e) at the conclusion of the project regard-
14 ing homeless children and youths and foster care
15 children and youth.”.

16 **SEC. 10. REPORTS AND EVALUATIONS.**

17 Section 402H of the Higher Education Act of 1965
18 (20 U.S.C. 1070a–18) is amended by adding at the end
19 the following:

20 “(e) REPORT REGARDING HOMELESS CHILDREN
21 AND YOUTHS AND FOSTER CARE CHILDREN AND
22 YOUTH.—Each entity carrying out a project under section
23 402B, 402C, 402D, or 402F shall, at the conclusion of
24 the project, prepare and submit a report to the Secretary
25 that includes—

1 “(1) data on the number of homeless children
2 and youths (as such term is defined in section 725
3 of the McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11434a)) and foster care children and youth
5 served through the project; and

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

11 **SEC. 11. GAINING EARLY AWARENESS AND READINESS FOR**
12 **UNDERGRADUATE PROGRAMS.**

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

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

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

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

20 “(K) describe how the eligible entity will
21 facilitate the participation of foster care chil-
22 dren and youth and homeless children and
23 youths (as such term is defined in section 725
24 of the McKinney-Vento Homeless Assistance
25 Act (42 U.S.C. 11434a)), including—

1 “(i) how the eligible entity will iden-
2 tify foster care children and youth and
3 homeless children and youths, in collabora-
4 tion with child welfare agencies, homeless
5 shelters, and local educational agency liai-
6 sons for homeless children and youths des-
7 ignated under section 722(g)(1)(J)(ii) of
8 the McKinney-Vento Homeless Assistance
9 Act (42 U.S.C. 11432(g)(1)(J)(ii));

10 “(ii) how the eligible entity will collect
11 and submit to the Secretary data on the
12 number of homeless children and youths
13 and foster care children and youth served;
14 and

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

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 prioritize employment for students who are currently
5 or formerly homeless children and youths (as such term
6 is defined in section 725 of the McKinney-Vento Homeless
7 Assistance Act (42 U.S.C. 11434a)) or foster care children
8 and youth” after “thereof”.

9 **SEC. 13. EXCLUDABLE INCOME.**

10 Section 480(e) of the Higher Education Act of 1965
11 (20 U.S.C. 1087vv(e)) is amended by striking paragraph
12 (5) and inserting the following:

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

20 **SEC. 14. CONSOLIDATING QUESTIONS REGARDING HOME-**
21 **LESS STATUS IN FAFSA.**

22 Section 483(a)(4) of the Higher Education Act of
23 1965 (20 U.S.C. 1090(a)(4)) is amended by adding at the
24 end the following:

25 “(C) SINGLE QUESTION REGARDING
26 HOMELESS STATUS.—The Secretary shall en-

1 sure that, on each form developed under this
 2 section for which the information is applicable,
 3 there is a single, easily understood screening
 4 question to identify an applicant for aid who
 5 is—

6 “(i) an unaccompanied homeless child
 7 or youth (as such term is defined in sec-
 8 tion 725 of the McKinney-Vento Homeless
 9 Assistance Act); or

10 “(ii) an unaccompanied youth who is
 11 self-supporting and at risk of homeless-
 12 ness.”.

13 **SEC. 15. IN-STATE TUITION RATES FOR HOMELESS CHIL-**
 14 **DREN OR YOUTHS AND FOSTER CARE CHIL-**
 15 **DREN AND YOUTH.**

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

18 (1) in the section heading, by inserting “**AND**
 19 **FOSTER CARE CHILDREN AND YOUTH**” after
 20 **“CHILDREN”**;

21 (2) in subsection (a)—

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

24 “(a) REQUIREMENT.—

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

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

2 “(2) HOMELESS CHILDREN OR YOUTHS AND
3 FOSTER CARE CHILDREN OR YOUTH.—In the case of
4 a homeless child or youth or a foster care child or
5 youth, such State shall not charge such individual
6 tuition for attendance at a public institution of high-
7 er education in the State at a rate that is greater
8 than the rate charged for residents of the State.”;
9 and

10 (3) by striking subsections (c) and (d) and in-
11 sserting the following:

12 “(c) EFFECTIVE DATE.—

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

19 “(2) HOMELESS CHILDREN OR YOUTHS AND
20 FOSTER CARE CHILDREN OR YOUTH.—With respect
21 to an individual described in subsection (a)(2), this
22 section shall take effect at each public institution of
23 higher education in a State that receives assistance
24 under this Act for the first period of enrollment at
25 such institution that begins during the first full

1 award year following the date of enactment of the
2 Higher Education Access and Success for Homeless
3 and Foster Youth Act.

4 “(d) DEFINITIONS.—In this section:

5 “(1) ARMED FORCES.—The terms ‘armed
6 forces’ and ‘active duty for a period of more than 30
7 days’ have the meanings given those terms in section
8 101 of title 10, United States Code.

9 “(2) HOMELESS CHILDREN AND YOUTHS.—The
10 term ‘homeless children and youths’ has the mean-
11 ing given the term in section 725 of the McKinney-
12 Vento Homeless Assistance Act (42 U.S.C.
13 11434a).”.

○