

108TH CONGRESS  
2D SESSION

# H. R. 4003

To amend the Higher Education Act of 1965 to improve the ability of foster care youths to attend and succeed in higher education.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mr. GEORGE MILLER of California (for himself, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. OWENS, Mr. BISHOP of New York, Mr. HOLT, Mr. KUCINICH, Mr. ANDREWS, Mr. STARK, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to improve the ability of foster care youths to attend and succeed in higher education.

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 “Foster Opportunities  
5       for Success Through Higher Education Reform” or the  
6       “FOSTER Act”.

7       **SEC. 2. FINDINGS.**

8       The Congress finds the following:

1           (1) Recent studies by the Center for the Study  
2           of Social Policy, Casey Family Programs, and the  
3           Packard Foundation demonstrate that many of the  
4           20,000 children aging out of foster care each year  
5           face unique challenges as they enter the adult world:  
6           a greater likelihood of becoming teen parents, de-  
7           pendence on public assistance, participation in sub-  
8           stance abuse, homelessness, and involvement with  
9           the criminal justice system compared to youth in the  
10          general population.

11          (2) According to a study of foster care children  
12          in Washington State, a child who enters foster care  
13          is likely to have poorer academic outcomes than chil-  
14          dren not in foster care, even after controlling for a  
15          variety of factors such as poverty.

16          (3) A follow-up study in Wisconsin found that  
17          37 percent of youth had not completed their high  
18          school education when interviewed 12 to 18 months  
19          after discharge from foster care.

20          (4) A study of African American males in the  
21          Ohio foster care system found that in the sixth  
22          grade, African American males in foster care had  
23          significantly lower scores than 1 or more of the 4  
24          comparison groups (all students, all African Amer-

1        ican students, all male students, all African Amer-  
2        ican male students).

3            (5) By the ninth grade, the African American  
4        males in foster care had significantly lower scores  
5        than all of the comparison groups.

6            (6) These youth in foster care are less likely to  
7        be enrolled in college preparatory classes and are  
8        more than twice as likely as non-foster care youth  
9        (37 percent vs. 16 percent) to have dropped out of  
10       high school.

11          (7) A 2002 report issued by the Child Welfare  
12        League of America (CWLA) found that more than  
13        26 percent of foster children have repeated a grade  
14        at least once since the seventh grade; 60 percent  
15        have failed a class in the previous year; over a third  
16        were below grade level in written language, math  
17        and readings; foster youth have higher absentee and  
18        tardy rates than their non-foster peers.

19          (8) A report from Casey Family Programs indi-  
20        cated that, nationwide, fewer than 27 percent of fos-  
21        ter youth who graduated high school went on to col-  
22        lege as compared to 52 percent of the general popu-  
23        lation.

24          (9) A May 2002, report issued by the Univer-  
25        sity of California at Berkeley found that of more

1       than 3200 foster care youth who attended a commu-  
 2       nity college from 1992 through 2000, 39 percent  
 3       earned between 1 and 17 credits. Forty percent of  
 4       the foster care youth earned no credits. Many did  
 5       not attempt to take classes for credit, but rather  
 6       were enrolled in remedial or other non-credit classes.

7       **SEC. 3. FOSTER CARE YOUTH OUTREACH AND HOUSING**  
 8               **SERVICES.**

9       Subpart 2 of part A of title IV of the Higher Edu-  
 10      cation Act of 1965 is amended by adding at the end the  
 11      following new chapter:

12       **“CHAPTER 4—FOSTER CARE YOUTH**  
 13       **OUTREACH AND HOUSING SERVICES**

14       **“SEC. 408A. TECHNICAL ASSISTANCE AND SUPPORT SERV-**  
 15       **ICES.**

16       “(a) PROGRAM AUTHORIZED.—From the amounts  
 17      appropriated under section 408E(a), the Secretary shall  
 18      provide competitive grants to public and private institu-  
 19      tions of higher education to provide technical assistance  
 20      and supportive services to foster care youth who are pro-  
 21      spective students to prepare for, enter, and remain in such  
 22      institutions.

23       “(b) AUTHORIZED SERVICES.—Funds provided  
 24      under this section may be used to provide—

25               “(1) academic counseling;

1 “(2) college financial-aid counseling; and

2 “(3) other appropriate support services in-  
3 tended to improve the delivery of services to foster  
4 care youth.

5 “(c) APPLICATIONS.—An institution seeking a grant  
6 under this section shall submit an application to the Sec-  
7 retary. Such application shall—

8 “(1) contain assurances that the applicant  
9 will—

10 “(A) evaluate—

11 “(i) the extent to which the institu-  
12 tion’s current programs are meeting the  
13 needs of foster care youth; and

14 “(ii) how the institution’s outreach  
15 and retention services can be improved;

16 “(B) report to the Secretary on current  
17 and expanded services and efforts to increase  
18 the number of foster care youth who attend the  
19 institution and remain in school to earn a de-  
20 gree or certificate;

21 “(C) expand representation on student  
22 body governing boards to include at least one  
23 former foster care youth that will serve to ad-  
24 vise the institution on student life issues, with  
25 particular attention to the unique barriers for

1 foster care youth in accessing and completing  
2 postsecondary education; and

3 “(D) coordinate with the State social serv-  
4 ices and child welfare departments in order to  
5 facilitate the outreach and technical assistance  
6 efforts for prospective students who are foster  
7 care youth; and

8 “(2) contain such additional information and  
9 assurances as the Secretary may require.

10 “(d) SELECTION OF APPLICANTS.—The Secretary  
11 shall select institutions of higher education for the award  
12 of grants under this section on the basis of identifying  
13 those institutions that are most likely to be able to suc-  
14 cessfully carry out the program under this section and  
15 serve the goal of expanding higher educational opportuni-  
16 ties for foster care youth.

17 **“SEC. 408B. HOUSING FOR FOSTER CARE YOUTH.**

18 “(a) GRANTS AUTHORIZED.—From the amounts ap-  
19 propriated under section 408E(b), the Secretary shall pro-  
20 vide grants to institutions of higher education to ensure  
21 basic housing during the regular academic school year, in-  
22 cluding interim housing during regular periods of dor-  
23 mitory closing (excluding summer break), for those foster  
24 care youth living in college dormitories.

1       “(b) APPLICATIONS.—An institution seeking a grant  
2 under this section shall submit an application to the Sec-  
3 retary containing such information as the Secretary may  
4 require.

5       “(c) SELECTION OF APPLICANTS.—The Secretary  
6 shall select institutions of higher education for the award  
7 of grants under this section on the basis of identifying  
8 those institutions that are most likely to be able to suc-  
9 cessfully carry out the program under this section and  
10 serve the goal of expanding higher educational opportuni-  
11 ties for foster care youth.

12   **“SEC. 408C. COORDINATION.**

13       “(a) COORDINATION WITH THE JOHN H. CHAFEE  
14 FOSTER CARE INDEPENDENCE PROGRAM.—The Sec-  
15 retary shall ensure that activities under this chapter are  
16 coordinated with programs under section 477(i) of the So-  
17 cial Security Act (42 U.S.C. 6383).

18       “(b) COORDINATION WITH TRIO AND GEARUP.—  
19 Each recipient of funds under the programs authorized  
20 by chapters 1 and 2 of this subpart shall identify services  
21 to foster care youth as a permissible service in those pro-  
22 grams, and ensure that such youth receive supportive serv-  
23 ices, including mentoring, tutoring, and other services pro-  
24 vided by those programs.

1 **“SEC. 408D. ELIGIBLE FOSTER CARE YOUTH.**

2 “(a) IN GENERAL.—An individual shall be treated as  
3 a foster care youth eligible for services and benefits under  
4 this chapter if such individual is—

5 “(1) a youth for whom the State or an entity  
6 licensed by the State has responsibility for place-  
7 ment, care, or supervision, and includes youth in fos-  
8 ter homes, group homes, or kinship care; or

9 “(2) a high school senior or student currently  
10 enrolled in a postsecondary education program who  
11 is older than 18 years old and is no longer living  
12 with his or her foster family, as long as he or she  
13 was under State care until age 18.

14 “(b) KINSHIP CARE.—For a youth to be eligible as  
15 receiving kinship care, the State or an entity licensed by  
16 the State must have intervened on the youth’s behalf and  
17 a court of competent jurisdiction must have issued a court  
18 order of dependency and the court order or the State or  
19 the entity licensed by the State must have placed the  
20 youth in legal kinship care. A youth who is residing with  
21 his or her relatives in any other type of situation is not  
22 eligible as receiving kinship care.

23 **“SEC. 408E. AUTHORIZATION.**

24 “(a) TECHNICAL ASSISTANCE AND OUTREACH SERV-  
25 ICES.—There are authorized to be appropriated for grants  
26 under section 408A, such sums as may be necessary for



1 fiscal year 2005 and for each of the 5 succeeding fiscal  
2 years.

3 “(b) HOUSING FOR FOSTER CARE YOUTH.—There  
4 are authorized to be appropriated for grants under section  
5 408B, such sums as may be necessary for fiscal year 2005  
6 and for each of the 5 succeeding fiscal years.”.

7 **SEC. 4. FAIR TREATMENT FOR FOSTER CARE YOUTH IN FI-**  
8 **NANCIAL NEED ANALYSIS.**

9 (a) COST OF ATTENDANCE.—Section 472 of the  
10 Higher Education Act of 1965 (20 U.S.C. 1087*ll*) is  
11 amended—

12 (1) by striking “and” at the end of paragraph  
13 (11);

14 (2) by striking the period at the end of para-  
15 graph (12) and inserting “; and”; and

16 (3) by inserting after paragraph (12) the fol-  
17 lowing new paragraph:

18 “(13) in the case of a foster care youth who is  
19 eligible for services or benefits under section 408D,  
20 an additional amount equal to 50 percent of the sum  
21 determined under the preceding paragraphs, rep-  
22 resenting the reasonable living additional expenses of  
23 such a youth.”.

1 (b) ADVISORY COMMITTEE ON STUDENT FINANCIAL  
2 ASSISTANCE.—Section 491(j) of the Higher Education  
3 Act of 1965 (20 U.S.C. 1098(j)) is amended—

4 (1) by striking “and” at the end of paragraph  
5 (4);

6 (2) by striking the period at the end of para-  
7 graph (5) and inserting “; and”; and

8 (3) by inserting after paragraph (5) the fol-  
9 lowing new paragraph:

10 “(6) examine methods for expanding access to  
11 Federal financial aid by foster care youth who are  
12 eligible for services or benefits under section 408D,  
13 and for simplifying the application process for such  
14 youth.”.

15 (c) FAFSA REVISION.—Section 483(a)(1) of the  
16 Higher Education Act of 1965 (20 U.S.C. 1090(a)(1)) is  
17 amended by inserting after the third sentence the fol-  
18 lowing new sentence: “Such data elements shall include  
19 an identification of whether the student is a foster care  
20 youth who is eligible for services or benefits under section  
21 408D.”.

22 (d) ASSESSMENT AND FOLLOW-UP.—Section  
23 485(a)(1)(L) of the Higher Education Act of 1965 (20  
24 U.S.C. 1092(a)(1)(L)) is amended by inserting before the  
25 semicolon at the end the following: “, and, commencing

1 with the 2004–2005 academic year, the retention rates of  
2 students who voluntarily provide to the institution of high-  
3 er education their status as emancipated foster care  
4 youth”.

