

109TH CONGRESS
1ST SESSION

S. 1429

To amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2005

Mrs. MURRAY (for herself and Mr. DEWINE) 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 assist homeless students in obtaining postsecondary education, and for other purposes.

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 “Improving Access to
5 Education for Students Who Are Homeless or in Foster
6 Care Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) According to a study of foster care children
2 in the State of Washington, a child who enters foster
3 care is likely to have poorer academic outcomes than
4 a child not in foster care, even after controlling for
5 a variety of factors such as poverty.

6 (2) Youth in foster care—

7 (A) are less likely to be enrolled in college
8 preparatory classes than non-foster care youth;
9 and

10 (B) are more than twice as likely as non-
11 foster care youth (37 percent as compared to
12 16 percent) to have dropped out of secondary
13 school.

14 (3) 50 percent of foster youth in the United
15 States graduate from secondary school, compared
16 with 85 percent of youth overall.

17 (4) 70 percent of teens in foster care desire to
18 go to college.

19 (5) A report from Casey Family Programs indi-
20 cated that, nationwide, less than 27 percent of foster
21 youth who graduated from secondary school went on
22 to college, as compared to 52 percent of the general
23 population. Moreover, the college dropout rate
24 among foster youth is far higher than the rate
25 among other students.

1 (6) A May 2002 report issued by the University
2 of California at Berkeley found that, of more than
3 3,200 foster care youth who attended a community
4 college from 1992 through 2000—

5 (A) 39 percent earned between 1 and 17
6 credits;

7 (B) 40 percent of the foster care youth
8 earned no credits; and

9 (C) many of the foster care youth did not
10 attempt to take classes for credit, but rather
11 were enrolled in remedial or other non-credit
12 classes.

13 (7) Unaccompanied youth experiencing home-
14 lessness often have left home for their own survival.

15 (8) Although children and youth who experience
16 homelessness represent the full range of academic
17 talents and abilities, homelessness creates serious
18 barriers to school enrollment, attendance, and suc-
19 cess.

20 (9) The McKinney-Vento Homeless Assistance
21 Act (42 U.S.C. 11301 et seq.) requires State edu-
22 cational agencies and local educational agencies to
23 ensure that homeless children and youth receive a
24 free and appropriate public education, but these pro-
25 visions do not reach beyond secondary education.

1 (10) The barriers created by homelessness to
 2 kindergarten through grade 12 education (extreme
 3 poverty, residential instability, lack of documenta-
 4 tion, and lack of awareness of programs and re-
 5 sources) often are also barriers to postsecondary
 6 education.

7 (11) Higher education offers students experi-
 8 encing homelessness the best hope for escaping pov-
 9 erty and homelessness as adults.

10 **TITLE I—FINANCIAL ASSIST-**
 11 **ANCE FOR STUDENTS WHO**
 12 **ARE HOMELESS OR IN FOS-**
 13 **TER CARE**

14 **SEC. 101. NEED ANALYSIS.**

15 (a) SPECIAL CIRCUMSTANCES.—Section 479A(a) of
 16 the Higher Education Act of 1965 (20 U.S.C. 1087tt(a))
 17 is amended, in the third sentence, by inserting “a change
 18 in housing status that results in homelessness,” before “or
 19 other changes”.

20 (b) INDEPENDENT STUDENT.—Section 480(d) of the
 21 Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is
 22 amended to read as follows:

23 “(d) INDEPENDENT STUDENT.—

1 “(1) DEFINITION.—The term ‘independent’,
2 when used with respect to a student, means any in-
3 dividual who—

4 “(A) is 24 years of age or older by Decem-
5 ber 31 of the award year;

6 “(B) is an orphan, in foster care, or a
7 ward of the court, or was in foster care or a
8 ward of the court until the individual reached
9 the age of 18;

10 “(C) is an emancipated youth, as defined
11 by the student’s State of legal residence;

12 “(D) is in legal guardianship, as defined in
13 section 475 of the Social Security Act (42
14 U.S.C. 675);

15 “(E) is a veteran of the Armed Forces of
16 the United States (as defined in subsection
17 (c)(1));

18 “(F) is a graduate or professional student;

19 “(G) is a married individual;

20 “(H) has legal dependents other than a
21 spouse;

22 “(I) has been verified as both a homeless
23 child or youth and an unaccompanied youth, as
24 such terms are defined in section 725 of the
25 McKinney-Vento Homeless Assistance Act (42

U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

“(i) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

“(ii) a director of a homeless shelter, transitional shelter, or independent living program; or

“(iii) a financial aid administrator; or

“(J) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

“(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—Nothing in this subsection shall be construed to prohibit a financial aid administrator from making a determination of independence under paragraph (1)(J) based upon a documented determination of independence under such paragraph that was previously made by another financial aid administrator in the same application year.”.

1 (c) TAILORING ELECTRONIC APPLICATIONS FOR
 2 STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section
 3 483(a) of the Higher Education Act of 1965 (20 U.S.C.
 4 1090(a)) is amended by adding at the end the following:

5 “(8) APPLICATIONS FOR STUDENTS SEEKING A
 6 DOCUMENTED DETERMINATION OF INDEPEND-
 7 ENCE.—In the case of a student seeking a docu-
 8 mented determination of independence by a financial
 9 aid administrator, as described in section
 10 480(d)(1)(J), nothing in this section shall prohibit
 11 the Secretary from—

12 “(A) allowing such student to indicate the
 13 student’s special circumstance on the electronic
 14 version of a form developed under paragraph
 15 (5);

16 “(B) collecting and processing, on a pre-
 17 liminary basis, data provided by such student
 18 using the electronic version of the form; or

19 “(C) distributing such data to States, in-
 20 stitutions of higher education, and guaranty
 21 agencies for the purposes of processing loan ap-
 22 plications and determining need and eligibility
 23 for institutional and State financial aid awards
 24 for such student on a preliminary basis, pend-

ing a documented determination of independence by a financial aid administrator.”.

TITLE II—FEDERAL EARLY OUT-REACH AND STUDENT SERVICES PROGRAMS FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE

Subtitle A—Federal TRIO Programs

SEC. 211. DEFINITION OF HOMELESS CHILDREN AND YOUTHS.

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

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

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

1 **SEC. 212. TALENT SEARCH.**

2 Section 402B(b) of the Higher Education Act of
3 1965 (20 U.S.C. 1070a–12(b)) is amended by striking
4 paragraph (10) and inserting the following:

5 “(10) programs and activities as described in
6 paragraphs (1) through (9) which are specially de-
7 signed for—

8 “(A) students of limited English pro-
9 ficiency;

10 “(B) students who are homeless children
11 and youths; and

12 “(C) students who are in foster care or are
13 aging out of the foster care system.”.

14 **SEC. 213. UPWARD BOUND.**

15 Section 402C(b) of the Higher Education Act of
16 1965 (20 U.S.C. 1070a–13(b)) is amended by striking
17 paragraph (12) and inserting the following:

18 “(12) programs and activities as described in
19 paragraphs (1) through (11) which are specially de-
20 signed for—

21 “(A) students of limited English pro-
22 ficiency;

23 “(B) students who are homeless children
24 and youths; and

25 “(C) students who are in foster care or are
26 aging out of the foster care system.”.

1 **SEC. 214. STUDENT SUPPORT SERVICES.**

2 Section 402D of the Higher Education Act of 1965
3 (20 U.S.C. 1070a–14) is amended—

4 (1) in subsection (a)(3)—

5 (A) by striking “students and” and insert-
6 ing “students,”; and

7 (B) by inserting “, students who are home-
8 less children and youths, and students who are
9 in foster care or are aging out of the foster care
10 system” before the period; and

11 (2) in subsection (b)—

12 (A) in paragraph (9), by striking “and”
13 after the semicolon;

14 (B) by striking paragraph (10) and insert-
15 ing the following:

16 “(10) programs and activities as described in
17 paragraphs (1) through (9) which are specially de-
18 signed for—

19 “(A) students of limited English pro-
20 ficiency;

21 “(B) students who are or who were home-
22 less children and youths; and

23 “(C) students who are in foster care or are
24 aging out of the foster care system; and”; and

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

1 “(11) assistance in securing temporary housing
2 for—

3 “(A) students who are, or who were, home-
4 less children and youths; or

5 “(B) students who are in foster care or are
6 aging out of the foster care system.”.

7 **SEC. 215. EDUCATIONAL OPPORTUNITY CENTERS.**

8 Section 402F(b) of the Higher Education Act of
9 1965 (20 U.S.C. 1070a–16(b)) is amended by striking
10 paragraph (10) and inserting the following:

11 “(10) programs and activities as described in
12 paragraphs (1) through (9) which are specially de-
13 signed for—

14 “(A) students of limited English pro-
15 ficiency;

16 “(B) students who are homeless children
17 and youths; and

18 “(C) students who are in foster care or are
19 aging out of the foster care system.”.

20 **SEC. 216. STAFF DEVELOPMENT ACTIVITIES.**

21 Section 402G(b)(3) of the Higher Education Act of
22 1965 (20 U.S.C. 1070a–17(b)(3)) is amended by striking
23 “chapter.” and inserting “chapter, including strategies for
24 recruiting and serving students who are homeless children

1 and youths, and students who are in foster care or are
 2 aging out of the foster care system.”.

3 **Subtitle B—GEAR-UP Programs**

4 **SEC. 221. REQUIREMENTS FOR GAINING EARLY AWARE-** 5 **NESS AND READINESS FOR UNDERGRADUATE** 6 **PROGRAMS.**

7 Section 404B(c)(2) of the Higher Education Act of
 8 1965 (20 U.S.C. 1070a–22(c)(2)) is amended by striking
 9 “programs.” and inserting “programs, including programs
 10 under subtitle B of title VII of the McKinney-Vento
 11 Homeless Assistance Act (42 U.S.C. 11431 et seq.).”.

12 **SEC. 222. EARLY INTERVENTION USE OF FUNDS.**

13 Section 404D(b)(2)(C) of the Higher Education Act
 14 of 1965 (20 U.S.C. 1070a–24(b)(2)(C)) is amended by in-
 15 serting “, for students who are homeless children and
 16 youths, as defined in section 725 of the McKinney-Vento
 17 Homeless Assistance Act (42 U.S.C. 11434a), or for stu-
 18 dents who are in foster care or are aging out of the foster
 19 care system” before the period.

1 **TITLE III—DEMONSTRATION**
 2 **PROJECTS TO INCREASE EN-**
 3 **ROLLMENT AND SUCCESS OF**
 4 **HIGHLY MOBILE STUDENTS**
 5 **IN POSTSECONDARY EDU-**
 6 **CATION**

7 **SEC. 301. PURPOSE.**

8 It is the purpose of this title to support demonstra-
 9 tion projects in order to—

- 10 (1) increase the secondary school graduation
 11 rates of highly mobile students;
 12 (2) increase the academic success of highly mo-
 13 bile students in secondary school; and
 14 (3) increase the enrollment and success of high-
 15 ly mobile students in higher education.

16 **SEC. 302. DEFINITIONS.**

17 In this title:

- 18 (1) **HIGHLY MOBILE STUDENTS.**—The term
 19 “highly mobile students” means students who are—
 20 (A) homeless children and youths, as such
 21 term is defined in section 725 of the McKinney-
 22 Vento Homeless Assistance Act (42 U.S.C.
 23 11434a); or
 24 (B) wards of the State.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (3) WARD OF THE STATE.—The term “ward of
4 the State” means a child who—

5 (A) is a ward of the State, as determined
6 by the State where the child resides; or

7 (B) is in the custody of a public child wel-
8 fare agency, including situations where the child
9 is residing—

10 (i) in a foster family home, group
11 home, or other alternative residential set-
12 ting; or

13 (ii) at home under protective super-
14 vision.

15 **SEC. 303. GRANTS AUTHORIZED.**

16 (a) COMPETITIVE GRANTS AUTHORIZED.—The Sec-
17 retary may award grants, contracts, and cooperative
18 agreements, on a competitive basis, to—

19 (1) partnerships consisting of—

20 (A) a State educational agency;

21 (B) a State department serving abused
22 and neglected children;

23 (C) a State department serving runaway,
24 homeless, or at-risk youth;

1 (D) a State department serving homeless
2 families or youth; and

3 (E) 1 or more degree-granting institutions
4 of higher education; and

5 (2) partnerships consisting of—

6 (A) 1 or more local educational agencies;

7 (B) 1 or more degree-granting institutions
8 of higher education;

9 (C) a recipient of a grant under subtitle B
10 of title IV of the McKinney-Vento Homeless As-
11 sistance Act (42 U.S.C. 11371 et seq.); and

12 (D) 2 or more community organizations or
13 entities, such as businesses, community-based
14 organizations, faith-based organizations, State
15 agencies, or other public or private agencies or
16 organizations.

17 (b) DURATION.—Grants contracts, and cooperative
18 agreements under this title shall be awarded for a period
19 of not more than 3 years.

20 **SEC. 304. APPLICATIONS.**

21 Each partnership desiring to receive a grant, con-
22 tract, or cooperative agreement under this title shall sub-
23 mit an application to the Secretary at such time, in such
24 manner, and accompanied by such information as the Sec-
25 retary may require. Each application shall include—

1 (1) a description of how the partnership plans
2 to carry out the activities required under this title;

3 (2) a description of how the partnership will co-
4 ordinate and collaborate with transportation, edu-
5 cation, housing, social services, and child welfare
6 agencies to prevent and reduce school mobility;

7 (3) an assurance that all State and local edu-
8 cational agency members of the partnership will
9 comply with the applicable grant recipient require-
10 ments of subtitle B of title VII of the McKinney-
11 Vento Homeless Assistance Act (42 U.S.C. 11431 et
12 seq.) and section 1113(c)(3)(A) of the Elementary
13 and Secondary Education Act of 1965 (20 U.S.C.
14 6313(c)(3)(A)); and

15 (4) an assurance that the partnership will dem-
16 onstrate that, to the maximum extent practicable,
17 the partnership is—

18 (A) utilizing other resources (including
19 Federal, State, and local funds, public transpor-
20 tation, and other community resources) to
21 transport highly mobile students; and

22 (B) collaborating with local housing, social
23 services, and child welfare agencies to minimize
24 the need for such transportation.

1 **SEC. 305. AWARD CONSIDERATIONS.**

2 In awarding grants, contracts, or cooperative agree-
3 ments under this title, the Secretary shall consider the fol-
4 lowing:

5 (1) The number of highly mobile students iden-
6 tified in the area proposed to be served by the part-
7 nership.

8 (2) The extent to which each local educational
9 agency member of the partnership has reserved ap-
10 propriate funds under section 1113(c)(3)(A) of the
11 Elementary and Secondary Education Act of 1965
12 (20 U.S.C. 6313(c)(3)(A)) to serve homeless chil-
13 dren.

14 (3) The extent to which the partnership has
15 demonstrated interagency collaboration among
16 transportation, education, housing, social services,
17 and child welfare agencies.

18 (4) Evidence of past successful operation of
19 programs for highly mobile students.

20 **SEC. 306. AUTHORIZED ACTIVITIES.**

21 Grants, contracts, and cooperative agreements under
22 this title shall be used to carry out 1 or more of the fol-
23 lowing activities:

24 (1) Services designed to assist highly mobile
25 students in the completion of secondary school and
26 in increasing academic success, such as—

- 1 (A) after-school and summer tutoring;
- 2 (B) academic counseling;
- 3 (C) skills assessment;
- 4 (D) mentoring programs; and
- 5 (E) exposure to cultural events, academic
- 6 programs, and other activities not usually avail-
- 7 able to highly mobile students.

8 (2) Services designed to assist highly mobile
 9 students with matriculation in an institution of high-
 10 er education, such as—

- 11 (A) academic advice and assistance in
- 12 course selection;
- 13 (B) assistance in completing college admis-
- 14 sion and financial aid applications;
- 15 (C) assistance in preparing for college en-
- 16 trance examinations;
- 17 (D) personal counseling; and
- 18 (E) career workshops and counseling.

19 (3) Services and strategies to prevent and re-
 20 duce the mobility of highly mobile students, such
 21 as—

- 22 (A) defraying the excess cost of trans-
- 23 porting highly mobile students to their schools
- 24 of origin, as required under paragraphs
- 25 (1)(J)(iii) and (3)(A) of section 722(g) of the

1 McKinney-Vento Homeless Assistance Act (42
 2 U.S.C. 11432(g)(1)(J)(iii) and (3)(A)), except
 3 that a grant recipient may not use more than
 4 25 percent of the total grant award received
 5 under this title for this use;

6 (B) interagency coordination of services
 7 and policies, including transportation, edu-
 8 cation, housing, social services, and child wel-
 9 fare agencies;

10 (C) family counseling, home visits, staff
 11 development, outreach, and supportive services;
 12 and

13 (D) evaluation and dissemination of data,
 14 information, and promising practices.

15 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out
 17 this title \$20,000,000 for fiscal year 2006 and such sums
 18 as may be necessary for each of the 5 succeeding fiscal
 19 years.

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