

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.

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## 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

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## 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:

## 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 indicated that, nationwide, less than 27 percent of foster  
20 youth who graduated from secondary school went on  
21 to college, as compared to 52 percent of the general  
22 population. Moreover, the college dropout rate  
23 among foster youth is far higher than the rate  
24 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;

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.

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 experiencing homelessness the best hope for escaping poverty 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

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

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

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

12                  “(iii) a financial aid administrator; or  
13                   “(J) is a student for whom a financial aid  
14                  administrator makes a documented determina-  
15                  tion of independence by reason of other unusual  
16                  circumstances.

17                  “(2) SIMPLIFYING THE DEPENDENCY OVER-  
18                  RIDE PROCESS.—Nothing in this subsection shall be  
19                  construed to prohibit a financial aid administrator  
20                  from making a determination of independence under  
21                  paragraph (1)(J) based upon a documented deter-  
22                  mination of independence under such paragraph that  
23                  was previously made by another financial aid admin-  
24                  istrator 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-

3 **TITLE II—FEDERAL EARLY OUT-  
4 REACH AND STUDENT SERV-  
5 ICES PROGRAMS FOR STU-  
6 DENTS WHO ARE HOMELESS  
7 OR IN FOSTER CARE**

## 8                   **Subtitle A—Federal TRIO** 9                   **Programs**

10 SEC. 211. DEFINITION OF HOMELESS CHILDREN AND  
11 YOUTHS.

12 Section 402A(g) of the Higher Education Act of  
13 1965 (20 U.S.C. 1070a-11(g)) is amended—

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

16 (2) by inserting after paragraph (1) the fol-  
17 lowing:

18                   “(2) HOMELESS CHILDREN AND YOUTHS.—The  
19                   term ‘homeless children and youths’ has the mean-  
20                   ing given the term in section 725 of the McKinney-  
21                   Vento Homeless Assistance Act (42 U.S.C.  
22                   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 inserting  
6 “students,”; and7 (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; and23 “(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.

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

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 rotary may award grants, contracts, and cooperative  
18 agreements, on a competitive basis, to—

19 (1) partnerships consisting of—

20 (A) a State educational agency;

(B) a State department serving abused 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

(E) 1 or more degree-granting institutions 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;

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;

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

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

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

2 In awarding grants, contracts, or cooperative agreements under this title, the Secretary shall consider the following:

5 (1) The number of highly mobile students identified in the area proposed to be served by the partnership.

8 (2) The extent to which each local educational agency member of the partnership has reserved appropriate funds under section 1113(c)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)(A)) to serve homeless children.

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

18 (4) Evidence of past successful operation of 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 following 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—

- (A) after-school and summer tutoring;
- (B) academic counseling;
- (C) skills assessment;
- (D) mentoring programs; and
- (E) exposure to cultural events, academic programs, and other activities not usually available to highly mobile students.

(2) Services designed to assist highly mobile students with matriculation in an institution of higher education, such as—

- (A) academic advice and assistance in course selection;
- (B) assistance in completing college admission and financial aid applications;
- (C) assistance in preparing for college entrance examinations;
- (D) personal counseling; and
- (E) career workshops and counseling.

(3) Services and strategies to prevent and reduce the mobility of highly mobile students, such as—

- (A) defraying the excess cost of transporting highly mobile students to their schools of origin, as required under paragraphs (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.

○