

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.

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## 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

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## 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

paragraph (1)(H) during the school year in which the student initially submits the application. In subsequent years, the student shall be presumed to be independent unless—

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

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

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

“(25) FOSTER CARE CHILDREN AND YOUTH.—

The term ‘foster care children and youth’—

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

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

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

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

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

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

(3) by adding at the end the following:

“(C) receive, review, and resolve expeditiously complaints regarding a student’s independence under subparagraph (B) or (H) of section 480(d)(1), in consultation with knowledgeable parties, including child welfare agencies, local educational agency liaisons for homeless children and youths designated under subtitle B of title VII of the McKinney-Vento 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);

“(C) has developed a plan for how homeless children and youths and foster care children and youth can access housing resources during and between academic terms, through means that may include access to on-campus housing during breaks and a list of housing resources in the community that provide short-term housing; and

“(D) has included in its application for admission questions (to be answered voluntarily) regarding the applicant’s status as a homeless child or youth or foster care child or youth, which the applicant can answer voluntarily for the limited purpose of being provided information about financial aid or any other available assistance.”.

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

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

(1) in subsection (c), by striking the fourth sentence and inserting the following: “The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify, conduct specific outreach to, and recruit foster care 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(c) of the Higher Education Act of 1965  
6    (20 U.S.C. 1070a–16(c)) 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.

○