

115TH CONGRESS
1ST SESSION

H. R. 3742

To amend the Higher Education Act of 1965 to provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2017

Mr. DANNY K. DAVIS of Illinois (for himself, Mr. KRISHNAMOORTHY, Mr. SCOTT of Virginia, and Mrs. DAVIS of California) 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 provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, 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 “Fostering Success in
5 Higher Education Act of 2017”.

1 **SEC. 2. FORMULA GRANTS TO STATES TO IMPROVE HIGH-**
 2 **ER EDUCATION OPPORTUNITIES FOR FOSTER**
 3 **YOUTH AND HOMELESS YOUTH.**

4 Title VII of the Higher Education Act of 1965 (20
 5 U.S.C. 1133 et seq.) is amended by adding at the end
 6 the following new part:

7 **“PART F—GRANTS FOR IMPROVING ACCESS TO**
 8 **AND SUCCESS IN HIGHER EDUCATION FOR**
 9 **FOSTER YOUTH AND HOMELESS YOUTH**

10 **“SEC. 791. DEFINITIONS.**

11 “In this part:

12 “(1) FOSTER YOUTH.—The term ‘foster
 13 youth’—

14 “(A) means an individual whose care and
 15 placement is the responsibility of the State or
 16 tribal agency that administers a State or tribal
 17 plan under part B or E of title IV of the Social
 18 Security Act (42 U.S.C. 621 et seq.; 670 et
 19 seq.), without regard to whether foster care
 20 maintenance payments are made under section
 21 472 of such Act (42 U.S.C. 672) on behalf of
 22 the individual; and

23 “(B) includes any individual—

24 “(i) whose care and placement was
 25 the responsibility of such a State or tribal
 26 agency when, or at any time after, the in-

1 dividual attained 13 years of age, without
2 regard to whether foster care maintenance
3 payments were made under section 472 of
4 such Act (42 U.S.C. 672) on behalf of the
5 individual; and

6 “(ii) who is no longer under the care
7 and responsibility of such a State or tribal
8 agency, without regard to any subsequent
9 adoption of the individual.

10 “(2) HOMELESS YOUTH.—The term ‘homeless
11 youth’ has the meaning given the term ‘homeless
12 children and youths’ in section 725 of the McKin-
13 ney-Vento Homeless Assistance Act (42 U.S.C.
14 11434a).

15 “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
16 The terms ‘Indian Tribe’ and ‘tribal organization’
17 have the meanings given the terms in section 4 of
18 the Indian Self-Determination and Education Assist-
19 ance Act (25 U.S.C. 450).

20 “(4) INSTITUTION OF HIGHER EDUCATION.—
21 The term ‘institution of higher education’ has the
22 meaning given the term in section 101.

23 “(5) STATE.—The term ‘State’ means each of
24 the several States and the District of Columbia.

1 “(6) TERRITORY.—The term ‘territory’ means
 2 Puerto Rico, United States Virgin Islands, Guam,
 3 American Samoa, and the Commonwealth of the
 4 Northern Mariana Islands, the Republic of the Mar-
 5 shall Islands, the Federated States of Micronesia,
 6 and the Republic of Palau.

7 **“SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE AC-**
 8 **CESS TO AND SUCCESS IN HIGHER EDU-**
 9 **CATION FOR FOSTER YOUTH AND HOMELESS**
 10 **YOUTH.**

11 “(a) GRANT PROGRAM ESTABLISHED.—From the
 12 amount appropriated under subsection (h), the Secretary
 13 shall make allotments under subsection (b), to States hav-
 14 ing applications approved under subsection (c), to enable
 15 each State to—

16 “(1) carry out the Statewide transition initia-
 17 tive described in subsection (d); and

18 “(2) make subgrants described in subsection
 19 (e).

20 “(b) ALLOCATIONS.—

21 “(1) FORMULA.—

22 “(A) RESERVATION FOR INDIAN TRIBES
 23 AND TERRITORIES.—

24 “(i) IN GENERAL.—From the amount
 25 appropriated under subsection (h) for a

1 fiscal year and subject to clause (ii), the
2 Secretary shall reserve—

3 “(I) not more than 3 percent for
4 grants to Indian Tribes, consortia of
5 Indian Tribes, or Tribal organiza-
6 tions; and

7 “(II) not more than 2 percent for
8 grants to territories.

9 “(ii) REQUIREMENTS.—In awarding
10 grants under this subparagraph, the Sec-
11 retary—

12 “(I) shall not award a grant
13 under subclause (I) or (II) of clause
14 (i) for a fiscal year for which no In-
15 dian Tribe (or consortium of Indian
16 Tribes) or Tribal organization, or ter-
17 ritory, respectively, submits a satisfac-
18 tory application for a grant under
19 such subclause;

20 “(II) shall require that any In-
21 dian Tribe, consortium, Tribal organi-
22 zation, or territory that receives a
23 grant under this subparagraph pro-
24 vide an assurance of a partnership
25 among relevant education, child wel-

1 fare, and homeless agencies or organi-
2 zations; and

3 “(III) may determine any other
4 requirements with respect to such
5 grants (including the allocation, appli-
6 cation, and use of fund requirements),
7 which to the extent possible, shall be
8 consistent with the requirements for
9 States under this part, except that ap-
10 propriate adjustments shall be made
11 based on the needs and size of popu-
12 lations served by the Indian Tribe,
13 consortium, Tribal organization, or
14 territory applying for the grant.

15 “(B) RESERVATION FOR DEPARTMENT AC-
16 TIVITIES.—From the amount appropriated
17 under subsection (h) for a fiscal year, the Sec-
18 retary may reserve—

19 “(i) not more than 7 percent to—

20 “(I) provide technical assistance,
21 in consultation with Secretary of
22 Health and Human Services, to
23 States carrying out activities under
24 this section; and

1 “(II) complete the evaluations re-
2 quired by subsection (g)(1); and

3 “(ii) not more than 3 percent for ad-
4 ministrative expenses.

5 “(C) ALLOCATIONS.—From the amount
6 appropriated under subsection (h) for fiscal
7 year and remaining after the Secretary reserves
8 funds under subparagraphs (A) and (B), the
9 Secretary shall allocate to each State the great-
10 er of—

11 “(i) \$500,000; or

12 “(ii) the amount that bears the same
13 proportion to the remaining appropriated
14 amount for such fiscal year as the number
15 of foster youth and homeless youth in the
16 State bears to the number of foster youth
17 and homeless youth in all States.

18 “(D) RATABLE REDUCTION.—If the
19 amount appropriated under subsection (h) for a
20 fiscal year and remaining after the Secretary
21 reserves funds under subparagraphs (A) and
22 (B) is less than the amount required to be allo-
23 cated to States under subparagraph (C), then
24 the amount of the allocation to each State shall
25 be ratably reduced.

1 “(2) STATE RESERVATION.—From the amounts
2 awarded a State under paragraph (1)(C) for a fiscal
3 year, the State may reserve not more than 5 percent
4 for administrative expenses.

5 “(3) TEMPORARY INELIGIBILITY FOR SUBSE-
6 QUENT PAYMENTS.—

7 “(A) IN GENERAL.—The Secretary shall
8 determine a State to be temporarily ineligible to
9 receive a grant payment under this subsection
10 for a fiscal year if—

11 “(i) the State fails to submit an an-
12 nual report under subsection (f) for the
13 preceding fiscal year; or

14 “(ii) the Secretary determines, based
15 on information in such annual report, that
16 the State is not effectively—

17 “(I) meeting the outcomes de-
18 scribed in the application of such
19 State under subsection (c)(2)(C), and
20 does not have a plan to improve the
21 outcomes;

22 “(II) monitoring and evaluating
23 the activities under subsections (d)
24 and (e); or

1 “(III) using funds as required
2 under subsections (d) and (e).

3 “(B) REINSTATEMENT.—If the Secretary
4 determines that a State is ineligible under sub-
5 paragraph (A), the Secretary may enter into an
6 agreement with the State setting forth the
7 terms and conditions under which the State
8 may regain eligibility to receive payments under
9 this section.

10 “(c) APPLICATIONS.—

11 “(1) IN GENERAL.—For each fiscal year for
12 which a State desires an allotment under subsection
13 (b), the State shall submit an application to the Sec-
14 retary at such time, in such manner, and containing
15 the information described in paragraph (2).

16 “(2) INFORMATION REQUIRED.—An application
17 submitted under paragraph (1) shall include the fol-
18 lowing:

19 “(A) A plan for how the State will carry
20 out the activities under subsections (d) and (e).

21 “(B) A description of the State’s capacity
22 to carry out such activities.

23 “(C) A description of intended outcomes
24 for such activities.

1 “(D) A plan for how the State will monitor
2 and evaluate such activities, including how the
3 State will use data to continually update and
4 improve such activities.

5 “(E) A description of how students will be
6 identified and recruited for participation in the
7 Statewide transition initiative under subsection
8 (d).

9 “(F) An estimate of the number and char-
10 acteristics of the populations targeted for par-
11 ticipation in the Statewide transition initiative
12 under subsection (d) with attention to the di-
13 verse needs of homeless youth and foster youth
14 in the State.

15 “(G) A description of how the State will
16 coordinate services provided under the grant
17 with services provided to foster youth and
18 homeless youth under the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11301 et
20 seq.), the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 6301 et seq.), the Run-
22 away and Homeless Youth Act (42 U.S.C. 5701
23 et seq.), and other services provided to foster
24 youth and homeless youth by the State.

1 “(H) An assurance that the State will
2 comply with subtitle B of title VII of the
3 McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11431 et seq.).

5 “(I) An assurance that the State will part-
6 ner with State educational agencies, local edu-
7 cational agencies, institutions of higher edu-
8 cation, State and local child welfare authorities,
9 and other relevant organizations that serve fos-
10 ter youth or homeless youth.

11 “(J) An assurance that the State will sub-
12 mit the annual report required under subsection
13 (f).

14 “(K) A budgetary analysis of the use of
15 funds awarded under this section.

16 “(L) Such other information as the Sec-
17 retary may require.

18 “(d) STATEWIDE TRANSITION INITIATIVE.—

19 “(1) USE OF FUNDS.—Subject to subsection
20 (b)(2), and in consultation and coordination with the
21 entities described in paragraph (2) of this sub-
22 section, a State receiving a grant award under this
23 section shall use not less than 25 percent of the
24 funds to—

1 “(A) provide intensive outreach and sup-
2 port to foster youth and homeless youth to—

3 “(i) improve the understanding and
4 preparation of such youth for enrollment in
5 institutions of higher education;

6 “(ii) increase the number of applica-
7 tions to institutions of higher education
8 submitted by such youth; and

9 “(iii) increase the number of enroll-
10 ments at institutions of higher education;

11 “(B) provide education to foster youth and
12 homeless youth with respect to—

13 “(i) the benefits and opportunities of
14 postsecondary education;

15 “(ii) planning for postsecondary edu-
16 cation;

17 “(iii) financial aid opportunities for
18 enrollment at an institution of higher edu-
19 cation;

20 “(iv) the Federal and State services
21 and benefits available to foster youth and
22 homeless youth while enrolled at an insti-
23 tution of higher education, including health
24 and mental health services;

25 “(v) career exploration; and

1 “(vi) financial literacy training, in-
2 cluding security from identity theft;

3 “(C) assist foster youth and homeless
4 youth with submitting applications for—

5 “(i) enrollment at an institution of
6 higher education;

7 “(ii) financial aid for such enrollment;
8 and

9 “(iii) scholarships available for such
10 students, including under a State edu-
11 cational and training voucher program re-
12 ferred to in section 477(i) of the Social Se-
13 curity Act; and

14 “(D) provide free programming, which may
15 include free transportation to and from such
16 programming, for foster youth and homeless
17 youth to prepare such individuals socially and
18 academically for the rigors of postsecondary
19 education during the summer before such indi-
20 viduals first attend an institution of higher edu-
21 cation.

22 “(2) REQUIRED CONSULTATION AND COORDI-
23 NATION.—In carrying out the activities described in
24 paragraph (1), a State shall consult and coordinate
25 with State educational agencies, local educational

1 agencies, institutions of higher education, State and
2 local child welfare authorities, and other relevant or-
3 ganizations that serve foster youth or homeless
4 youth.

5 “(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-
6 CELLENCE.—

7 “(1) IN GENERAL.—Subject to the subsection
8 (b)(2), a State receiving a grant under this section
9 shall, acting through the administering State agen-
10 cy, use not less than 70 percent of the funds to
11 award, on a competitive basis, subgrants to eligible
12 institutions to enable such institutions to become in-
13 stitutions of excellence by improving college access,
14 retention, and completion rates for foster and home-
15 less youth as described in paragraph (3).

16 “(2) APPLICATION.—

17 “(A) IN GENERAL.—An eligible institution
18 desiring a subgrant under this subsection shall
19 submit an application to the State in which
20 such eligible institution is located, at such time,
21 in such manner, and containing such informa-
22 tion as the State may require.

23 “(B) TECHNICAL ASSISTANCE.—States
24 shall provide outreach and technical assistance

1 to eligible institutions with respect to applica-
2 tions for subgrants under this subsection.

3 “(3) ACTIVITIES.—An eligible institution that
4 receives a grant under this subsection shall use the
5 grant funds to carry out the following activities with
6 respect to homeless youth and foster youth:

7 “(A) Provide flexibility and assistance in
8 completing the application process to enroll at
9 such institution.

10 “(B) Coordinate programs with relevant
11 on- and off-campus stakeholders to increase the
12 enrollment of such youth at the institution and
13 align services at the institution for such youth.

14 “(C) Adjust the cost of attendance for
15 such youth at such eligible institution to include
16 the cost of housing during periods of non-enroll-
17 ment.

18 “(D) Provide institutional aid to such stu-
19 dents to meet the cost of attendance that is not
20 covered by other Federal or State educational
21 grants.

22 “(E) Provide outreach to such students to
23 ensure that such youth are aware of housing re-
24 sources available during periods of non-enroll-
25 ment.

1 “(F) Subsidize any fees for such students
2 associated with orientation and offer free trans-
3 portation to college orientation or move-in week.

4 “(G) Hire and provide training for at least
5 one full-time staff at the eligible institution to
6 serve as a point of contact to provide case man-
7 agement services and monthly face-to-face
8 meetings with students who are foster youth or
9 homeless youth. Such individual shall have an
10 advanced degree and at least two years of rel-
11 evant experience.

12 “(H) Establish or enhance campus support
13 programs to provide such students with a wide-
14 range of on-campus services including—

15 “(i) assistance with financial aid;

16 “(ii) career advice; and

17 “(iii) leadership development.

18 “(I) Ensure the availability of robust stu-
19 dent health services (physical and mental) that
20 meet the specific needs of foster youth and
21 homeless youth.

22 “(J) Establish or expand early alert sys-
23 tems to identify and support such students who
24 may be struggling academically.

1 “(K) Collect, review, and monitor data for
2 program improvement.

3 “(4) RELIANCE ON INSTITUTIONAL AID.—Any
4 institutional aid provided to a student under para-
5 graph (3)(D) by an eligible institution during the
6 grant period of the institution’s grant under this
7 section shall continue to be provided during the stu-
8 dent’s continuous enrollment at the institution, with-
9 out regard to whether the grant period ends during
10 such enrollment.

11 “(5) DEFINITIONS.—In this subsection:

12 “(A) ADMINISTERING STATE AGENCY.—
13 The term ‘administering State agency’ means a
14 State agency—

15 “(i) designated by the Governor or ex-
16 ecutive of the State to administer the sub-
17 grants under this subsection; and

18 “(ii) that, with respect to such State,
19 has jurisdiction over—

20 “(I) foster youth;

21 “(II) homeless youth;

22 “(III) elementary and secondary
23 education; or

24 “(IV) higher education.

1 “(B) ELIGIBLE INSTITUTION.—The term
2 ‘eligible institution’ means an institution of
3 higher education—

4 “(i) that is in partnership with—

5 “(I) the State child welfare agen-
6 cy that is responsible for the adminis-
7 tration of the State plan under part B
8 or E of title IV of the Social Security
9 Act (42 U.S.C. 621 et seq.; 670 et
10 seq.); and

11 “(II) an organization that serves
12 homeless youth (such as a youth shel-
13 ter or outreach program); and

14 “(ii) that may partner with any other
15 provider, agency, official, or entity that
16 serves foster youth and homeless youth, or
17 former foster youth and homeless youth.

18 “(f) STATE REPORTS.—For each year in which a
19 State receives an allotment under subsection (b), the State
20 shall prepare and submit a report to the Secretary that
21 includes—

22 “(1) each activity or service that was carried
23 out under this section;

24 “(2) the cost of providing each such activity or
25 service;

1 “(3) the number of students who received each
2 activity or service disaggregated by demographics;

3 “(4) using qualitative and quantitative analysis,
4 how the State—

5 “(A) improved access to higher education
6 for foster youth and homeless youth; and

7 “(B) measured youth satisfaction with ac-
8 tivities carried out under this part;

9 “(5) an analysis of the implementation and
10 progress of the Statewide transition initiative under
11 subsection (d), including challenges and changes
12 made to the initiative throughout the preceding year;

13 “(6) if, based on the analysis under paragraph
14 (5), the State determines that the program is not on
15 track to meet the intended outcomes described in the
16 application of the State under subsection (c)(2)(C),
17 a description of how the State plans to meet such
18 intended outcomes; and

19 “(7) information on the eligible institutions re-
20 ceiving subgrants, including how such institutions
21 used subgrant funds to carry out the activities de-
22 scribed in subsection (e)(3).

23 “(g) DEPARTMENT ACTIVITIES.—

24 “(1) EVALUATIONS.—Beginning on the date on
25 which funds are first allotted under subsection (b),

1 and annually thereafter, the Secretary shall evaluate
2 recipients of allotments and subgrants under this
3 section. The results of such evaluations shall be
4 made publicly available on the website of the De-
5 partment.

6 “(2) REPORT TO CONGRESS.—Not later than 1
7 year after the date on which funds are first allocated
8 under subsection (b), and annually thereafter, the
9 Secretary shall submit a report to Congress that in-
10 cludes—

11 “(A) the amount of each allotment under
12 subsection (b);

13 “(B) the amount of each subgrant under
14 subsection (e); and

15 “(C) with respect to the year for which
16 such report is made, the results of the evalua-
17 tions under paragraph (1).

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$150,000,000 for fiscal year 2018 and each of the 5 suc-
21 ceeding fiscal years.”.

○