114TH CONGRESS
1ST SESSION

S. ______

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.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Higher Education Ac-
cess and Success for Homeless and Foster Youth Act”.

SEC. 2. DEFINITIONS.

(a) INDEPENDENT STUDENT.—Section 480(d) of the
Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is
amended—

(1) in paragraph (1)(H)—
(A) in the matter preceding clause (i)—

(i) by striking “during the school year in which the application is submitted’’;

(ii) by inserting “age 23 or younger’’ after “unaccompanied youth’’; and

(iii) by striking “terms are’’ and inserting “term is’’;

(B) in clause (i), by inserting “, or a designee of the liaison’’ after “Act’’;

(C) in clause (ii), by striking “a program funded under the Runaway and Homeless Youth Act’’ and inserting “an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other program serving homeless youth,’’; and

(D) in clause (iii), by striking “program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants)’’ and inserting “Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program under chapter 1 or 2 of subpart 2 of part A,’’; and

(2) by adding at the end the following:
“(3) SIMPLIFYING THE DETERMINATION PROCESS FOR UNACCOMPANIED YOUTH.—

“(A) VERIFICATION.—A financial aid administrator shall accept a homelessness determination made by any individual authorized to make such determinations under clause (i), (ii), or (iii) of paragraph (1)(H) in the absence of conflicting information. A documented phone call with, or a written statement from, one of the authorized individuals is sufficient verification when needed. For purposes of this paragraph, a financial aid administrator’s disagreement with the determination made by an authorized individual shall not be considered conflicting information.

“(B) DETERMINATION OF INDEPENDENCE.—A financial aid administrator shall make a determination of independence under paragraph (1)(H) if a student does not have, and cannot get, documentation from any of the other designated authorities described in such paragraph. This determination is based on the definitions outlined in paragraph (1)(H) and is distinct from a determination of independence under paragraph (1)(I). The determination may
be based on a documented interview with the
student if there is no written documentation
available. A financial aid administrator shall
limit such determination to whether the student
meets the definitions in paragraph (1)(H) and
shall not inquire about the reasons for the stu-
dent’s homelessness.

“(C) Timing; use of earlier determina-
tion.—

“(i) Timing.—A determination under
paragraph (1)(H) for a student—

“(I) shall be made as quickly as
practicable;

“(II) may be made as early as
the year before the award year for
which the student initially submits an
application; and

“(III) shall be made no later
than during the award year for which
the student initially submits an appli-
cation.

“(ii) Use of earlier determination.—Any student who is determined to
be independent under paragraph (1)(H)
for a preceding award year at an institu-
tion shall be presumed to be independent
for a subsequent award year at the same
institution unless—

“(I) the student informs the in-
stitution that circumstances have
changed; or

“(II) the institution has specific
conflicting information about the stu-
dent’s independence, and has in-
formed the student of this information
and the opportunity to challenge such
information through a documented
interview or an impartial review by
the Student Loan Ombudsman pursu-
ant to section 141(f)(3)(C).”.

(b) FOSTER CARE CHILDREN AND YOUTH.—Section
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 are the responsibility of the
State or Tribal agency that administers a State
or Tribal 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 such children and youth; and

“(B) includes individuals who were age 13 or older when their care and placement were the responsibility of a State or Tribal agency that administered a State or Tribal 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.) and who are no longer under the care and responsibility of such a State or tribal agency, without regard to any such individual’s subsequent adoption, guardianship arrangement, or other form of permanency outcome.”.

SEC. 3. STUDENT LOAN OMBUDSMAN.


(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 inde-
pendence 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 section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), or State Coordinators for Education of Homeless Children and Youths established in accordance with section 722 of such Act (42 U.S.C. 11432).”.

SEC. 4. PROGRAM PARTICIPATION AGREEMENTS.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended—

(1) in paragraph (19)—

(A) by striking “The institution will not” and inserting the following: “The institution—“(A) will not”; (B) inserting “housing facilities,” after “libraries,”; (C) by striking “institution.” and inserting “institution; and”; and (D) by adding at the end the following: “(B) will provide a means for students to access institutionally owned or operated housing
if a student is temporarily unable to meet financial obligations related to housing, including deposits, due to delayed disbursement of vouchers for education and training made available under section 677 of part E of title IV of the Social Security Act or delays attributable to the institution.”;

(2) by adding at the end the following:

“(30) The institution certifies that the institution—

“(A) has designated an appropriate staff person, who may also be a coordinator for other programs, as a single point of contact to assist homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and foster care children and youth in accessing and completing postsecondary education;

“(B) posts public notice about student financial assistance and other assistance available to homeless children and youths and foster care children and youth, including their eligibility as independent students under subparagraphs (B) and (H) of sections 480(d)(1);
“(C) gives priority for any institutionally owned or operated housing facilities, including student housing facilities that remain open for occupation during school breaks or on a year-round basis, to—

“(i) homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

“(ii) youths who are unaccompanied, at risk of homelessness, and self-supporting; and

“(iii) foster care children and youth;

“(D) has developed a plan for how homeless children and youths, youths who are unaccompanied, at risk of homelessness, and self-supporting, and foster care children and youth can access housing resources during and between academic terms, through means that may include access to institutionally owned or operated housing during breaks and a list of housing resources in the community that provide short-term housing; and

“(E) has included, in its application for admission, questions (to be answered volun-
tarily) regarding the applicant’s status as a homeless child or youth or foster care child or youth, that—

“(i) can be answered by the applicant voluntarily for the limited purpose of being provided information about financial aid or any other available assistance; and

“(ii) explain the key terms in the question in a manner children and youth can understand in order to self-identify and declare eligibility as a homeless child or youth or foster care child or youth.”.

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 (e)(6), by striking the last sentence and inserting the following: “The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify and conduct outreach to foster care children and youth and homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and make available to foster care children and youth and homeless children and youths services under such
programs, including mentoring, tutoring, and other services provided by such programs.”; and

(2) in subsection (f)(2), by striking “college students, and” and inserting “college students, foster care children and youth, homeless children and youth, and”.

SEC. 6. TALENT SEARCH.

Section 402B(d) of the Higher Education Act of 1965 (20 U.S.C. 1070a–12(d)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), including unaccompanied youths, and foster care children and youth;

“(6) require that such entity submit, as part of the application for the project, a description of the
activities that will be undertaken to reach out to homeless children and youths and foster care children and youth as part of the project; and

“(7) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding homeless children and youths and foster care children and youth.”.

SEC. 7. UPWARD BOUND.

Section 402C(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–13(e)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), including unaccompanied youths, and foster care children and youth;
“(7) require that such entity submit, as part of the application, a description of the activities that will be undertaken to reach out to homeless children and youths and foster care children and youth regarding the project; and

“(8) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding homeless children and youths and foster care children and youth.”.

SEC. 8. STUDENT SUPPORT SERVICES.

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

(1) in paragraph (5), by striking “and” after the semicolon;

(2) in paragraph (6)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(7) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), including
unaccompanied youths, and foster care children and youth;

“(8) require that such entity submit, in the application for the project, a description of the activities that will be undertaken to reach out to homeless children and youths, and foster care children and youth, who are enrolled or accepted for enrollment at the institution; and

“(9) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding homeless children and youths and foster care children and youth.”.

SEC. 9. EDUCATIONAL OPPORTUNITY CENTERS.

Section 402F(c) of the Higher Education Act of 1965 (20 U.S.C. 1070a–16(c)) is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of
homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), including unaccompanied youths, and foster care children and youth;

“(6) require that such entity submit, as part of the application, a description of the activities that will be undertaken to reach out to homeless children and youths and foster care children and youth regarding the project; and

“(7) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding homeless children and youths and foster care children and youth.”.

SEC. 10. REPORTS AND EVALUATIONS.

Section 402H of the Higher Education Act of 1965 (20 U.S.C. 1070a–18) is amended by adding at the end the following:

“(e) REPORT REGARDING HOMELESS CHILDREN AND YOUTHS AND FOSTER CARE CHILDREN AND YOUTH.—Each entity carrying out a project under section 402B, 402C, 402D, or 402F shall, at the conclusion of the project, prepare and submit a report to the Secretary that includes—
“(1) data on the number of homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and foster care children and youths served through the project; and

“(2) a description of any strategies or program enhancements that were used in the project and that were effective in meeting the needs of homeless children and youths and foster care children and youth.”.

SEC. 11. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

Section 404C(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–23(a)(2))—

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

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

(3) by adding at the end the following:

“(K) describe how the eligible entity will facilitate the participation of foster care children and youth and homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), including—
“(i) how the eligible entity will identify foster care children and youth and homeless children and youths, in collaboration with child welfare agencies, homeless shelters, and local educational agency liaisons for homeless children and youths 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) how the eligible entity will collect and submit to the Secretary data on the number of homeless children and youths and foster care children and youth served; and

“(iii) the policies and practices the eligible entity will adopt to remove barriers to the participation of homeless children and youths and foster care children and youth, including policies to facilitate continued participation despite changes in residence resulting from homelessness or foster care placement and policies consistent with the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.).”.
SEC. 12. GRANT FOR FEDERAL WORK-STUDY PROGRAMS.
Section 443(b)(6) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(6)) is amended by inserting “, and prioritize employment for students who are currently or formerly homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or foster care children and youth” after “thereof”.

SEC. 13. EXCLUDABLE INCOME.
Section 480(e) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(e)) is amended by striking paragraph (5) and inserting the following:

“(5) payments made and services provided under part E of title IV of the Social Security Act, including the value of vouchers for education and training made available under section 477 of such Act, and any payments made directly to the youth as part of an extended foster care program pursuant to such part E; and”.

SEC. 14. CONSOLIDATING QUESTIONS REGARDING HOMELESS STATUS IN FAFSA.
Section 483(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1090(a)(4)) is amended by adding at the end the following:

“(C) SINGLE QUESTION REGARDING HOMELESS STATUS.—The Secretary shall en-
sure that, on each form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant for aid who is—

“(i) an unaccompanied homeless child or youth (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act); or

“(ii) an unaccompanied youth who is self-supporting and at risk of homelessness.”.

SEC. 15. IN-STATE TUITION RATES FOR HOMELESS CHILDREN OR YOUTHS AND FOSTER CARE CHILDREN AND YOUTH.

Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended—

(1) in the section heading, by inserting “RE

CHILDREN AND YOUTH” after “CHILDREN”;

(2) in subsection (a)—

(A) by striking “(a) REQUIREMENT.—In the case” and inserting the following:

“(a) REQUIREMENT.—

“(1) ARMED FORCES.—In the case”; and

(B) by adding at the end the following:
“(2) Homeless children or youths and foster care children or youth.—In the case of a homeless child or youth or a foster care child or youth, such State shall not charge such individual tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.”;

and

(3) by striking subsections (c) and (d) and inserting the following:

“(c) Effective Date.—

“(1) Armed forces.—With respect to an individual described in subsection (a)(1), this section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins after July 1, 2009.

“(2) Homeless children or youths and foster care children or youth.—With respect to an individual described in subsection (a)(2), this section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins during the first full award year following the date of enactment of the
Higher Education Access and Success for Homeless
and Foster Youth Act.

“(d) DEFINITIONS.—In this section:

“(1) ARMED FORCES.—The terms ‘armed forces’ and ‘active duty for a period of more than 30 days’ have the meanings given those terms in section 101 of title 10, United States Code.

“(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).”.