

114TH CONGRESS  
1ST SESSION

# S. 2267

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 10, 2015

Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Ms. BALDWIN, Mr. BOOKER, Mr. KAINE, and Mr. FRANKEN) 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           ministrators shall accept a homelessness deter-  
5           mination made by any individual authorized to  
6           make such determinations under clause (i), (ii),  
7           or (iii) of paragraph (1)(H) in the absence of  
8           conflicting information. A documented phone  
9           call with, or a written statement from, one of  
10          the authorized individuals is sufficient  
11          verification when needed. For purposes of this  
12          paragraph, a financial aid administrator’s dis-  
13          agreement with the determination made by an  
14          authorized individual shall not be considered  
15          conflicting information.

16          “(B) DETERMINATION OF INDEPEND-  
17          ENCE.—A financial aid administrator shall  
18          make a determination of independence under  
19          paragraph (1)(H) if a student does not have,  
20          and cannot get, documentation from any of the  
21          other designated authorities described in such  
22          paragraph. This determination is based on the  
23          definitions outlined in paragraph (1)(H) and is  
24          distinct from a determination of independence  
25          under paragraph (1)(I). The determination may

1 be based on a documented interview with the  
2 student if there is no written documentation  
3 available. A financial aid administrator shall  
4 limit such determination to whether the student  
5 meets the definitions in paragraph (1)(H) and  
6 shall not inquire about the reasons for the stu-  
7 dent's homelessness.

8 “(C) TIMING; USE OF EARLIER DETER-  
9 MINATION.—

10 “(i) TIMING.—A determination under  
11 paragraph (1)(H) for a student—

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

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

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

22 “(ii) USE OF EARLIER DETERMINA-  
23 TION.—Any student who is determined to  
24 be independent under paragraph (1)(H)  
25 for a preceding award year at an institu-

1                   tion shall be presumed to be independent  
 2                   for a subsequent award year at the same  
 3                   institution unless—

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

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

16           (b) FOSTER CARE CHILDREN AND YOUTH.—Section  
 17 103 of the Higher Education Act of 1965 (20 U.S.C.  
 18 1003) is amended by adding at the end the following:

19                               “(25) FOSTER CARE CHILDREN AND YOUTH.—  
 20                               The term ‘foster care children and youth’—

21                                       “(A) means children and youth whose care  
 22                                       and placement are the responsibility of the  
 23                                       State or Tribal agency that administers a State  
 24                                       or Tribal plan under part B or E of title IV of  
 25                                       the Social Security Act (42 U.S.C. 621 et seq.

1 and 670 et seq.), without regard to whether fos-  
2 ter care maintenance payments are made under  
3 section 472 of such Act (42 U.S.C. 672) on be-  
4 half of such children and youth; and

5 “(B) includes individuals who were age 13  
6 or older when their care and placement were  
7 the responsibility of a State or Tribal agency  
8 that administered a State or Tribal plan under  
9 part B or E of title IV of the Social Security  
10 Act (42 U.S.C. 621 et seq. and 670 et seq.)  
11 and who are no longer under the care and re-  
12 sponsibility of such a State or tribal agency,  
13 without regard to any such individual’s subse-  
14 quent adoption, guardianship arrangement, or  
15 other form of permanency outcome.”.

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

17 Section 141(f)(3) of the Higher Education Act of  
18 1965 (20 U.S.C. 1018(f)(3)) is amended—

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

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

23 (3) by adding at the end the following:

24 “(C) receive, review, and resolve expedi-  
25 tiously complaints regarding a student’s inde-

1           pendence under subparagraph (B) or (H) of  
 2           section 480(d)(1), in consultation with knowl-  
 3           edgeable parties, including child welfare agen-  
 4           cies, local educational agency liaisons for home-  
 5           less children and youths designated under sec-  
 6           tion 722(g)(1)(J)(ii) of the McKinney-Vento  
 7           Homeless Assistance Act (42 U.S.C.  
 8           11432(g)(1)(J)(ii)), or State Coordinators for  
 9           Education of Homeless Children and Youths es-  
 10          tablished in accordance with section 722 of  
 11          such Act (42 U.S.C. 11432).”.

12 **SEC. 4. PROGRAM PARTICIPATION AGREEMENTS.**

13           Section 487(a) of the Higher Education Act of 1965  
 14 (20 U.S.C. 1094(a)) is amended—

15           (1) in paragraph (19)—

16                   (A) by striking “The institution will not”  
 17                   and inserting the following: “The institution—

18                           “(A) will not”;

19                   (B) inserting “housing facilities,” after “li-  
 20                   braries,”;

21                   (C) by striking “institution.” and inserting  
 22                   “institution; and”; and

23                   (D) by adding at the end the following:

24                           “(B) will provide a means for students to  
 25                   access institutionally owned or operated housing

1 if a student is temporarily unable to meet fi-  
2 nancial obligations related to housing, including  
3 deposits, due to delayed disbursement of vouch-  
4 ers for education and training made available  
5 under section 677 of part E of title IV of the  
6 Social Security Act or delays attributable to the  
7 institution.”;

8 (2) by adding at the end the following:

9 “(30) The institution certifies that the institu-  
10 tion—

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

19 “(B) posts public notice about student fi-  
20 nancial assistance and other assistance available  
21 to homeless children and youths and foster care  
22 children and youth, including their eligibility as  
23 independent students under subparagraphs (B)  
24 and (H) of sections 480(d)(1);



1           “(C) gives priority for any institutionally  
2 owned or operated housing facilities, including  
3 student housing facilities that remain open for  
4 occupation during school breaks or on a year-  
5 round basis, to—

6           “(i) homeless children and youths (as  
7 such term is defined in section 725 of the  
8 McKinney-Vento Homeless Assistance Act  
9 (42 U.S.C. 11434a);

10           “(ii) youths who are unaccompanied,  
11 at risk of homelessness, and self-sup-  
12 porting; and

13           “(iii) foster care children and youth;

14           “(D) has developed a plan for how home-  
15 less children and youths, youths who are unac-  
16 companied, at risk of homelessness, and self-  
17 supporting, and foster care children and youth  
18 can access housing resources during and be-  
19 tween academic terms, through means that may  
20 include access to institutionally owned or oper-  
21 ated housing during breaks and a list of hous-  
22 ing resources in the community that provide  
23 short-term housing; and

24           “(E) has included, in its application for  
25 admission, questions (to be answered volun-

1           tarily) regarding the applicant’s status as a  
2           homeless child or youth or foster care child or  
3           youth, that—

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

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

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

14           Section 402A of the Higher Education Act of 1965  
15 (20 U.S.C. 1070a–11) is amended—

16           (1) in subsection (c)(6), by striking the last  
17           sentence and inserting the following: “The Secretary  
18           shall require each applicant for funds under the pro-  
19           grams authorized by this chapter to identify and  
20           conduct outreach to foster care children and youth  
21           and homeless children and youths (as such term is  
22           defined in section 725 of the McKinney-Vento  
23           Homeless Assistance Act (42 U.S.C. 11434a)), and  
24           make available to foster care children and youth and  
25           homeless children and youths services under such

1 programs, including mentoring, tutoring, and other  
2 services provided by such programs.”; and

3 (2) in subsection (f)(2), by striking “college  
4 students, and” and inserting “college students, fos-  
5 ter care children and youth, homeless children and  
6 youth, and”.

7 **SEC. 6. TALENT SEARCH.**

8 Section 402B(d) of the Higher Education Act of  
9 1965 (20 U.S.C. 1070a–12(d)) is amended—

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

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

14 (3) by adding at the end the following:

15 “(5) require an assurance that the entity car-  
16 rying out the project has reviewed and revised poli-  
17 cies and practices as needed to remove barriers to  
18 the participation and retention in the project of  
19 homeless children and youths (as such term is de-  
20 fined in section 725 of the McKinney-Vento Home-  
21 less Assistance Act (42 U.S.C. 11434a)), including  
22 unaccompanied youths, and foster care children and  
23 youth;

24 “(6) require that such entity submit, as part of  
25 the application for the project, a description of the

1 activities that will be undertaken to reach out to  
2 homeless children and youths and foster care chil-  
3 dren and youth as part of the project; and

4 “(7) require an assurance that such entity will  
5 prepare and submit the report required under sec-  
6 tion 402H(e) at the conclusion of the project regard-  
7 ing homeless children and youths and foster care  
8 children and youth.”.

9 **SEC. 7. UPWARD BOUND.**

10 Section 402C(e) of the Higher Education Act of 1965  
11 (20 U.S.C. 1070a–13(e)) is amended—

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

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

16 (3) by adding at the end the following:

17 “(6) require an assurance that the entity car-  
18 rying out the project has reviewed and revised poli-  
19 cies and practices as needed to remove barriers to  
20 the participation and retention in the project of  
21 homeless children and youths (as such term is de-  
22 fined in section 725 of the McKinney-Vento Home-  
23 less Assistance Act (42 U.S.C. 11434a)), including  
24 unaccompanied youths, and foster care children and  
25 youth;

1           “(7) require that such entity submit, as part of  
2           the application, a description of the activities that  
3           will be undertaken to reach out to homeless children  
4           and youths and foster care children and youth re-  
5           garding the project; and

6           “(8) require an assurance that such entity will  
7           prepare and submit the report required under sec-  
8           tion 402H(e) at the conclusion of the project regard-  
9           ing homeless children and youths and foster care  
10          children and youth.”.

11 **SEC. 8. STUDENT SUPPORT SERVICES.**

12          Section 402D(e) of the Higher Education Act of  
13          1965 (20 U.S.C. 1070a–14(e)) is amended—

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

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

18                 (3) by adding at the end the following:

19                 “(7) require an assurance that the entity car-  
20                 rying out the project has reviewed and revised poli-  
21                 cies and practices as needed to remove barriers to  
22                 the participation and retention in the project of  
23                 homeless children and youths (as such term is de-  
24                 fined in section 725 of the McKinney-Vento Home-  
25                 less Assistance Act (42 U.S.C. 11434a)), including

1 unaccompanied youths, and foster care children and  
2 youth;

3 “(8) require that such entity submit, in the ap-  
4 plication for the project, a description of the activi-  
5 ties that will be undertaken to reach out to homeless  
6 children and youths, and foster care children and  
7 youth, who are enrolled or accepted for enrollment  
8 at the institution; and

9 “(9) require an assurance that such entity will  
10 prepare and submit the report required under sec-  
11 tion 402H(e) at the conclusion of the project regard-  
12 ing homeless children and youths and foster care  
13 children and youth.”.

14 **SEC. 9. EDUCATIONAL OPPORTUNITY CENTERS.**

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

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

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

21 (3) by adding at the end the following:

22 “(5) require an assurance that the entity car-  
23 rying out the project has reviewed and revised poli-  
24 cies and practices as needed to remove barriers to  
25 the participation and retention in the project of

1 homeless children and youths (as such term is de-  
2 fined in section 725 of the McKinney-Vento Home-  
3 less Assistance Act (42 U.S.C. 11434a)), including  
4 unaccompanied youths, and foster care children and  
5 youth;

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

11 “(7) require an assurance that such entity will  
12 prepare and submit the report required under sec-  
13 tion 402H(e) at the conclusion of the project regard-  
14 ing homeless children and youths and foster care  
15 children and youth.”.

16 **SEC. 10. REPORTS AND EVALUATIONS.**

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

20 “(e) REPORT REGARDING HOMELESS CHILDREN  
21 AND YOUTHS AND FOSTER CARE CHILDREN AND  
22 YOUTH.—Each entity carrying out a project under section  
23 402B, 402C, 402D, or 402F shall, at the conclusion of  
24 the project, prepare and submit a report to the Secretary  
25 that includes—

1           “(1) data on the number of homeless children  
2           and youths (as such term is defined in section 725  
3           of the McKinney-Vento Homeless Assistance Act (42  
4           U.S.C. 11434a)) and foster care children and youth  
5           served through the project; and

6           “(2) a description of any strategies or program  
7           enhancements that were used in the project and that  
8           were effective in meeting the needs of homeless chil-  
9           dren and youths and foster care children and  
10          youth.”.

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

13          Section 404C(a)(2) of the Higher Education Act of  
14 1965 (20 U.S.C. 1070a–23(a)(2))—

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

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

19           (3) by adding at the end the following:

20           “(K) describe how the eligible entity will  
21          facilitate the participation of foster care chil-  
22          dren and youth and homeless children and  
23          youths (as such term is defined in section 725  
24          of the McKinney-Vento Homeless Assistance  
25          Act (42 U.S.C. 11434a)), including—



1           “(i) how the eligible entity will iden-  
2           tify foster care children and youth and  
3           homeless children and youths, in collabora-  
4           tion with child welfare agencies, homeless  
5           shelters, and local educational agency liai-  
6           sons for homeless children and youths des-  
7           ignated under section 722(g)(1)(J)(ii) of  
8           the McKinney-Vento Homeless Assistance  
9           Act (42 U.S.C. 11432(g)(1)(J)(ii));

10           “(ii) how the eligible entity will collect  
11           and submit to the Secretary data on the  
12           number of homeless children and youths  
13           and foster care children and youth served;  
14           and

15           “(iii) the policies and practices the eli-  
16           gible entity will adopt to remove barriers to  
17           the participation of homeless children and  
18           youths and foster care children and youth,  
19           including policies to facilitate continued  
20           participation despite changes in residence  
21           resulting from homelessness or foster care  
22           placement and policies consistent with the  
23           McKinney-Vento Homeless Assistance Act  
24           (42 U.S.C. 11301 et seq.).”.

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 prioritize employment for students who are currently  
 5 or formerly homeless children and youths (as such term  
 6 is defined in section 725 of the McKinney-Vento Homeless  
 7 Assistance Act (42 U.S.C. 11434a)) or foster care children  
 8 and youth” after “thereof”.

9 **SEC. 13. EXCLUDABLE INCOME.**

10 Section 480(e) of the Higher Education Act of 1965  
 11 (20 U.S.C. 1087vv(e)) is amended by striking paragraph  
 12 (5) and inserting the following:

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

20 **SEC. 14. CONSOLIDATING QUESTIONS REGARDING HOME-**  
 21 **LESS STATUS IN FAFSA.**

22 Section 483(a)(4) of the Higher Education Act of  
 23 1965 (20 U.S.C. 1090(a)(4)) is amended by adding at the  
 24 end the following:

25 “(C) SINGLE QUESTION REGARDING  
 26 HOMELESS STATUS.—The Secretary shall en-

1           sure that, on each form developed under this  
 2           section for which the information is applicable,  
 3           there is a single, easily understood screening  
 4           question to identify an applicant for aid who  
 5           is—

6                       “(i) an unaccompanied homeless child  
 7                       or youth (as such term is defined in sec-  
 8                       tion 725 of the McKinney-Vento Homeless  
 9                       Assistance Act); or

10                      “(ii) an unaccompanied youth who is  
 11                      self-supporting and at risk of homeless-  
 12                      ness.”.

13 **SEC. 15. IN-STATE TUITION RATES FOR HOMELESS CHIL-**  
 14 **DREN OR YOUTHS AND FOSTER CARE CHIL-**  
 15 **DREN AND YOUTH.**

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

18                      (1) in the section heading, by inserting “**RE**  
 19 **CHILDREN AND YOUTH**” after “**CHILDREN**”;

20                      (2) in subsection (a)—

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

23                               “(a) REQUIREMENT.—

24                                       “(1) ARMED FORCES.—In the case”; and

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

1           “(2) HOMELESS CHILDREN OR YOUTHS AND  
2 FOSTER CARE CHILDREN OR YOUTH.—In the case of  
3 a homeless child or youth or a foster care child or  
4 youth, such State shall not charge such individual  
5 tuition for attendance at a public institution of high-  
6 er education in the State at a rate that is greater  
7 than the rate charged for residents of the State.”;  
8 and

9           (3) by striking subsections (c) and (d) and in-  
10 sserting the following:

11       “(c) EFFECTIVE DATE.—

12           “(1) ARMED FORCES.—With respect to an indi-  
13 vidual described in subsection (a)(1), this section  
14 shall take effect at each public institution of higher  
15 education in a State that receives assistance under  
16 this Act for the first period of enrollment at such in-  
17 stitution that begins after July 1, 2009.

18           “(2) HOMELESS CHILDREN OR YOUTHS AND  
19 FOSTER CARE CHILDREN OR YOUTH.—With respect  
20 to an individual described in subsection (a)(2), this  
21 section shall take effect at each public institution of  
22 higher education in a State that receives assistance  
23 under this Act for the first period of enrollment at  
24 such institution that begins during the first full  
25 award year following the date of enactment of the

1 Higher Education Access and Success for Homeless  
2 and Foster Youth Act.

3 “(d) DEFINITIONS.—In this section:

4 “(1) ARMED FORCES.—The terms ‘armed  
5 forces’ and ‘active duty for a period of more than 30  
6 days’ have the meanings given those terms in section  
7 101 of title 10, United States Code.

8 “(2) HOMELESS CHILDREN AND YOUTHS.—The  
9 term ‘homeless children and youths’ has the mean-  
10 ing given the term in section 725 of the McKinney-  
11 Vento Homeless Assistance Act (42 U.S.C.  
12 11434a).”.

○