

115TH CONGRESS  
1ST SESSION

# H. R. 3740

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2017

Ms. CLARK of Massachusetts (for herself, Mr. YOUNG of Alaska, Mr. SCOTT of Virginia, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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)(1)(H)  
8 of the Higher Education Act of 1965 (20 U.S.C.  
9 1087vv(d)(1)(H)) is amended—

1 (1) in the matter preceding clause (i)—

2 (A) by striking “during the school year in  
3 which the application is submitted”;

4 (B) by inserting “age 23 or younger” after  
5 “unaccompanied youth”; and

6 (C) by striking “terms are” and inserting  
7 “term is”;

8 (2) in clause (i), by inserting “, or a designee  
9 of the liaison” after “Act”;

10 (3) in clause (ii), by striking “a program fund-  
11 ed under the Runaway and Homeless Youth Act”  
12 and inserting “an emergency or transitional shelter,  
13 street outreach program, homeless youth drop-in  
14 center, or other program serving homeless youth,”;  
15 and

16 (4) in clause (iii), by striking “program funded  
17 under subtitle B of title IV of the McKinney-Vento  
18 Homeless Assistance Act (relating to emergency  
19 shelter grants)” and inserting “Federal TRIO pro-  
20 gram or a Gaining Early Awareness and Readiness  
21 for Undergraduate program under chapter 1 or 2 of  
22 subpart 2 of part A,”.

23 (b) FOSTER CARE CHILDREN AND YOUTH.—Section  
24 103 of the Higher Education Act of 1965 (20 U.S.C.  
25 1003) is amended by adding at the end the following:

1           “(25) FOSTER CARE CHILDREN AND YOUTH.—

2           The term ‘foster care children and youth’—

3                   “(A) means children and youth whose care  
4                   and placement are the responsibility of the  
5                   State or Tribal agency that administers a State  
6                   or Tribal plan under part B or E of title IV of  
7                   the Social Security Act (42 U.S.C. 621 et seq.  
8                   and 670 et seq.), without regard to whether fos-  
9                   ter care maintenance payments are made under  
10                  section 472 of such Act (42 U.S.C. 672) on be-  
11                  half of such children and youth; and

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

1 **SEC. 3. STREAMLINING DETERMINATIONS AND**  
2 **VERIFICATION.**

3 Section 480(d) of the Higher Education Act of 1965  
4 (20 U.S.C. 1087vv(d)) is amended by adding at the end  
5 the following:

6 “(3) SIMPLIFYING THE DETERMINATION PROC-  
7 ESS FOR UNACCOMPANIED YOUTH.—

8 “(A) VERIFICATION.—A financial aid ad-  
9 ministrator shall accept a homelessness deter-  
10 mination made by any individual authorized to  
11 make such determinations under clause (i), (ii),  
12 or (iii) of paragraph (1)(H) in the absence of  
13 conflicting information. A documented phone  
14 call with, or a written statement from, one of  
15 the authorized individuals is sufficient  
16 verification when needed. For purposes of this  
17 paragraph, a financial aid administrator’s dis-  
18 agreement with the determination made by an  
19 authorized individual shall not be considered  
20 conflicting information.

21 “(B) DETERMINATION OF INDEPEND-  
22 ENCE.—A financial aid administrator shall  
23 make a determination of independence under  
24 paragraph (1)(H) if a student does not have,  
25 and cannot get, documentation from any of the

1 other designated authorities described in such  
2 paragraph. Such a determination shall be—

3 “(i) based on the definitions outlined  
4 in paragraph (1)(H);

5 “(ii) distinct from a determination of  
6 independence under paragraph (1)(I);

7 “(iii) based on a documented inter-  
8 view with the student; and

9 “(iv) limited to whether the student  
10 meets the definitions in paragraph (1)(H)  
11 and not about the reasons for the student’s  
12 homelessness.

13 “(4) SIMPLIFYING THE VERIFICATION PROCESS  
14 FOR FOSTER CHILDREN AND YOUTH.—

15 “(A) VERIFICATION OF INDEPENDENCE.—

16 If an institution requires documentation to  
17 verify that a student is independent based on a  
18 status described in paragraph (1)(B), a finan-  
19 cial aid administrator shall consider any of the  
20 following as adequate verification:

21 “(i) Submission of a court order or of-  
22 ficial State documentation that the student  
23 received Federal or State support in foster  
24 care.

1                   “(ii) A documented phone call with, or  
2 a written statement from,—

3                   “(I) a child welfare agency au-  
4 thorized by a State or county;

5                   “(II) a tribal child welfare au-  
6 thority;

7                   “(III) an Independent Living  
8 case worker;

9                   “(IV) a public or private foster  
10 care placing agency or foster care fa-  
11 cility or placement;

12                   “(V) another program serving or-  
13 phans, foster children and youth, or  
14 wards of the court; or

15                   “(VI) a probation officer.

16                   “(iii) A documented phone call with,  
17 or a written statement from, an attorney,  
18 a guardian ad litem, or a Court Appointed  
19 Special Advocate, documenting that per-  
20 son’s relationship to the student.

21                   “(iv) A documented phone call with,  
22 or a written statement from, a representa-  
23 tive of a Federal TRIO program or a  
24 Gaining Early Awareness and Readiness

1 for Undergraduate program under chapter  
2 1 or 2 of subpart 2 of part A.

3 “(v) Verification of the student’s eligi-  
4 bility for an education and training vouch-  
5 er under the John H. Chafee Foster Care  
6 Independence Program (42 U.S.C. 677).

7 “(vi) Submission of a copy of the stu-  
8 dent’s biological or adoptive parents’—

9 “(I) Certificates of Death; or

10 “(II) newspaper obituaries.

11 “(vii) An attestation from the student,  
12 which includes a description of why the  
13 student may qualify for a status described  
14 in paragraph (1)(B), including the approxi-  
15 mate dates that the student was in foster  
16 care, dependent, or a ward of the court, to  
17 the best of the student’s knowledge after  
18 making reasonable efforts to provide any  
19 requested documentation.

20 “(B) ADDITIONAL STREAMLINING PER-  
21 MITTED.—Nothing in this paragraph prohibits  
22 an institution from implementing policies that  
23 streamline the determination of independent  
24 status and improve a student’s access to finan-  
25 cial aid because that student is an orphan, in

1 foster care, or a ward of the court, or was an  
2 orphan, in foster care, or a ward of the court  
3 at any time when the student was 13 years of  
4 age or older.

5 “(5) TIMING; USE OF EARLIER DETERMINA-  
6 TION.—

7 “(A) TIMING.—A determination under  
8 subparagraph (B) or (H) of paragraph (1) for  
9 a student—

10 “(i) shall be made as quickly as prac-  
11 ticable;

12 “(ii) may be made as early as the year  
13 before the award year for which the stu-  
14 dent initially submits an application; and

15 “(iii) shall be made no later than dur-  
16 ing the award year for which the student  
17 initially submits an application.

18 “(B) USE OF EARLIER DETERMINATION.—  
19 Any student who is determined to be inde-  
20 pendent under subparagraph (B) or (H) of  
21 paragraph (1) for a preceding award year at an  
22 institution shall be presumed to be independent  
23 for a subsequent award year at the same insti-  
24 tution unless—



1                   “(i) the student informs the institu-  
2                   tion that circumstances have changed; or

3                   “(ii) the institution has specific con-  
4                   flicting information about the student’s  
5                   independence, and has informed the stu-  
6                   dent of this information and the oppor-  
7                   tunity to challenge such information  
8                   through a documented interview or an im-  
9                   partial review by the Student Loan Om-  
10                  budsman pursuant to section 141(f)(3)(C).

11                  “(6) RETENTION OF DOCUMENTS.—A financial  
12                  aid administrator shall retain all documents related  
13                  to the determination of independence under subpara-  
14                  graph (B) or (H) of paragraph (1), including docu-  
15                  mented interviews, for the duration of the student’s  
16                  enrollment at the institution and for a minimum of  
17                  1 year after the student is no longer enrolled at the  
18                  institution.”.

19 **SEC. 4. STUDENT LOAN OMBUDSMAN.**

20                  Section 141(f)(3) of the Higher Education Act of  
21 1965 (20 U.S.C. 1018(f)(3)) is amended—

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

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

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

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

15 **SEC. 5. HOUSING AND SINGLE POINT OF CONTACT.**

16 (a) ACCESS TO HOUSING.—Section 487(a)(19) of the  
17 Higher Education Act of 1965 (20 U.S.C. 1094(a)(19))  
18 is amended—

19 (1) by striking “The institution will not” and  
20 inserting the following: “The institution—

21 “(A) will not”;

22 (2) by inserting “housing facilities,” after “li-  
23 braries,”;

24 (3) by striking “institution.” and inserting “in-  
25 stitution; and”;

1 (4) by adding at the end the following:

2 “(B) will provide a means for students to  
3 access institutionally owned or operated housing  
4 if a student is temporarily unable to meet fi-  
5 nancial obligations related to housing, including  
6 deposits, due to delayed disbursement of vouch-  
7 ers for education and training made available  
8 under section 477 of part E of title IV of the  
9 Social Security Act or delays attributable to the  
10 institution.”.

11 (b) SINGLE POINT OF CONTACT.—Section 485 of the  
12 Higher Education Act of 1965 (20 U.S.C. 1092) is  
13 amended by adding at the end the following:

14 “(n) Each institution of higher education partici-  
15 pating in any program under this title shall—

16 “(1) have designated an appropriate staff per-  
17 son as a single point of contact to assist homeless  
18 children and youths (as such term is defined in sec-  
19 tion 725 of the McKinney-Vento Homeless Assist-  
20 ance Act (42 U.S.C. 11434a)) and foster care chil-  
21 dren and youth in accessing and completing postsec-  
22 ondary education, including by ensuring that such  
23 homeless children and youths and foster care chil-  
24 dren and youth are connected to applicable and  
25 available student support services, programs, and

1 community resources in areas such as financial aid,  
2 academic advising, housing, food, public benefits,  
3 health care, health insurance, mental health, and  
4 mentoring;

5 “(2) post public notice about student financial  
6 assistance and other assistance available to homeless  
7 children and youths and foster care children and  
8 youth, including their eligibility as independent stu-  
9 dents under subparagraphs (B) and (H) of section  
10 480(d)(1);

11 “(3) give priority for any institutionally owned  
12 or operated housing facilities, including student  
13 housing facilities that remain open for occupation  
14 during school breaks or on a year-round basis, to—

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

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

21 “(C) foster care children and youth;

22 “(4) have developed a plan for how homeless  
23 children and youths, youths who are unaccompanied,  
24 at risk of homelessness, and self-supporting, and fos-  
25 ter care children and youth can access housing re-

1 sources during and between academic terms,  
2 through means that may include access to institu-  
3 tionally owned or operated housing during breaks  
4 and a list of housing resources in the community  
5 that provide short-term housing; and

6 “(5) include, in its application for admission,  
7 questions (to be answered voluntarily) regarding the  
8 applicant’s status as a homeless child or youth or  
9 foster care child or youth, that—

10 “(A) can be answered by the applicant vol-  
11 untarily for the limited purpose of being pro-  
12 vided information about financial aid or any  
13 other available assistance; and

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

19 **SEC. 6. FEDERAL TRIO PROGRAMS.**

20 Section 402A of the Higher Education Act of 1965  
21 (20 U.S.C. 1070a–11) is amended—

22 (1) in subsection (c)(6), by striking the last  
23 sentence and inserting the following: “The Secretary  
24 shall require each applicant for funds under the pro-  
25 grams authorized by this chapter to identify and

1       conduct outreach to foster care children and youth  
2       and homeless children and youths (as such term is  
3       defined in section 725 of the McKinney-Vento  
4       Homeless Assistance Act (42 U.S.C. 11434a)), and  
5       make available to foster care children and youth and  
6       homeless children and youths services under such  
7       programs, including mentoring, tutoring, and other  
8       services provided by such programs.”; and

9               (2) in subsection (f)(2), by striking “college  
10       students, and” and inserting “college students, fos-  
11       ter care children and youth, homeless children and  
12       youth, and”.

13       **SEC. 7. TALENT SEARCH.**

14       Section 402B(d) of the Higher Education Act of  
15       1965 (20 U.S.C. 1070a–12(d)) is amended—

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

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

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

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

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

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

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

15        **SEC. 8. UPWARD BOUND.**

16        Section 402C(e) of the Higher Education Act of 1965  
17        (20 U.S.C. 1070a–13(e)) is amended—

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

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

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

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

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

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

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

17 **SEC. 9. STUDENT SUPPORT SERVICES.**

18 Section 402D(e) of the Higher Education Act of  
19 1965 (20 U.S.C. 1070a–14(e)) is amended—

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

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

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



1           “(7) require an assurance that the entity car-  
2           rying out the project has reviewed and revised poli-  
3           cies and practices as needed to remove barriers to  
4           the participation and retention in the project of  
5           homeless children and youths (as such term is de-  
6           fined in section 725 of the McKinney-Vento Home-  
7           less Assistance Act (42 U.S.C. 11434a)), including  
8           unaccompanied youths, and foster care children and  
9           youth;

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

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

21 **SEC. 10. EDUCATIONAL OPPORTUNITY CENTERS.**

22           Section 402F(e) of the Higher Education Act of 1965  
23 (20 U.S.C. 1070a–16(e)) is amended—

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

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

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

4           “(5) require an assurance that the entity car-  
5 rying out the project has reviewed and revised poli-  
6 cies and practices as needed to remove barriers to  
7 the participation and retention in the project of  
8 homeless children and youths (as such term is de-  
9 fined in section 725 of the McKinney-Vento Home-  
10 less Assistance Act (42 U.S.C. 11434a)), including  
11 unaccompanied youths, and foster care children and  
12 youth;

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

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

1 **SEC. 11. REPORTS AND EVALUATIONS.**

2 Section 402H of the Higher Education Act of 1965  
3 (20 U.S.C. 1070a–18) is amended by adding at the end  
4 the following:

5 “(e) REPORT REGARDING HOMELESS CHILDREN  
6 AND YOUTHS AND FOSTER CARE CHILDREN AND  
7 YOUTH.—Each entity carrying out a project under section  
8 402B, 402C, 402D, or 402F shall, at the conclusion of  
9 the project, prepare and submit a report to the Secretary  
10 that includes—

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

16 “(2) a description of any strategies or program  
17 enhancements that were used in the project and that  
18 were effective in meeting the needs of homeless chil-  
19 dren and youths and foster care children and  
20 youth.”.

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

23 Section 404C(a)(2) of the Higher Education Act of  
24 1965 (20 U.S.C. 1070a–23(a)(2)) is amended—

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

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

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

4           “(K) describe how the eligible entity will  
5           facilitate the participation of foster care chil-  
6           dren and youth and homeless children and  
7           youths (as such term is defined in section 725  
8           of the McKinney-Vento Homeless Assistance  
9           Act (42 U.S.C. 11434a)), including—

10           “(i) how the eligible entity will iden-  
11           tify foster care children and youth and  
12           homeless children and youths, in collabora-  
13           tion with child welfare agencies, homeless  
14           shelters, and local educational agency liai-  
15           sons for homeless children and youths des-  
16           ignated under section 722(g)(1)(J)(ii) of  
17           the McKinney-Vento Homeless Assistance  
18           Act (42 U.S.C. 11432(g)(1)(J)(ii));

19           “(ii) how the eligible entity will collect  
20           and submit to the Secretary data on the  
21           number of homeless children and youths  
22           and foster care children and youth served;  
23           and

24           “(iii) the policies and practices the eli-  
25           gible entity will adopt to remove barriers to

1 the participation of homeless children and  
2 youths and foster care children and youth,  
3 including policies to facilitate continued  
4 participation despite changes in residence  
5 resulting from homelessness or foster care  
6 placement and policies consistent with the  
7 McKinney-Vento Homeless Assistance Act  
8 (42 U.S.C. 11301 et seq.).”.

9 **SEC. 13. GRANT FOR FEDERAL WORK-STUDY PROGRAMS.**

10 Section 443(b)(6) of the Higher Education Act of  
11 1965 (20 U.S.C. 1087–53(b)(6)) is amended by inserting  
12 “, and prioritize employment for students who are cur-  
13 rently or formerly homeless children and youths (as such  
14 term is defined in section 725 of the McKinney-Vento  
15 Homeless Assistance Act (42 U.S.C. 11434a)) or foster  
16 care children and youth” after “thereof”.

17 **SEC. 14. EXCLUDABLE INCOME.**

18 Section 480(e) of the Higher Education Act of 1965  
19 (20 U.S.C. 1087vv(e)) is amended by striking paragraph  
20 (5) and inserting the following:

21 “(5) payments made and services provided  
22 under part E of title IV of the Social Security Act  
23 to or on behalf of any child or youth over whom the  
24 State agency has responsibility for placement, care,  
25 or supervision, including the value of vouchers for

1 education and training and amounts expended for  
2 room and board for youth who are not in foster care  
3 but are receiving services under section 477 of such  
4 Act; and”.

5 **SEC. 15. CONSOLIDATING QUESTIONS REGARDING HOME-**  
6 **LESS STATUS ON THE FAFSA.**

7 Section 483(a)(4) of the Higher Education Act of  
8 1965 (20 U.S.C. 1090(a)(4)) is amended by adding at the  
9 end the following:

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

17 “(i) an unaccompanied homeless child  
18 or youth (as such term is defined in sec-  
19 tion 725 of the McKinney-Vento Homeless  
20 Assistance Act); or

21 “(ii) an unaccompanied youth who is  
22 self-supporting and at risk of homeless-  
23 ness.”.

1 **SEC. 16. DATA TRANSPARENCY ON THE NUMBER OF FINAN-**  
2 **CIAL AID APPLICANTS.**

3 Section 483 of the Higher Education Act of 1965 (20  
4 U.S.C. 1090) is amended by adding at the end the fol-  
5 lowing:

6 “(i) DATA TRANSPARENCY ON THE NUMBER OF AP-  
7 PPLICANTS.—

8 “(1) IN GENERAL.—The Secretary shall annu-  
9 ally publish data on the number of individuals who  
10 apply for Federal student aid pursuant to this sec-  
11 tion who are homeless children and youths (as such  
12 term is defined in section 725 of the McKinney-  
13 Vento Homeless Assistance Act (42 U.S.C.  
14 11434a)), including unaccompanied youths, and fos-  
15 ter care children and youth.

16 “(2) CONTENTS.—The data described in para-  
17 graph (1) with respect to homeless children and  
18 youths shall include, at a minimum, for each appli-  
19 cation cycle—

20 “(A) the total number of all applicants  
21 who were determined to be (or to be at risk of  
22 becoming) unaccompanied homeless youth,  
23 under section 480(d)(1)(H);

24 “(B) the number of applicants described in  
25 subparagraph (A), disaggregated—

26 “(i) by State; and

1                   “(ii) by the sources of determination  
2                   as described in clauses (i) through (iv) of  
3                   section 480(d)(1)(H); and

4                   “(C) the number of undetermined requests  
5                   for homelessness consideration, including  
6                   statuses that remain unknown because no de-  
7                   termination had been made in response the ap-  
8                   plicant’s request for the institution to consider  
9                   the applicant’s special circumstance of being  
10                  homeless.”.

11 **SEC. 17. IN-STATE TUITION RATES FOR HOMELESS CHIL-**  
12                   **DREN OR YOUTHS AND FOSTER CARE CHIL-**  
13                   **DREN AND YOUTH.**

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

16                  (1) in the section heading, by inserting “,  
17                  **HOMELESS CHILDREN OR YOUTHS, AND FOS-**  
18                  **TER CARE CHILDREN AND YOUTH**” after “**CHIL-**  
19                  **DREN**”;

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).”.

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