

115TH CONGRESS
1ST SESSION

S. 1792

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 SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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. 5304).

20 “(4) STATE.—The term ‘State’ means each of
21 the several States and the District of Columbia.

22 “(5) TERRITORY.—The term ‘territory’ means
23 the Commonwealth of Puerto Rico, the United
24 States Virgin Islands, Guam, American Samoa, the
25 Commonwealth of the Northern Mariana Islands,

1 the Republic of the Marshall Islands, the Federated
 2 States of Micronesia, and the Republic of Palau.

3 **“SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE AC-**
 4 **CESS TO AND SUCCESS IN HIGHER EDU-**
 5 **CATION FOR FOSTER YOUTH AND HOMELESS**
 6 **YOUTH.**

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

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

14 “(2) make subgrants described in subsection
 15 (e).

16 “(b) ALLOTMENTS.—

17 “(1) FORMULA.—

18 “(A) RESERVATION FOR INDIAN TRIBES
 19 AND TERRITORIES.—

20 “(i) IN GENERAL.—From the amount
 21 appropriated under subsection (h) for a
 22 fiscal year and subject to clause (ii), the
 23 Secretary shall reserve—

24 “(I) not more than 3 percent for
 25 grants to Indian Tribes, consortia of

1 Indian Tribes, or Tribal organiza-
2 tions; and

3 “(II) not more than 2 percent for
4 grants to territories.

5 “(ii) REQUIREMENTS.—In awarding
6 grants under this subparagraph, the Sec-
7 retary—

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

16 “(II) shall require that any In-
17 dian Tribe, consortium, Tribal organi-
18 zation, or territory that receives a
19 grant under this subparagraph pro-
20 vide an assurance of a partnership
21 among relevant education, child wel-
22 fare, and homeless agencies or organi-
23 zations; and

24 “(III) may determine any other
25 requirements with respect to such

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

11 “(B) RESERVATION FOR DEPARTMENT AC-
12 TIVITIES.—From the amount appropriated
13 under subsection (h) for a fiscal year, the Sec-
14 retary may reserve—

15 “(i) not more than 7 percent to—

16 “(I) provide technical assistance,
17 in consultation with the Secretary of
18 Health and Human Services, to
19 States carrying out activities under
20 this section; and

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

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

1 “(C) ALLOTMENTS.—From the amount
2 appropriated under subsection (h) for fiscal
3 year and remaining after the Secretary reserves
4 funds under subparagraphs (A) and (B), the
5 Secretary shall allot to each State the greater
6 of—

7 “(i) \$500,000; or

8 “(ii) the amount that bears the same
9 proportion to the remaining appropriated
10 amount for such fiscal year as the number
11 of foster youth and homeless youth in the
12 State bears to the number of foster youth
13 and homeless youth in all States.

14 “(D) RATABLE REDUCTION.—If the
15 amount appropriated under subsection (h) for a
16 fiscal year and remaining after the Secretary
17 reserves funds under subparagraphs (A) and
18 (B) is less than the amount required to be allot-
19 ted to States under subparagraph (C), then the
20 amount of the allotment to each State shall be
21 ratably reduced.

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

1 “(3) TEMPORARY INELIGIBILITY FOR SUBSE-
2 QUENT PAYMENTS.—

3 “(A) IN GENERAL.—The Secretary shall
4 determine a State to be temporarily ineligible to
5 receive a grant payment under this subsection
6 for a fiscal year if—

7 “(i) the State fails to submit an an-
8 nual report under subsection (f) for the
9 preceding fiscal year; or

10 “(ii) the Secretary determines, based
11 on information in such annual report, that
12 the State is not effectively—

13 “(I) meeting the outcomes de-
14 scribed in the application of such
15 State under subsection (c)(2)(C), and
16 does not have a plan to improve the
17 outcomes;

18 “(II) monitoring and evaluating
19 the activities under subsections (d)
20 and (e); or

21 “(III) using funds as required
22 under subsections (d) and (e).

23 “(B) REINSTATEMENT.—If the Secretary
24 determines that a State is ineligible under sub-
25 paragraph (A), the Secretary may enter into an

1 agreement with the State setting forth the
2 terms and conditions under which the State
3 may regain eligibility to receive payments under
4 this section.

5 “(c) APPLICATIONS.—

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

11 “(2) INFORMATION REQUIRED.—An application
12 submitted under paragraph (1) shall include the fol-
13 lowing:

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

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

18 “(C) A description of intended outcomes
19 for such activities.

20 “(D) A plan for how the State will monitor
21 and evaluate such activities, including how the
22 State will use data to continually update and
23 improve such activities.

24 “(E) A description of how students will be
25 identified and recruited for participation in the

1 Statewide transition initiative under subsection
2 (d).

3 “(F) An estimate of the number and char-
4 acteristics of the populations targeted for par-
5 ticipation in the Statewide transition initiative
6 under subsection (d) with attention to the di-
7 verse needs of homeless youth and foster youth
8 in the State.

9 “(G) A description of how the State will
10 coordinate services provided under the grant
11 with services provided to foster youth and
12 homeless youth under the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. 11301 et
14 seq.), the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6301 et seq.), and the
16 Runaway and Homeless Youth Act (34 U.S.C.
17 11201 et seq.), and other services provided to
18 foster youth and homeless youth by the State.

19 “(H) An assurance that the State will
20 comply with subtitle B of title VII of the
21 McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11431 et seq.).

23 “(I) An assurance that the State will part-
24 ner with State educational agencies, local edu-
25 cational agencies, institutions of higher edu-

1 cation, State and local child welfare authorities,
2 and other relevant organizations that serve fos-
3 ter youth or homeless youth.

4 “(J) An assurance that the State will sub-
5 mit the annual report required under subsection
6 (f).

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

9 “(L) Such other information as the Sec-
10 retary may require.

11 “(d) STATEWIDE TRANSITION INITIATIVE.—

12 “(1) USE OF FUNDS.—Subject to subsection
13 (b)(2), and in consultation and coordination with the
14 entities described in paragraph (2), a State receiving
15 a grant award under this section shall use not less
16 than 25 percent of the funds to—

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

19 “(i) improve the understanding and
20 preparation of such youth for enrollment in
21 institutions of higher education;

22 “(ii) increase the number of applica-
23 tions to institutions of higher education
24 submitted by such youth; and

1 “(iii) increase the number of enroll-
2 ments of such youth at institutions of
3 higher education;

4 “(B) provide education to foster youth and
5 homeless youth with respect to—

6 “(i) the benefits and opportunities of
7 postsecondary education;

8 “(ii) planning for postsecondary edu-
9 cation;

10 “(iii) financial aid opportunities for
11 enrollment at an institution of higher edu-
12 cation;

13 “(iv) the Federal and State services
14 and benefits available to foster youth and
15 homeless youth while enrolled at an insti-
16 tution of higher education, including health
17 and mental health services;

18 “(v) career exploration; and

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

21 “(C) assist foster youth and homeless
22 youth with submitting applications for—

23 “(i) enrollment at an institution of
24 higher education;

1 “(ii) financial aid for such enrollment;

2 and

3 “(iii) scholarships available for such

4 students, including under a State edu-

5 cational and training voucher program re-

6 ferred to in section 477(i) of the Social Se-

7 curity Act (42 U.S.C. 677(i)); and

8 “(D) provide free programming, which may

9 include free transportation to and from such

10 programming, for foster youth and homeless

11 youth to prepare such individuals socially and

12 academically for the rigors of postsecondary

13 education during the summer before such indi-

14 viduals first attend an institution of higher edu-

15 cation.

16 “(2) REQUIRED CONSULTATION AND COORDI-

17 NATION.—In carrying out the activities described in

18 paragraph (1), a State shall consult and coordinate

19 with State educational agencies, local educational

20 agencies, institutions of higher education, State and

21 local child welfare authorities, and other relevant or-

22 ganizations that serve foster youth or homeless

23 youth.

24 “(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-

25 CELLENCE.—

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

10 “(2) APPLICATION.—

11 “(A) IN GENERAL.—An eligible institution
12 desiring a subgrant under this subsection shall
13 submit an application to the State in which
14 such eligible institution is located, at such time,
15 in such manner, and containing such information
16 as the State may require.

17 “(B) TECHNICAL ASSISTANCE.—Each
18 State receiving an allotment under this section
19 shall provide outreach and technical assistance
20 to eligible institutions with respect to applications
21 for subgrants under this subsection.

22 “(3) ACTIVITIES.—An eligible institution that
23 receives a subgrant under this subsection shall use
24 the subgrant funds to carry out the following activities
25 with respect to homeless youth and foster youth:

1 “(A) Provide flexibility and assistance in
2 completing the application process to enroll at
3 such institution.

4 “(B) Coordinate programs with relevant
5 on- and off-campus stakeholders to increase the
6 enrollment of such youth at the institution and
7 align services at the institution for such youth.

8 “(C) Adjust the cost of attendance for
9 such youth at such eligible institution to include
10 the cost of housing during periods of non-enroll-
11 ment.

12 “(D) Provide institutional aid to such stu-
13 dents to meet the cost of attendance that is not
14 covered by other Federal or State educational
15 grants.

16 “(E) Provide outreach to such students to
17 ensure that such youth are aware of housing re-
18 sources available during periods of non-enroll-
19 ment.

20 “(F) Subsidize any fees for such students
21 associated with orientation and offer free trans-
22 portation to the orientation or move-in week at
23 the eligible institution.

24 “(G) Hire and provide training for at least
25 one full-time staff member at the eligible insti-

1 tution to serve as a point of contact to provide
 2 case management services and monthly face-to-
 3 face meetings with students who are foster
 4 youth or homeless youth. Such individual shall
 5 have an advanced degree and at least two years
 6 of relevant experience.

7 “(H) Establish or enhance campus support
 8 programs to provide such students with a wide-
 9 range of on-campus services, including—

10 “(i) assistance with financial aid;

11 “(ii) career advice; and

12 “(iii) leadership development.

13 “(I) Ensure the availability of robust stu-
 14 dent physical and mental health services that
 15 meet the specific needs of foster youth and
 16 homeless youth.

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

20 “(K) Collect, review, and monitor data for
 21 program improvement.

22 “(4) RELIANCE ON INSTITUTIONAL AID.—Any
 23 institutional aid provided to a student under para-
 24 graph (3)(D) by an eligible institution during the pe-
 25 riod of the institution’s subgrant under this sub-

1 section shall continue to be provided during the stu-
 2 dent's continuous enrollment at the institution, with-
 3 out regard to whether the subgrant period ends dur-
 4 ing such enrollment.

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

6 “(A) ADMINISTERING STATE AGENCY.—

7 The term ‘administering State agency’ means a
 8 State agency—

9 “(i) designated by the Governor or ex-
 10 ecutive of the State to administer the sub-
 11 grants under this subsection; and

12 “(ii) that, with respect to such State,
 13 has jurisdiction over—

14 “(I) foster youth;

15 “(II) homeless youth;

16 “(III) elementary and secondary
 17 education; or

18 “(IV) higher education.

19 “(B) ELIGIBLE INSTITUTION.—The term
 20 ‘eligible institution’ means an institution of
 21 higher education—

22 “(i) that is in partnership with—

23 “(I) the State child welfare agen-
 24 cy that is responsible for the adminis-
 25 tration of the State plan under part B

1 or E of title IV of the Social Security
 2 Act (42 U.S.C. 621 et seq.; 670 et
 3 seq.); and

4 “(II) an organization that serves
 5 homeless youth (such as a youth shel-
 6 ter or outreach program); and

7 “(ii) that may partner with any other
 8 provider, agency, official, or entity that
 9 serves foster youth and homeless youth, or
 10 former foster youth and homeless youth.

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

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

17 “(2) the cost of providing each such activity or
 18 service;

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

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

23 “(A) improved access to higher education
 24 for foster youth and homeless youth; and

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

3 “(5) an analysis of the implementation and
4 progress of the Statewide transition initiative under
5 subsection (d), including challenges and changes
6 made to the initiative throughout the preceding year;

7 “(6) if, based on the analysis under paragraph
8 (5), the State determines that the program is not on
9 track to meet the intended outcomes described in the
10 application of the State under subsection (c)(2)(C),
11 a description of how the State plans to meet such
12 intended outcomes; and

13 “(7) information on the eligible institutions re-
14 ceiving subgrants, including how such institutions
15 used subgrant funds to carry out the activities de-
16 scribed in subsection (e)(3).

17 “(g) DEPARTMENT ACTIVITIES.—

18 “(1) EVALUATIONS.—Beginning on the date on
19 which funds are first allotted under subsection (b),
20 and annually thereafter, the Secretary shall evaluate
21 recipients of allotments and subgrants under this
22 section. The results of such evaluations shall be
23 made publicly available on the website of the De-
24 partment.

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

6 “(A) the amount of each allotment under
7 subsection (b);

8 “(B) the amount of each subgrant under
9 subsection (e); and

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

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$150,000,000 for fiscal year 2018 and each of the 5 suc-
16 ceeding fiscal years.”.

○