

115TH CONGRESS  
1ST SESSION

# H. R. 3742

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

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2017

Mr. DANNY K. DAVIS of Illinois (for himself, Mr. KRISHNAMOORTHY, Mr. SCOTT of Virginia, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fostering Success in  
5 Higher Education Act of 2017”.

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

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

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

10 **“SEC. 791. DEFINITIONS.**

11 “In this part:

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

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

23 “(B) includes any individual—

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

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

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

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

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

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

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

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

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

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

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

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

20           “(b) ALLOCATIONS.—

21                   “(1) FORMULA.—

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

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

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

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

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

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

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

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

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

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

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

19 “(i) not more than 7 percent to—

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

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

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

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

11                  “(i) \$500,000; or

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

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

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

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

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

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

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

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

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



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

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

10                  “(c) APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18          “(d) STATEWIDE TRANSITION INITIATIVE.—

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

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

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

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

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

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

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

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

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

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

25          “(v) career exploration; and

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

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

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

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

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

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

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

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

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

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

16 “(2) APPLICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

15                   “(i) assistance with financial aid;

16                   “(ii) career advice; and

17                   “(iii) leadership development.

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

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



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

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

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

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

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

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

20                           “(I) foster youth;

21                           “(II) homeless youth;

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

24                           “(IV) higher education.

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

4                   “(i) that is in partnership with—

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

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

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

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

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

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

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

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

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

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

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

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

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

23           “(g) DEPARTMENT ACTIVITIES.—

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

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

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

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

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

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

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

○