

## **The Higher Education Access and Success for Homeless and Foster Youth Act: How It Can Help Unaccompanied Homeless Youth and Foster Youth**

*The Higher Education Access and Success for Homeless and Foster Youth Act of 2015, S. 2267/H.R. 4043, will help ensure that homeless and foster youth have strong and clear pathways into and through higher education. The bill was introduced in the United States Senate by U.S. Senator Patty Murray (D-WA) and in the U.S. House of Representatives by Congresswoman Katherine Clark (D-5th/WA). This issue brief provides detailed background on how the Act will benefit youth and young adults from foster care and who are homeless.*

### **Who Are Unaccompanied Homeless Youth?**

Unaccompanied homeless youth are young people who lack safe, stable housing and who are not in the care of a parent or guardian. They may have run away from home or been forced to leave by their parents. Unaccompanied homeless youth live in a variety of temporary situations, including shelters, the homes of other people, cars, campgrounds, public parks, abandoned buildings, motels, and bus or train stations.

Between 1.6 and 1.7 million youth run away from their homes each year.<sup>1</sup> Generally, youth leave home due to severe dysfunction in their families, including circumstances that put their safety and well-being at risk. Physical and sexual abuse in the home are common; studies of unaccompanied youth have found that 20 to 50% were sexually abused in their homes, while 40 to 60% were physically abused.<sup>2</sup> Parental drug use or alcoholism and conflicts with stepparents or partners also provoke youth to run away from home.<sup>3</sup> Many other young people are forced out of their homes by parents who disapprove of their sexual orientation or pregnancy.<sup>4</sup> In a survey

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<sup>1</sup> Toro, P., Dworsky, A. and Fowler, P. (2007). "Homeless Youth in the United States: Recent Research Findings and Intervention Approaches." *Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research*. Washington DC: U.S. Dept. of Housing and Urban Development.; National Runaway Switchboard, <http://www.1800runaway.org/>.

<sup>2</sup> Robertson, M. & Toro, P. (1998). "Homeless Youth: Research, Intervention, and Policy." *Practical Lessons: The 1998 National Symposium on Homelessness Research*. Washington DC: U.S. Dept. of Housing and Urban Development. See also MacLean, M.G., Embry, L.E. & Cauce, A.M. (1999). "Homeless Adolescents' Paths to Separation from Family: Comparison of Family Characteristics, Psychological Adjustment, and Victimization." *Journal of Community Psychology*, 27(2), 179-187.

<sup>3</sup> Robertson & Toro (1998), *supra*.

<sup>4</sup> The National Gay and Lesbian Task Force and the National Coalition for the Homeless (2007). *Lesbian, gay, bisexual and transgender youth: An epidemic of homelessness*. Washington DC: Authors; See also Toro (2007), *supra*.

of unaccompanied youth in California, over half felt that being homeless was as safe as or safer than being at home.<sup>5</sup>

### **Who are Older Foster Youth and Youth who have Aged out of Foster Care?**

Almost 400,000 children and youth are in foster care in the U.S.<sup>6</sup> Most youth enter the foster care system due to abuse and neglect. The goal of the child welfare system is to make it possible for youth to safely return to their own homes or, if that is not possible, to find new families.

Nonetheless, a large number of youth who grow up in the child welfare system age out without finding a family or permanency. Every year, almost 28,000 youth age out of foster care without being reunified with their biological parents, adopted, or placed in legal guardianship.<sup>7</sup> These youth are often on their own without the support of family to guide and support them as they make the transition to adulthood. Youth who age out of care are more likely than their peers raised in families to experience homelessness, poverty, early pregnancy, become incarcerated or be victimized.<sup>8</sup>

Despite their aspirations, the educational profile of youth who age out of foster care is poor. Only half will graduate high school by age 18.<sup>9</sup> Although 84% of 17-18 year olds in care want to go to college, less than 20% of those who graduate attend college, and less than 10% obtain a B.A.,<sup>10</sup> often due to the circumstances of foster care, such as changing schools, disrupted family relationships, and living in group homes.<sup>11</sup>

### **How the Higher Education Access and Success for Homeless and Foster Youth Act Helps Homeless and Foster Youth Pursue and Complete Postsecondary Education**

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<sup>5</sup> Bernstein, N. and Foster, L. (2008). *Voices from the Street: A Survey of Homeless Youth by Their Peers*. Sacramento, CA: California Research Bureau.

<sup>6</sup> The Center for State Child Welfare's Foster Care Data Archive 2011 data.

<sup>7</sup> Peters, C., Sherraden, M., & Kuchinski, A.M. (2012). *Enduring assets: Findings from a study on the financial lives of young people transitioning from foster care*. St. Louis, MO: Jim Casey Youth Opportunities Initiative (citing Collins, M.E. (2001). *Transition to adulthood for vulnerable youths; A review of research and implications for policy*, 75(2) *Social Service Review*, 271-291; US. Department of Health and Human Services (2011). *Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, AFCARS Report*).

<sup>8</sup> Id. (citations omitted).

<sup>9</sup> Wolanin, T. R. (2005). *Higher education opportunities for foster youth: A primer for policymakers*. Washington, DC: The Institute for Higher Education Policy.

<sup>10</sup> Courtney, M.E., Terao, S., & Bost, N. (2004). *Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago; Pecora, P., Williams, J., Kessler, R., Hiripi, E., O'Brien, K., Emerson, J., Herrick, M., Torres, D. (2006). *Assessing the educational achievements of adults who formerly were placed in family foster care*. *Child and Family Social Work*, 11, 220-231; Pecora, P., Kessler, R., Williams, J., O'Brien, K., Downs, C., English, D., White, J., Hiripi, E., White, C., Wiggins, T., & Holmes, K. (2005). *Improving family foster care: Findings from the Northwest Foster Care Alumni Study*. Seattle, WA: Casey Family Programs.

<sup>11</sup> The Institute for College Access & Success (2009). *Hopes & Hurdles: California Foster Youth and College Financial Aid*. Berkeley: University of California, Berkeley at 2 (citing McMillin, C. et al., 2003, *Educational Experiences and Aspirations of Older Youth in Foster Care*. *Child Welfare*, 82(4): 475-495).

## **A. Provisions that Increase Access to Higher Education**

- 1. The bill clarifies that youth under age 24 who are determined under the statute to be unaccompanied and homeless are considered independent students.**

Why do unaccompanied homeless youth need this amendment?

Currently, the U.S. Department of Education's Application and Verification Guide and the notes for the Free Application for Federal Student Aid (FAFSA), questions 55-57, define "youth" as being 21 years of age or younger or currently enrolled in high school. However, a student must be 24 years old in order to be considered an independent student. Thus, according to the FAFSA, unaccompanied homeless youth who are 22 or 23 years old cannot be considered as independent students. These students must request a dependency override, re-disclose personal information, and face additional barriers depending on the discretion of the financial aid administrator.

This creates an insurmountable barrier to financial aid for many unaccompanied homeless youth who are 22 and 23 years old and have been separated from their parents. The proposed bill ensures that all unaccompanied homeless youth under 24 can benefit from the independent student definition and are therefore able to pursue postsecondary education.

- 2. The bill eliminates the requirement for unaccompanied homeless youths' status to be re-determined every year and creates a presumption that these students will continue to be independent unless the student's circumstances have changed, or the financial aid administrator has conflicting information.**

Why do unaccompanied homeless youth need this amendment?

Under the current statutory language, in order to be considered independent, a youth must be determined homeless and unaccompanied in the year in which he or she is submitting the FAFSA. Particularly for students who have begun college, this requirement has created numerous barriers, because it frequently has resulted in youth being asked to track down documentation, contact people with whom they are no longer in touch, and/or re-disclose painful information about their status. It creates additional paperwork for all parties, and adds stress and trauma to the process of applying for financial aid to continue a youth's education. Yet the vast majority of students who begin college as unaccompanied homeless youth tend to remain in that status for the duration of their education. Annual re-certification is burdensome and unnecessary, unless the youth reports a change of circumstance or the financial aid administrator has information indicating the student's situation has changed. This change achieves the statutory policy of ensuring access to financial aid for all unaccompanied homeless youth without unnecessary barriers.

- 3. The bill streamlines the homeless verification process by adding TRIO programs, GEAR-UP programs, and more public and privately funded homeless shelters to the list of organizations that can verify a youth's status as homeless and unaccompanied.**

Why do unaccompanied homeless youth need this amendment?

Under current law, four parties are authorized to determine the status of an unaccompanied homeless youth: 1) a McKinney-Vento Act school district liaison<sup>12</sup>; (2) a U.S. Department of Housing and Urban Development homeless assistance program director or their designee; (3) a Runaway and Homeless Youth Act program director or their designee; or (4) a financial aid administrator. Only shelters that receive federal funding under two programs are specified in the statute, despite the fact that many shelters do not receive federal funding at all. In addition, neither youth nor financial aid administrators are likely to know the nature of the funding of the shelters in the area. The funding designation creates confusion and unnecessarily limits certification by legitimate shelter providers. This provision adds appropriate additional sources of determination to facilitate access to higher education.

- 4. The bill streamlines and simplifies the FAFSA completion process by requiring that financial aid administrators make a determination of an unaccompanied homeless youth status for youth who cannot get determinations from other authorities**

Why do unaccompanied homeless youth need this amendment?

While school district liaisons and homeless service providers are very capable of determining unaccompanied homeless youth status for financial aid, the reality of homelessness is that many youth have not been identified as homeless by these professionals, for several reasons: either they became homeless after high school or their high school never discovered they were homeless; and most homeless youth do not stay in shelters, due to lack of shelter beds nationwide. Therefore, the role of the financial aid administrator in making eligibility determinations is of paramount importance.

Our experience and our survey amply demonstrate that too often financial aid administrators continue to view the category of unaccompanied homeless youth as subject to professional judgment, either refusing to make determinations or making determinations based on pre-conceived notions of homelessness, rather than on statutory definitions. This provision makes clear in statute the U.S. Department of Education's position that financial aid administrators must make determinations, and that those determinations must be based on legal definitions.

- 5. The bill establishes a student loan ombudsman to resolve disputes for unaccompanied homeless youth and youth coming from foster care who are denied independent student status.**

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<sup>12</sup> See note 6, supra.

### Why do foster and unaccompanied homeless youth need this amendment?

NAEHCY and its partners, as well as advocates working with foster youth, have attempted to assist many youth who were wrongfully denied independent student status as a result of a financial aid administrator's failure to implement the law. These students have no effective recourse. Calls to 1-800-4FEDAID have been unsuccessful because the hotline is not staffed by people who are familiar with homelessness or foster care, or who have the authority to overturn school decisions. The HEASHFY Act would require the Federal Student Aid Ombudsman to resolve disputes related to homeless youth and youth coming from foster care, in consultation with knowledgeable parties, including child welfare agencies, local liaisons or State Coordinators established under the McKinney-Vento Homeless Assistance Act.

Homeless and foster youth generally lack the support network and access to advocacy networks to help them navigate a complicated dispute resolution process. Clarifying the process and making it more accessible and timely for young adults will go a long way to creating a system that is equitable to youth without parents and a solid support network.

- 6. The bill clarifies that “foster care children and youth” include youth who were in foster care at age 13 or older even if they are subsequently in another permanency arrangement, such as adoption or guardianship.**

### Why do foster youth need this amendment?

This is an amendment that clarifies existing law that has been a subject of confusion and a barrier to financial aid for many youth who were in foster care and then entered other permanency arrangements when they were age 13 or older. The amendment clarifies existing law by incorporating language from Department of Education guidance to promote uniformity and ensure that the intent of the law—to promote permanency for older youth in foster care by supporting families—is followed.

- 7. The bill requires that institutions of higher education disseminate public notice of FAFSA policies for unaccompanied homeless youth and youth in or coming from foster care.**

### Why do foster and unaccompanied homeless youth need this amendment?

Under the McKinney-Vento Act, every school district – regardless of whether the district receives a subgrant under the Act – is required to post notices about the educational rights of homeless children and youth. This public notice provision has proven essential in helping children and youth access educational assistance about which they would otherwise be unaware. Providing similar public notice of FAFSA policies will greatly increase the odds that homeless and foster youth will have access to information that youth living in more stable living arrangements may receive at home. Because of the mobility of many of these youth, posting the information where the youth is seeking to attend school makes good sense. Low-income students

typically learn about financial aid from peers and staff at school, but foster and homeless youth who are highly mobile and frequently change schools may lack these critical relationships.<sup>13</sup> Homeless and foster youth are less likely to choose to go to college if they are unaware they are eligible for financial aid that could make college possible for them.<sup>14</sup> Similarly, at the postsecondary level, many youth who are homeless, or coming from foster care, are not aware of their eligibility, and may not know how to apply for aid.<sup>15</sup>

**8. The bill requires that admissions applications provide youth the opportunity to identify as homeless or foster youth for the purposes of being provided information about financial aid and student support services.**

Why do foster and unaccompanied homeless youth need this amendment?

Similar to the provision described directly above, this provision will assist youth in learning of needed information that will help them access and be successful in higher education by creating an avenue through which information and outreach can be done. The data collected can also assist institutions in understanding the scope of the need on their campuses so that they can be more responsive.

**B. Provisions that Increase Retention and Academic Success**

**9. The bill requires that every institution of higher learning must designate a point of contact for homeless and foster youth.**

Why do foster and homeless youth need this amendment?

Under the McKinney-Vento Act, every school district – regardless of whether the district receives a subgrant under the Act – is required to designate a liaison for homeless students. The school district liaison has several responsibilities, including identifying homeless youth and referring them to services. Several states have taken the McKinney-Vento model and adapted it to higher education by designating a “single point of contact” for homeless and foster youth at every state-funded institution.<sup>16</sup>

Point persons for homeless and foster youth are extremely valuable for facilitating retention and academic success. Many of these youth have complex needs that can be met, but may require referrals and connections to be made that are best handled by individuals who have expertise in

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<sup>13</sup> Id. at 3.

<sup>14</sup> Id. at 9.

<sup>15</sup> Dworsky. (2009), supra at 3 (“[F]oster youth are often unaware of the financial aid for which they are eligible.”) (citing Davis, 2006).

<sup>16</sup> Colorado, North Carolina, Michigan, and Georgia have established contacts for homeless and foster youth. California has led the way in this respect for foster youth. See California Pathways (2013). Partnerships for Success: Case Studies in Successful Collaboration Between Child Welfare and Higher Education, at 6.

working with these vulnerable populations. For example, a study of California universities with programs for foster youth reported that program directors believe that making referrals to student counseling, student health, community mental health, and other community services is an important part of the program.<sup>17</sup> In these dedicated programs, most youth had ongoing contact with program staff, and when the program had a drop-in center, almost ¾ of student respondents reported visiting the center at least once a week.<sup>18</sup> Likewise, almost 90% of students who interacted with program staff reported that the staff were helpful or very helpful.<sup>19</sup> In contrast, “the student services personnel at most postsecondary institutions are not familiar with or prepared to address the unique needs” of current and former foster youth,<sup>20</sup> making dedicated point people within colleges and universities crucial to the education success of these highly vulnerable populations.

Designating “single points of contacts” for these two vulnerable populations has proven extraordinarily successful and efficient. It has enabled homeless youth and former foster youth to benefit from assistance in navigating higher education and accessing support services.

**10. The bill addresses the housing needs of homeless and foster youth by providing priority for institutionally owned or operated housing and requiring institutions of higher education to develop a plan for how homeless youth and foster youth can access housing resources during and between academic terms.**

Why do foster and homeless youth need this amendment?

Homeless youth and large numbers of youth who age out of foster care do not have a home and family to return to during school breaks and holidays. The fear and anxiety of becoming homeless during school breaks, in addition to the experience of homelessness during these breaks, puts these young adults at large risk for dropping out of school or not even trying to enroll for fear of not having the stability and support needed to maintain academic success.

Having safe and stable housing is crucial to ensuring postsecondary success for these two highly mobile populations who often lack the home and family that the majority of college students take for granted. This provision asks institutions to collaborate with community members and organizations as well as campus leaders to draw on their resources and creativity to describe how homeless and foster youth students may be housed during school breaks.

It is unsurprising that the “lack of access to affordable housing can be a major barrier to higher education. . . . [a]t least one study reported that former foster youth who participate in campus support programs perceived the housing assistance they receive as important or very important to their success in school, and many expressed concerns about not having a place to live were it not

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<sup>17</sup> Dworsky, (2009), supra at 34.

<sup>18</sup> Id. at 36.

<sup>19</sup> Id. at 35.

<sup>20</sup> Dworsky, (2009), supra at 3 (citing Emerson, 2006).

for the program.”<sup>21</sup> Homeless youth and former foster youth must have access to year-round housing as most have nowhere to go between terms.<sup>22</sup>

**11. The proposed law requires that TRIO and GEAR-UP programs identify, conduct outreach to, and recruit homeless children and youth, and children and youth in foster care, in collaboration with school district homeless liaisons, service providers, and child welfare agencies. It also requires that these programs submit descriptions of their activities to reach out to homeless children and youth, summarize any strategies that were effective in meeting the needs of these groups, and report on the number of homeless and foster youth served.**

Why do foster and homeless youth need this amendment?

Under current law, homeless children and youth and children and youth in foster care are automatically eligible for TRIO programs. However, without proactive efforts to identify these youth, they may not be enrolled in, and benefit from, TRIO programs. For example, a study of former foster youth attending college in California found that only two-thirds of survey respondents identified themselves as TRIO or Educational Opportunity Program (EOP) students despite the fact that they all should have automatically qualified for EOP. Indeed, twelve percent did not know if they were EOP or TRIO students.<sup>23</sup> TRIO programs have expertise in serving disadvantaged students and supporting them so that they thrive in college. This provision simply requires that these programs intentionally and specifically target homeless and foster youth so that these populations can receive the benefits the law intended and highlight any promising practices that can be shared with other providers to improve access.

**12. The proposed law requires that TRIO, GEAR-UP, Upward Bound, Talent Search, Student Support Services, and Education Opportunity Centers remove any barriers that impede participation and retention of homeless and foster youths, including allowing immediate participation/enrollment.**

Why do foster and homeless youth need this amendment?

The law intended that TRIO and GEAR-UP programs target homeless and foster youth, yet many foster and homeless youth do not end up enrolled in these programs. This provision seeks to eliminate barriers to homeless and foster youth enrolling in these programs by adopting important protections from the McKinney-Vento Act that have reduced barriers to school enrollment, including immediate enrollment (including without guardianship documentation) and school stability.

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<sup>21</sup> Dworsky, A. et al. (2010), supra at 6 (citing Cochrane, D. & Szabo-Kubitz, L. (2009). Hopes and hurdles: California foster youth and college financial aid. Berkeley, CA: Institute for College Access and Success; Dworsky, A. & Perez, A. (2010).

Helping former foster youth graduate from college through campus support programs. Children and Youth Services Review. 32(2), 255-263).

<sup>22</sup> Dworsky (2009), supra at 18.

<sup>23</sup> Dworsky (2009), supra at 25-26.

## **C. Provisions that Make Postsecondary Education Affordable**

### **13. The proposed law provides homeless and foster youth in-state tuition.**

#### **Why do foster and homeless youth need this amendment?**

Homeless and foster youth are extremely mobile. This mobility is often due to instability and lack of choices. Some youth move to other states because they hope to reunite with family or to escape a situation that is harmful or dangerous. By allowing these youth in-state tuition, this provision seeks to allow vulnerable youth to attend school in the most appropriate and supportive environment.

### **14. The proposed law prioritizes homeless and foster youth for the Federal Work-Study Program.**

#### **Why do foster and homeless youth need this amendment?**

Family can help make ends meet for their children pursuing postsecondary education. Homeless and foster youth frequently lack this financial support. Prioritizing these youth for Federal Work-Study helps them earn the funds they need to keep them enrolled in postsecondary education programs.

### **15. The proposed law clarifies that federal foster care funds and benefits are not included as income for the purposes of determining financial aid.**

#### **Why do foster and homeless youth need this amendment?**

This amendment resolves confusion about how to treat the cost of a youth's foster care placement and any services and supports funded through Title-IV-E, such as Chafee Education and Training Vouchers. This clarification is especially important as more states are providing extended foster care until age 21. These programs have been developed, in part, to encourage youth to pursue higher education and training, and should not serve as a barrier to accessing financial aid.

***For more information about the Higher Education Access and Success for Homeless and Foster Youth Act, please contact:***

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