

Removing Barriers and Providing Opportunity

The Higher Education Access and Success for Homeless and Foster Youth Act

Youth experiencing homelessness and youth from foster care face unique barriers to accessing and completing higher education. Lack of family and supports, coupled with histories of neglect, abuse, trauma, mobility, and deep poverty, create roadblocks to their path to and through post-secondary education. Yet higher education is their best opportunity for economic independence and healthier lives. This issue brief provides detailed information on the Higher Education Access and Success for Homeless and Foster Youth Act (HEASHFY), S. 1795/H.R.3740, intended to assist foster and homeless youth obtain a post-secondary degree and achieve higher education success.

A. How HEASHFY Removes Barriers to Financial Aid for Homeless and Foster Youth

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

The FAFSA requires all students not considered “independent” to provide financial information from their parents or guardians in order to determine student eligibility for aid; the application also requires a parental/guardian signature. While these requirements are logical for most applicants, they created an insurmountable barrier for unaccompanied homeless youth, who do not receive financial support from their parents and do not have access to parental information.

The proposed legislation 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.

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 removes barriers to financial aid by requiring financial aid administrators (FAAs) to accept homelessness determinations from authorized parties in the absence of conflicting information. Further, it clarifies that a FAA's disagreement with a determination from an authorized party does not constitute conflicting information.

Current U.S. Department of Education guidance instructs financial aid administrators to accept homelessness determinations from authorized parties, and states that a FAA's disagreement with a determination from an authorized party does not constitute conflicting information. While this guidance has been helpful to a certain extent in reducing the documentation barriers experienced by unaccompanied homeless youth, implemented would be greatly assisted if it were included in the statute itself.

4. The bill streamlines the homeless verification process by adding TRIO programs, GEAR-UP programs, and additional homeless service providers to the list of organizations that can verify a youth's status as homeless and unaccompanied.

Under current law, four parties are authorized to determine the status of an unaccompanied homeless youth: 1) a McKinney-Vento Act school district liaison¹; (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 homeless service providers. This provision adds appropriate additional sources of determination to facilitate access to higher education.

5. 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.

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

¹ See note 6, supra.

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 demonstrates 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.

6. [The bill requires the Federal Student Aid Ombudsman to resolve disputes for unaccompanied homeless youth and youth coming from foster care who are denied independent student status.](#)

Our organizations 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.

7. [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.](#)

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.

8. [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.](#)

Under the McKinney-Vento Act, every school district – regardless of whether the district receives a subgrant under the Act – is required to disseminate notice 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.² 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.³ 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.⁴

9. 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.

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. How HEASHFY Increases Retention and Academic Success for Homeless and Foster Youth

10. The bill requires that every institution of higher learning designate a point of contact for homeless and foster youth to help these students access and complete postsecondary education, including by ensuring that they are connected to available student support services, programs, and community resources, such as financial aid, academic advising, housing, food, public benefits, health care, health insurance, mental health, and mentoring.

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. Under the Every Student Succeeds Act of 2015 (ESSA), school districts that receive Title I Part A funding are required to designate a “single point of contact” for foster youth if the local child welfare agency also has done so and notified the LEA in writing. Several states have taken the McKinney-Vento and ESSA model and adapted it to higher education by designating a “single point of contact” for homeless and foster youth at every state-funded institution.⁵

Point persons for homeless and foster youth are extremely valuable for facilitating retention and academic success by enabling homeless youth and former foster youth to benefit from assistance in navigating higher education and accessing support services.

² Id. at 3.

³ Id. at 9.

⁴ Dworsky. (2009), supra at 3 (“[F]oster youth are often unaware of the financial aid for which they are eligible.”) (citing Davis, 2006).

⁵ 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.

11. The bill addresses the housing needs of homeless and foster youth by providing priority for institutionally owned or operated housing, and by 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.

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.

12. 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.

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.⁶ 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.

⁶ Dworksy (2009), *supra* at 25-26.

13. 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.

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.

C. How HEASHFY Makes Postsecondary Education More Affordable to Homeless and Foster Youth

14. The proposed law provides homeless and foster youth in-state tuition.

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.

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

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.

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

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.

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