

113TH CONGRESS
1ST SESSION

H. R. 3136

To establish a demonstration program for competency-based education.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2013

Mr. SALMON (for himself, Mr. POLIS, Mrs. BROOKS of Indiana, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a demonstration program for competency-based education.

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 “Advancing Com-
5 petency-Based Education Demonstration Project Act of
6 2013”.

1 **SEC. 2. DISTANCE EDUCATION DEMONSTRATION PRO-**
2 **GRAMS.**

3 Part G of title IV of the Higher Education Act of
4 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
5 after section 486A the following:

6 **“SEC. 486B. COMPETENCY-BASED EDUCATION DEMONSTRA-**
7 **TION PROGRAMS.**

8 “(a) PURPOSE.—It is the purpose of this section—

9 “(1) to allow demonstration programs that are
10 monitored by the Secretary to explore ways of deliv-
11 ering education and disbursing student financial aid
12 that are based on learning rather than time;

13 “(2) to potentially lower cost and reduce the
14 time to degree in the attainment of higher education
15 degrees through competency-based programs; and

16 “(3) to help determine—

17 “(A) the specific statutory and regulatory
18 requirements which should be altered to provide
19 greater access to competency-based education,
20 which may be independent of or combined with
21 traditional credit hour or clock hour programs;

22 “(B) the most effective means of delivering
23 competency-based education via degree pro-
24 grams; and

1 “(C) the appropriate level and distribution
2 methodology of Federal assistance for students
3 enrolled in competency-based education.

4 “(4) DEFINITION.—For the purpose of this sec-
5 tion, the term ‘competency-based education’ means
6 an educational process that—

7 “(A) is characterized by the measurement
8 of learning as opposed to the measurement of
9 instructional and learning time;

10 “(B) uses direct assessment of student
11 learning, or recognizes the direct assessment by
12 others of student learning, in place of or in ad-
13 dition to using credit hours or clock hours; and

14 “(C) includes direct measures of learning,
15 including projects, papers, examinations, pres-
16 entations, performances, and portfolios.

17 “(b) DEMONSTRATION PROGRAMS AUTHORIZED.—

18 “(1) IN GENERAL.—In accordance with the pro-
19 visions of subsection (d), the Secretary is directed to
20 select institutions of higher education, systems of
21 such institutions, or consortia of such institutions
22 for voluntary participation in a Competency-Based
23 Education Demonstration Program that provides
24 participating institutions with the ability to offer
25 competency-based education that do not meet all or

1 a portion of the requirements of the sections or reg-
2 ulations described in paragraph (2).

3 “(2) WAIVERS.—The Secretary is authorized to
4 waive for any institution of higher education, sys-
5 tem, or consortium participating in a Competency-
6 Based Education Demonstration Program, the re-
7 quirements of sections 481(a) and 481(b) as such
8 sections relate to requirements for a minimum num-
9 ber of weeks of instruction, sections 102(a)(3)(A),
10 102(a)(3)(B), and 484(l)(1), section
11 668.32(a)(1)(iii) of title 34, Code of Federal Regula-
12 tions, as it relates to courses leading to teacher cer-
13 tification, or one or more of the regulations pre-
14 scribed under this part or part F which inhibit the
15 operation of competency-based education. In addi-
16 tion to the waivers described above, for institutions
17 that propose a rational and defensible plan for com-
18 petency-based education and for the waivers being
19 sought, the Secretary may waive any of the require-
20 ments under sections (and corresponding regula-
21 tions) in title I, part F of this title, and this part,
22 that inhibit the operation of competency-based edu-
23 cation, including requirements that relate to—

24 “(A) documenting attendance;

25 “(B) weekly academic activity;

1 “(C) minimum weeks of instructional time;

2 “(D) requirements for credit hour/clock
3 hour equivalencies;

4 “(E) requirements for substantive inter-
5 action with faculty; and

6 “(F) definitions of the terms ‘academic
7 year’, ‘full-time student’, ‘term’ (including
8 ‘standard term’, ‘non-term’, and ‘non-standard
9 term’), ‘satisfactory academic progress’ (SAP),
10 ‘educational activity’, ‘program of study’, and
11 ‘payment period’.

12 “(3) ELIGIBLE APPLICANTS.—

13 “(A) ELIGIBLE INSTITUTIONS.—Except as
14 provided in subparagraph (B), to be eligible to
15 participate in the demonstration program au-
16 thorized under this section an institution shall
17 be—

18 “(i) an institution of higher education
19 that is eligible to participate in programs
20 under this title; or

21 “(ii) an institution that has been ap-
22 proved to offer direct assessment programs
23 under section 481(b)(4).

24 “(B) PROHIBITION.—An institution of
25 higher education described in section

1 102(a)(1)(C) shall not be eligible to participate
2 in the demonstration program authorized under
3 this section.

4 “(c) APPLICATION.—

5 “(1) IN GENERAL.—Each institution, system of
6 institutions, or consortium of institutions desiring to
7 participate in a demonstration program under this
8 section shall submit an application to the Secretary.

9 “(2) CONTENTS.—Each application shall in-
10 clude—

11 “(A) a description of the competency-based
12 education to be offered;

13 “(B) a brief description of the proposed
14 academic delivery, business, and financial mod-
15 els, including brief explanations of how this ap-
16 proach would result in the achievement of com-
17 petencies and how it would differ from standard
18 credit hour approaches;

19 “(C) a description of the statutory and
20 regulatory requirements described in subsection
21 (b)(2) for which a waiver is sought and the rea-
22 sons for which each such waiver is sought;

23 “(D) a description of the proposal for de-
24 termining a student’s Federal student aid eligi-
25 bility, the award and distribution of aid, and

1 safeguards to ensure that students are making
2 satisfactory progress that warrants disburse-
3 ment of such aid;

4 “(E) a description of the students to whom
5 competency-based education will be offered, in-
6 cluding an assurance that the institution, sys-
7 tem, or consortium will include a minimum of
8 100 and a maximum of 3,000 eligible students
9 as part of the program;

10 “(F) a description of the goals the institu-
11 tion, system, or consortium hopes to achieve
12 through the use of competency-based education;

13 “(G) a description of how the institution,
14 system, or consortium plans to maintain pro-
15 gram integrity;

16 “(H) an assurance that the institution,
17 system, or consortium will offer full cooperation
18 with the ongoing evaluations of the demonstra-
19 tion program provided for in this section and
20 will not require the expenditure of additional
21 Federal funding to implement the project; and

22 “(I) such other information as the Sec-
23 retary may require.

24 “(d) SELECTION.—

1 “(1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this section, the Sec-
3 retary shall select for participation in the Com-
4 petency-Based Education Demonstration Program
5 not more than 20 institutions, systems of institu-
6 tions, or consortia of institutions.

7 “(2) CONSIDERATIONS.—In selecting institu-
8 tions, systems, or consortia to participate in the
9 demonstration program, the Secretary shall—

10 “(A) consider the number and quality of
11 applications received;

12 “(B) consider an institution’s, system’s, or
13 consortium’s—

14 “(i) demonstrated ability to success-
15 fully execute the program as described;

16 “(ii) commitment and ability to effec-
17 tively finance a demonstration site as pro-
18 posed; and

19 “(iii) demonstrated administrative ca-
20 pability and the expertise to evaluate learn-
21 ing based on measures other than credit
22 hours or clock hours; and

23 “(C) ensure the participation of a diverse
24 group of institutions (including institutions
25 within systems and consortia of institutions)

1 with respect to size, mission, and geographic
2 distribution of the institutions.

3 “(e) NOTIFICATION.—Not later than 6 months after
4 the date of enactment of this section, the Secretary shall
5 make available to the authorizing committees and the pub-
6 lic a list of institutions, systems, and consortia selected
7 to participate in the demonstration program authorized by
8 this section. Such list shall include, for each such institu-
9 tion, system, or consortium, the specific statutory and reg-
10 ulatory requirements being waived and a description of the
11 competency-based education courses to be offered.

12 “(f) EVALUATIONS AND REPORTS.—

13 “(1) EVALUATION.—The Secretary shall annu-
14 ally evaluate each of the demonstration programs
15 authorized under this section. Such evaluations shall
16 review—

17 “(A) the extent to which the institution,
18 system, or consortium has met the goals set
19 forth in its application to the Secretary, includ-
20 ing the measures of program quality assurance;

21 “(B) the number and types of students
22 participating in the programs offered, including
23 the progress of participating students toward
24 recognized degrees and the extent to which par-

1 participation and retention in such programs in-
2 creased;

3 “(C) obstacles related to student financial
4 assistance for competency-based education; and

5 “(D) the extent to which statutory or regu-
6 latory requirements not waived under the dem-
7 onstration program present difficulties for stu-
8 dents or institutions.

9 “(2) ANNUAL REPORT.—The Secretary shall
10 annually provide to the authorizing committees a re-
11 port on—

12 “(A) the evaluations of the demonstration
13 programs required under paragraph (1);

14 “(B) the number and types of students re-
15 ceiving assistance under this title for com-
16 petency-based education programs;

17 “(C) the retention and completion rates of
18 students participating in such programs; and

19 “(D) any proposed statutory changes de-
20 signed to support and enhance the expansion of
21 competency-based education.

22 “(g) OVERSIGHT.—In conducting the demonstration
23 program authorized under this section, the Secretary
24 shall, on a continuing basis—

1 “(1) assure compliance of institutions, systems,
2 and consortia with the requirements of this title
3 (other than the sections and regulations that are
4 waived under subsection (b)(2));

5 “(2) provide technical assistance;

6 “(3) monitor fluctuations in the student popu-
7 lation enrolled in the participating institutions, sys-
8 tems, and consortia; and

9 “(4) consult with appropriate accrediting agen-
10 cies or associations and appropriate State regulatory
11 authorities.

12 “(h) ADDITIONAL FUNDS NOT AUTHORIZED.—No
13 additional funds are authorized to be appropriated for any
14 fiscal year to carry out this section.”.

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