

113TH CONGRESS  
2D SESSION

# S. 2513

To establish a demonstration project for competency-based education.

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IN THE SENATE OF THE UNITED STATES

JUNE 23, 2014

Mr. BENNET (for himself, Mr. ISAKSON, Mrs. HAGAN, Mr. ENZI, Mr. HATCH, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish a demonstration project 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 2014”.

1 **SEC. 2. COMPETENCY-BASED EDUCATION DEMONSTRATION**  
2 **PROJECT.**

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 PROJECT.**

8 “(a) PURPOSES.—The purposes of this section are—

9 “(1) to allow a demonstration project that is  
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 attainment of high-quality postsecondary de-  
15 grees and credentials through competency-based  
16 education programs; and

17 “(3) to help determine—

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

24 “(B) the most effective means of delivering  
25 competency-based education through degree and  
26 credential programs; and

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

4           “(b) DEFINITIONS.—In this section:

5           “(1) COMPETENCY-BASED EDUCATION.—The  
6 term ‘competency-based education’ means an edu-  
7 cational process that—

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

11           “(B) includes direct measures of learning,  
12 which may include projects, papers, examina-  
13 tions, presentations, performances, and port-  
14 folios, and direct measures by others of student  
15 learning, in place of, or in addition to, using  
16 credit hours or clock hours to measure learning.

17           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
18 tity’ means any of the following:

19           “(A) An institution of higher education  
20 that—

21           “(i) is eligible to participate in pro-  
22 grams under this title; and

23           “(ii) is not an institution described in  
24 subparagraph (A) or (C) of section  
25 102(a)(1).

1           “(B) A system of institutions described in  
2           subparagraph (A).

3           “(C) A consortium of institutions described  
4           in subparagraph (A).

5           “(c) DEMONSTRATION PROJECT AUTHORIZED.—

6           “(1) IN GENERAL.—The Secretary shall carry  
7           out a competency-based education demonstration  
8           project under which the Secretary selects, in accord-  
9           ance with subsection (e), eligible entities to partici-  
10          pate and receive waivers described in paragraph (2),  
11          in order to enable the eligible entities to offer com-  
12          petency-based education.

13          “(2) WAIVERS.—

14          “(A) IN GENERAL.—The Secretary may  
15          waive, for an eligible entity participating in the  
16          demonstration project under this section, any  
17          requirements, including any regulations promul-  
18          gated under such provisions, of—

19                  “(i) subsections (a) and (b) of section  
20                  481, as such subsections relate to require-  
21                  ments under this Act for a minimum num-  
22                  ber of weeks of instruction; and

23                  “(ii) section 668.32(a)(1)(iii) of title  
24                  34, Code of Federal Regulations, as such

1 section relates to courses leading to teach-  
2 er certification.

3 “(B) ADDITIONAL REQUIREMENTS ELIGI-  
4 BLE FOR WAIVER.—

5 “(i) IN GENERAL.—In addition to any  
6 waiver authorized under subparagraph (A),  
7 the Secretary may waive any requirements  
8 described in clause (ii) for an eligible enti-  
9 ty participating in the demonstration  
10 project under this section that requests  
11 such a waiver in the application submitted  
12 under subsection (d), if the Secretary de-  
13 termines that the eligible entity has pro-  
14 posed a rational and defensible plan for  
15 competency-based education that requires  
16 such waiver.

17 “(ii) DESCRIPTION OF ADDITIONAL  
18 REQUIREMENTS.—A requirement described  
19 in this clause is any requirement under  
20 this part, part F, or title I (including any  
21 regulations promulgated under title I) that  
22 inhibits the operation of competency-based  
23 education, including any requirement that  
24 relates to—

25 “(I) documenting attendance;

- 1 “(II) weekly academic activity;
- 2 “(III) minimum weeks of instruc-
- 3 tional time;
- 4 “(IV) credit hour or clock hour
- 5 equivalencies;
- 6 “(V) substantive interaction with
- 7 faculty; and
- 8 “(VI) the definitions of the terms
- 9 ‘academic year’, ‘full-time student’,
- 10 ‘standard term’, ‘non-term’, ‘non-
- 11 standard term’, ‘term’, ‘satisfactory
- 12 academic progress’, ‘educational activ-
- 13 ity’, ‘program of study’, and ‘payment
- 14 period’.

15 “(d) APPLICATION.—

16 “(1) IN GENERAL.—Each eligible entity desir-

17 ing to participate in the demonstration project under

18 this section shall submit to the Secretary an applica-

19 tion at such time, in such manner, and containing

20 such information as the Secretary shall require.

21 “(2) CONTENTS.—Each application submitted

22 under paragraph (1) shall include—

23 “(A) a description of the competency-based

24 education to be offered by the eligible entity

25 through the demonstration project, including

1 the portion of the degree or credential to be  
2 provided by competency-based education and  
3 the amount of time needed for a student par-  
4 ticipating in the competency-based education  
5 program to attain the degree or credential;

6 “(B) a brief description of the proposed  
7 academic delivery, business, and financial mod-  
8 els to be used by the eligible entity in the  
9 project, including brief explanations of how the  
10 entity’s approach would result in the achieve-  
11 ment and assessment of competencies and how  
12 the approach would differ from standard credit  
13 hour approaches;

14 “(C) a description of the statutory and  
15 regulatory requirements described in subsection  
16 (c)(2) for which a waiver is sought, and the rea-  
17 sons for which each such waiver is sought;

18 “(D) a description of the entity’s proposal  
19 for determining a student’s Federal student aid  
20 eligibility under this title and awarding and dis-  
21 tributing such aid, including safeguards to en-  
22 sure that students are making satisfactory  
23 progress that warrants disbursement of such  
24 aid, and an explanation of how the proposal en-  
25 sures that the competency-based education pro-

1           gram does not require the expenditure of addi-  
2           tional Federal funding beyond what the stu-  
3           dents are otherwise eligible for under this title;

4           “(E) a description of the students to whom  
5           competency-based education will be offered, in-  
6           cluding an assurance that the eligible entity will  
7           include, by the end of the first calendar year,  
8           a minimum of 100 and a maximum of 2,000 el-  
9           igible students as part of the project;

10          “(F) a description of the goals the entity  
11          hopes to achieve through the use of com-  
12          petency-based education;

13          “(G) a description of how the entity plans  
14          to maintain program integrity, and prevent  
15          fraud, waste, and abuse, in the student assist-  
16          ance programs under this title;

17          “(H) an assurance that the entity will fully  
18          cooperate with the ongoing evaluations of the  
19          demonstration project under subsection (f)(3);

20          “(I) an assurance that the entity will not  
21          require the expenditure of additional Federal  
22          funding to implement the project; and

23          “(J) such other information as the Sec-  
24          retary may require.

25          “(e) SELECTION.—



1           “(1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of the Advancing Com-  
3 petency-Based Education Demonstration Project Act  
4 of 2014, the Secretary shall select not more than 15  
5 eligible entities to participate in the demonstration  
6 project under this section.

7           “(2) CONSIDERATIONS.—In selecting eligible  
8 entities to participate in the demonstration project  
9 under this section, the Secretary shall—

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

12                   “(B) consider the eligible entity’s—

13                           “(i) demonstrated quality, as meas-  
14 ured through outcome-based metrics of  
15 student success;

16                           “(ii) ability to successfully execute the  
17 project as described;

18                           “(iii) commitment and ability to effec-  
19 tively finance a demonstration site as pro-  
20 posed;

21                           “(iv) demonstrated administrative ca-  
22 pability and expertise to evaluate learning  
23 based on measures other than credit hours  
24 or clock hours;

1           “(v) commitment to allow random as-  
2           signment and collection of school records  
3           of eligible project applicants, if necessary  
4           in order to allow for the evaluation of the  
5           impact of the competency-based education  
6           programs supported under the project, as  
7           described in subsection (f)(2)(B); and

8           “(vi) commitment to share the defined  
9           competencies and metrics for assessment  
10          developed for the competency-based edu-  
11          cation program with the Secretary; and

12          “(C) ensure the participation of a diverse  
13          group of institutions of higher education (in-  
14          cluding institutions within eligible entities de-  
15          scribed in subparagraph (B) or (C) of sub-  
16          section (b)(2)) with respect to size, mission, and  
17          geographic distribution of the institutions.

18          “(3) NOTIFICATION.—Not later than 180 days  
19          after the date of enactment of the Advancing Com-  
20          petency-Based Education Demonstration Project Act  
21          of 2014, the Secretary shall make available to the  
22          authorizing committees and the public a list of the  
23          eligible entities selected to participate in the dem-  
24          onstration project under this section. Such list shall  
25          include, for each such eligible entity, the specific

1 statutory and regulatory requirements that the Sec-  
2 retary is waiving for the project and a description of  
3 the competency-based education courses to be of-  
4 fered.

5 “(f) EVALUATIONS AND REPORTS.—

6 “(1) ELIGIBLE ENTITY REPORT.—Each eligible  
7 entity that participates in the demonstration project  
8 under this section shall prepare and submit to the  
9 Secretary an annual report that includes—

10 “(A) for each student participating in the  
11 competency-based education program offered by  
12 the eligible entity—

13 “(i) the number of postsecondary  
14 credit hours the student had earned prior  
15 to enrollment in the program;

16 “(ii) an identification of whether the  
17 student is participating in the program  
18 and only receiving competency-based edu-  
19 cation or participating in the program  
20 while also taking courses offered in credit  
21 or clock hours, and identification of stu-  
22 dent status as a first-year, second-year,  
23 third-year, or fourth-year student;

24 “(iii) the period of time between the  
25 admission of the student in the program

1 and the first assessment of student learn-  
2 ing;

3 “(iv) the percentage of assessments of  
4 student learning that the student passed  
5 on the first attempt, during the period of  
6 the student’s participation in the program;

7 “(v) the percentage of assessments of  
8 student learning that the student passed  
9 on the second attempt, and overall and the  
10 average period of time between the stu-  
11 dent’s first and second attempts, during  
12 the period of the student’s participation in  
13 the program; and

14 “(vi) the number of credits that the  
15 student acquired through the program and  
16 the period of time during which the stu-  
17 dent acquired such credits;

18 “(B) the information reported under sub-  
19 paragraph (A) aggregated for the program;

20 “(C) the rates of retention in the program  
21 for participating students, for each 6-month pe-  
22 riod of the program; and

23 “(D) such other information as the Sec-  
24 retary may reasonably require.

25 “(2) EVALUATION.—The Secretary shall—

1           “(A) acting through the Director of the In-  
2           stitute of Education Sciences—

3                   “(i) develop performance measures,  
4                   including the measures described in para-  
5                   graph (1)(A), to be used by eligible entities  
6                   participating in the demonstration project  
7                   under this section to ascertain outcome  
8                   and progress;

9                   “(ii) evaluate the implementation and  
10                  impact of the activities supported under  
11                  this section; and

12                  “(iii) identify promising practices re-  
13                  garding competency-based education and  
14                  disseminate research on such practices;  
15                  and

16           “(B) annually evaluate the competency-  
17           based education program offered by each eligi-  
18           ble entity participating in the demonstration  
19           project under this section to review—

20                   “(i) the extent to which the eligible  
21                   entity has met the goals set forth in its ap-  
22                   plication under subsection (d), including  
23                   the measures of program quality assur-  
24                   ance;

1           “(ii) the number and types of stu-  
2           dents participating in the competency-  
3           based education programs offered, includ-  
4           ing the progress of participating students  
5           toward recognized degrees and credentials  
6           and the extent to which participation, post-  
7           secondary education retention, postsec-  
8           ondary education completion, employment  
9           after graduation, and debt repayment in-  
10          creased or decreased for participating stu-  
11          dents as compared to the general postsec-  
12          ondary education student population;

13           “(iii) obstacles related to student fi-  
14          nancial assistance for competency-based  
15          education; and

16           “(iv) the extent to which statutory or  
17          regulatory requirements not waived under  
18          the demonstration project present difficul-  
19          ties for students or institutions of higher  
20          education.

21           “(3) ANNUAL REPORTS.—The Secretary shall  
22          annually prepare and submit to the authorizing com-  
23          mittees a report that includes—

1           “(A) the evaluations of the competency-  
2 based education programs required under para-  
3 graph (2);

4           “(B) the number and types of students re-  
5 ceiving assistance under this title who partici-  
6 pate in competency-based education programs  
7 supported under this section;

8           “(C) the postsecondary education retention  
9 and completion rates of students participating  
10 in such programs;

11           “(D) any statutory changes the Secretary  
12 would recommend that are designed to support  
13 and enhance the expansion of competency-based  
14 education; and

15           “(E) other such measures as determined  
16 by the Secretary.

17           “(g) OVERSIGHT.—In conducting the demonstration  
18 project under this section, the Secretary shall, on a con-  
19 tinuing basis—

20           “(1) ensure that eligible entities participating in  
21 the project comply with the requirements of this title  
22 (other than the requirements that are waived under  
23 subsection (c)(2));

24           “(2) provide technical assistance;

1           “(3) monitor fluctuations in the student popu-  
2           lation enrolled in the participating eligible entities;  
3           and

4           “(4) consult with appropriate accrediting agen-  
5           cies or associations and appropriate State regulatory  
6           authorities regarding the project.”.

○