

117TH CONGRESS  
1ST SESSION

# S. 2301

To amend the Higher Education Act of 1965 to provide capacity-building assistance to institutions of higher education to examine and address inequities in college student access and success, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. SCHATZ (for himself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) 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 amend the Higher Education Act of 1965 to provide capacity-building assistance to institutions of higher education to examine and address inequities in college student access and success, 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 “College Equity Act  
5       of 2021”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that institutions of higher  
8       education should examine institutional policies related to

1 admissions, financial aid, remedial education, support  
 2 services, coursework, faculty, and staff that may have dif-  
 3 ferential impacts on historically underrepresented stu-  
 4 dents.

5 **SEC. 3. EQUITY GRANTS.**

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

9 **“PART F—EQUITY GRANTS**

10 **“SEC. 791. EQUITY PLANNING GRANTS.**

11 “(a) AUTHORIZATION.—

12 “(1) IN GENERAL.—The Secretary shall award  
 13 planning grants to institutions of higher education  
 14 to encourage institutions to conduct equity audits.

15 “(2) DURATION.—A grant award under this  
 16 section shall be 2 years in duration.

17 “(3) MINIMUM GRANT AWARD.—A grant award  
 18 under this section shall be in an amount that is not  
 19 less than \$100,000.

20 “(b) APPLICATIONS.—A institution of higher edu-  
 21 cation that desires to receive a planning grant under this  
 22 section shall submit an application to the Secretary at  
 23 such time, in such form, and containing such information,  
 24 as the Secretary may require, including not less than the  
 25 following:

1           “(1) A narrative statement with sufficient detail  
 2           regarding how the institution intends to conduct the  
 3           equity audit and that provides examples of certain  
 4           policies, practices, and trends the institution intends  
 5           to examine.

6           “(2) A description of all relevant offices, staff,  
 7           and student representation who will be involved in  
 8           implementing the equity audit, including demo-  
 9           graphic makeup of staff who will be involved in im-  
 10          plementing the equity audit, disaggregated by race,  
 11          gender, tenure status, and rank.

12          “(3) A description of what specific data, enroll-  
 13          ment data, and outcome measures the institution  
 14          will examine and for which student populations,  
 15          disaggregated by gender, race, ethnicity, national or-  
 16          igin, income, criminal justice background, military  
 17          service history, age, first-generation student status,  
 18          students with disabilities, student parents, and  
 19          transfer students.

20          “(c) USE OF GRANT FUNDS.—An institution of high-  
 21          er education that receives a planning grant under this sec-  
 22          tion to conduct an equity audit shall undertake a thorough  
 23          internal review of the institution’s policies, practices, and  
 24          resources to identify areas that might produce gaps in ac-  
 25          cess and outcomes by gender, race, ethnicity, national ori-

1 gin, income, criminal justice background, military service  
2 history, or age, or for first-generation students, students  
3 with disabilities, student parents, and transfer students.  
4 The equity audit shall examine, with respect to the institu-  
5 tion of higher education, the following:

6           “(1) Admissions policies, including the demo-  
7 graphics of the State or region where the institution  
8 is located, the demographics of communities where  
9 the institution recruits, the secondary schools from  
10 which enrolled students have graduated, the makeup  
11 of students admitted through early admissions, early  
12 decision, demonstrated interest, athletic preference  
13 admissions, and legacy admissions, the use of race,  
14 standardized tests, questions about citizenship sta-  
15 tus, and questions about criminal convictions in ad-  
16 missions processes, the use of application fees and  
17 waivers, and the treatment and admission of trans-  
18 fer students and credit transfer policies, including  
19 articulation agreements.

20           “(2) Outreach, communication, and other inter-  
21 actions with students who accept admission to the  
22 institution to ensure they officially enroll when the  
23 school term begins, including interactions to encour-  
24 age students to accept their offer of admission.

1           “(3) The financial aid awarding policies and  
2           processes, including presentation of offer letters that  
3           clearly state the cost of attendance and make clear  
4           the difference between types of aid to students, the  
5           financial aid appeal process, the process of handling  
6           student accounts if funds are delayed due to  
7           verification, institutional grant aid policies (includ-  
8           ing the distribution of need-based and non-need-  
9           based grants), the process of distribution of campus-  
10          based aid, the availability and distribution of emer-  
11          gency aid, the availability or usage of in-kind assist-  
12          ance programs, and the process of which students  
13          receive institutional support and which students lose  
14          institutional support and when that occurs.

15          “(4) Access to, and participation in, pre-college  
16          and first-year experience offerings, such as orienta-  
17          tion and bridge programs and advising.

18          “(5) Educational supports, such as remedial  
19          placement and success, gateway and intro course  
20          placement and success, academic resource center  
21          usage, advisor to student ratios, and how students  
22          are differentially affected by satisfactory academic  
23          progress policies.

24          “(6) Student support services, including demo-  
25          graphics of staff and students served by academic or

1 career advising, child care centers, mentoring pro-  
 2 grams, and mental health and counseling services.

3 “(7) Access to, and availability of, identity-  
 4 based centers, staff, academic departments, and ex-  
 5 tracurricular organization for students of color,  
 6 LGBTQ students, veterans, and other students.

7 “(8) Access to, and participation in, small aca-  
 8 demic programs, STEM programs, study abroad,  
 9 undergraduate research opportunities, internships,  
 10 volunteer programs, and civic service programs.

11 “(9) Diversity among administrators, advisers,  
 12 faculty overall, adjunct faculty, and teachers of core  
 13 and introductory-level courses, including pay equity,  
 14 career advancement, and tenure, and the demo-  
 15 graphics of faculty teaching historically underrep-  
 16 resented students.

17 “(10) Hiring processes for administrators, ad-  
 18 visers, faculty overall, adjunct faculty, and teachers  
 19 of core and introductory-level courses.

20 “(11) Physical accessibility on the grounds of  
 21 the institution and programmatic accessibility of  
 22 campus services, activities, and programs.

23 “(12) Demographics of students hired by em-  
 24 ployers who recruit on campus for internships or

1 employment or that the institution has partnerships  
 2 with in work-based programs.

3 “(13) Any other policy, practice, or trend the  
 4 institution deems relevant to identify areas that  
 5 might produce gaps in access or outcomes, such as  
 6 disciplinary fines and billing practices that lead to  
 7 institutional holds or preventing students from en-  
 8 rolling.

9 “(d) REPORTING REQUIREMENT.—An institution of  
 10 higher education that receives a grant under this section  
 11 shall submit a report to the Secretary detailing findings  
 12 of the equity audit not later than 90 days after the date  
 13 that the grant period ends and make the report available  
 14 on the website of the institution.

15 **“SEC. 792. EQUITY IMPLEMENTATION GRANTS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) EDUCATIONAL AND RELATED EXPENDI-  
 18 TURES.—

19 “(A) IN GENERAL.—The term ‘educational  
 20 and related expenditures’ means, with respect  
 21 to an institution of higher education for an aca-  
 22 demic year, the total amount that is equal to  
 23 the sum of—

24 “(i) the amount expended by the insti-  
 25 tution of higher education in the academic

year for instruction and student services,  
and

“(ii) the amount determined under  
subparagraph (B) with respect to the insti-  
tution of higher education for the academic  
year.

“(B) EDUCATION SHARE.—With respect to  
an institution of higher education for an aca-  
demic year, the amount determined under this  
subparagraph is equal to the product of—

“(i) the percentage that is equal to—

“(I) the amount expended by the  
institution of higher education in the  
academic year for instruction and stu-  
dent services, divided by

“(II) the amount expended by  
the institution of higher education in  
the academic year for instruction, stu-  
dent services, research, and public  
service, and

“(ii) the amount expended by the in-  
stitution of higher education in the aca-  
demic year for instruction, student serv-  
ices, and operation maintenance.



1           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
 2           tity’ means an institution of higher education that  
 3           has received an equity planning grant under section  
 4           791.

5           “(3) FULL-TIME EQUIVALENT UNDER-  
 6           GRADUATE STUDENTS.—The term ‘full-time equiva-  
 7           lent undergraduate students’ means the sum of the  
 8           number of undergraduate students enrolled full time  
 9           at an institution of higher education, plus the full-  
 10          time equivalent of the number of undergraduate stu-  
 11          dents enrolled part time (determined on the basis of  
 12          the quotient of the sum of the credit hours of all  
 13          part-time students divided by 12) at such institu-  
 14          tion.

15          “(b) AUTHORIZATION OF GRANTS.—

16               “(1) IN GENERAL.—The Secretary shall award,  
 17               on a competitive basis, implementation grants to en-  
 18               able eligible entities to develop and execute an im-  
 19               provement plan to address the findings of the equity  
 20               audit.

21               “(2) DETERMINATION OF GRANT SIZE.—The  
 22               Secretary shall award implementation grants under  
 23               this section in an amount based on—

24                       “(A) the eligible entity’s enrollment size;  
 25                       and

1           “(B) the severity of equity audit findings,  
2           including low overall performance outcomes or  
3           large performance gaps between groups of stu-  
4           dents.

5           “(3) DURATION.—A grant award under this  
6           section shall be 5 years in duration.

7           “(c) APPLICATION.—

8           “(1) IN GENERAL.—An eligible entity that de-  
9           sires to receive an implementation grant under this  
10          section shall submit an application to the Secretary  
11          at such time, in such form, and containing such in-  
12          formation, as the Secretary may require.

13          “(2) CONTENTS.—Each application submitted  
14          under paragraph (1) shall include the following:

15               “(A) Demographic information and data  
16               about the eligible entity, including a description  
17               of the entity’s mission, history, enrollment size,  
18               enrollment by race or ethnicity, the student  
19               population it serves, and educational and re-  
20               lated expenditures.

21               “(B) A description of equity audit find-  
22               ings, including the gaps in outcomes identified  
23               and for which group of students, including by  
24               race or ethnicity.

1           “(C) An improvement plan that includes a  
2           description of the specific activities the eligible  
3           entity will carry out with the funds made avail-  
4           able by such grant to address the specific gaps  
5           or problems identified by the equity audit.

6           “(D) A description of how the eligible enti-  
7           ty will annually monitor and assess its progress  
8           in closing achievement gaps.

9           “(E) A description of the level of institu-  
10          tional commitment and which institutional lead-  
11          ers and offices will be involved in the planning,  
12          improvement, and assessment process.

13          “(3) PRIORITY.—An application submitted  
14          under paragraph (1) shall receive priority based on  
15          the following:

16               “(A) The average educational and related  
17               expenditures per full-time equivalent under-  
18               graduate student of the eligible entity is low in  
19               comparison with the average educational and  
20               related expenditures per full-time equivalent un-  
21               dergraduate student of institutions that offer  
22               similar instruction.

23               “(B) The eligible entity demonstrates low  
24               overall performance outcomes or large perform-  
25               ance gaps between groups of students and sub-

mits additional written statements from select executive-level institutional leaders, including members of any governing board of trustees, to demonstrate their interest and commitment to executing the improvement plan.

“(C) The eligible entity has an enrollment of students not less than 30 percent of whom are eligible to receive a Federal Pell Grant.

“(d) REPORTING REQUIREMENTS.—

“(1) PROGRESS REPORTS.—An eligible entity awarded an implementation grant under this section shall submit a report detailing progress on its improvement plan to the Secretary not later than 3 years after being awarded the grant and again not later than 5 years after being awarded the grant.

“(2) FINAL REPORT.—Not later than 90 days after the date a grant period awarded under this section ends, the Secretary shall submit to Congress a report detailing the grantee’s initial equity audit findings and progress in addressing identified equity gaps.

**“SEC. 793. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.”.

1 **SEC. 4. ACCREDITATION.**

2 Section 496(a) of the Higher Education Act of 1965  
3 (20 U.S.C. 1099b(a)) is amended—

4 (1) in paragraph (7), by striking “and” after  
5 the semicolon;

6 (2) in paragraph (8), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(9) such agency or association shall—

10 “(A) assess findings from an equity audit  
11 conducted under section 791 of any institution  
12 of higher education the agency or association  
13 accredits; and

14 “(B) provide ongoing feedback and tech-  
15 nical assistance to help such institutions ad-  
16 dress the findings from the equity audit and  
17 share best practices from the equity audits.”.

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