

109TH CONGRESS  
1ST SESSION

# H. R. 3551

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. FATTAH introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary 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; REFERENCES.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “GEAR UP & GO Act”.

6       (b) REFERENCES.—Except as otherwise expressly  
7       provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,  
 2 a section or other provision, the reference shall be consid-  
 3 ered to be made to a section or other provision of the  
 4 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

5 **SEC. 2. CONTINUUM OF SERVICES.**

6 (a) AWARDS.—Section 404A(b)(2)(B) (20 U.S.C.  
 7 1070a–21(b)(2)(B)) is amended by inserting after  
 8 “through the completion of secondary school” the fol-  
 9 lowing: “or through the first year of attendance at a post-  
 10 secondary education institution”.

11 (b) COHORT APPROACH.—Section 404B(g)(1)(B)  
 12 (20 U.S.C. 1070a–22(g)(1)(B)) is amended by inserting  
 13 after “through the 12th grade” the following “or through  
 14 the first year of attendance at a postsecondary education  
 15 institution to students in the participating grade level”.

16 (c) SPECIAL RULE.—Section 404B(g) is further  
 17 amended by adding at the end the following new para-  
 18 graph:

19 “(3) SPECIAL RULE.—Notwithstanding para-  
 20 graph (1)(A), the Secretary shall allow eligible enti-  
 21 ties identified in section 404A(c) to provide services  
 22 described in section 404D to students who have re-  
 23 ceived services under a previous grant award under  
 24 this chapter but have not yet completed the 12th  
 25 grade.”.

1 (d) EARLY INTERVENTION.—

2 (1) USES OF FUNDS.—Section 404D(b)(2) (20  
3 U.S.C. 1070a–24(b)(2)) is amended by inserting  
4 after “through grade 12” the following: “or through  
5 the first year of attendance at a postsecondary edu-  
6 cation institution”.

7 (2) PRIORITY STUDENTS.—Section 404D(c) is  
8 amended by inserting after “through grade 12” the  
9 following “or through the first year of attendance at  
10 a postsecondary education institution”.

11 **SEC. 3. CONTINUING ELIGIBILITY.**

12 Section 404A (20 U.S.C. 1070a–21) is amended by  
13 adding at the end the following new subsection:

14 “(d) CONTINUING ELIGIBILITY.—An eligible entity  
15 shall not cease to be an eligible entity upon the expiration  
16 of any grant under this chapter (including a continuation  
17 award). The Secretary shall require any such entity seek-  
18 ing a new grant to demonstrate the effectiveness of the  
19 prior programs under this chapter in its plan submitted  
20 under section 404C.”.

21 **SEC. 4. FINANCIAL EDUCATION AND COUNSELING.**

22 Section 404D (20 U.S.C. 1070a–24) is amended—

23 (1) in subsection (a)(1)(B)(i), by inserting be-  
24 fore the semicolon at the end the following: “, and

1 counseling and education regarding financial cost re-  
 2 quirements for college”; and

3 (2) in subsection (b)(2)(A)(ii), by striking “ca-  
 4 reer mentoring” inserting “career planning and  
 5 mentoring, academic counseling, and financial lit-  
 6 eracy, education, or counseling pertaining to the  
 7 process of going to college”.

8 **SEC. 5. SCHOLARSHIP COMPONENT.**

9 Section 404E(b) (20 U.S.C. 1070a–25(b)(2)) is  
 10 amended by striking the last sentence and inserting the  
 11 following: “The minimum amount of scholarship under  
 12 this section shall be not less than the minimum award for  
 13 a Federal Pell Grant, as described in section 401(b)(5).”.

14 **SEC. 6. DUAL/CONCURRENT ENROLLMENT.**

15 (a) AMENDMENT.—Chapter 2 of part A of title IV  
 16 is amended—

17 (1) by redesignating section 404G and 404H  
 18 (20 U.S.C. 1070a–27) as sections 404H and 404I,  
 19 respectively; and

20 (2) by inserting after section 404F the fol-  
 21 lowing:

22 **“SEC. 404G. DUAL/CONCURRENT ENROLLMENT.**

23 “(a) PROGRAM AUTHORITY.—The Secretary is au-  
 24 thorized to carry out a program to be known as ‘GEAR  
 25 UP & GO’, to provide growing opportunities for dual/con-

1 current enrollment, which shall be designed to provide low-  
2 income high school students participating in GEAR UP  
3 partnerships or State programs the opportunity to enroll  
4 in college courses while still enrolled in high school. In  
5 such program, students shall not be required to apply for  
6 admission to the institution of higher education in order  
7 to participate, but may receive college credit.

8 “(b) STUDENT ELIGIBILITY.—Except as provided in  
9 subsection (e)(2), a student shall be eligible for the pur-  
10 pose of this section, if the student—

11 “(1) is enrolled in GEAR UP partnerships or  
12 State programs;

13 “(2) is enrolled in 10th, 11th, or 12th grade;  
14 and

15 “(3) has demonstrated academic readiness for  
16 college courses as determined by the applying entity.

17 “(c) PERMISSIBLE SERVICES.—An entity receiving  
18 funding under this section may provide services such as—

19 “(1) the offering of core non-remedial college  
20 courses as determined by the post secondary institu-  
21 tion in which participating students—

22 “(A) receive instruction from a postsec-  
23 ondary institution faculty member at the sec-  
24 ondary site;

1           “(B) take courses from a postsecondary in-  
2           stitution faculty member on-site at the postsec-  
3           ondary institution;

4           “(C) receive college level instruction from  
5           high school faculty who hold the same creden-  
6           tials as postsecondary faculty or who meet  
7           qualifications and standards approved by the  
8           postsecondary institution; or

9           “(D) enroll in an early/middle college high  
10          school in which students may earn college credit  
11          through a coherent course of study leading to  
12          a postsecondary degree and high school diploma  
13          in an accelerated timeframe;

14          “(2) underwriting the per-credit costs of college  
15          courses;

16          “(3) assistance with the selection of core non-  
17          remedial college courses by students;

18          “(4) tutorial services pertaining to the core  
19          non-remedial college courses in which students are  
20          enrolled; and

21          “(5) purchasing books, supplies, and transpor-  
22          tation.

23          “(d) REQUIREMENTS FOR APPROVAL OF APPLICA-  
24          TIONS.—In approving applications for GEAR UP & GO

1 under this section for any fiscal year, the Secretary  
2 shall—

3 “(1) award funds under this program on an an-  
4 nual basis and determine the average award;

5 “(2) take into consideration whether partici-  
6 pating students in a dual/concurrent enrollment pro-  
7 gram will receive college credit;

8 “(3) require an assurance that an entity apply-  
9 ing for funding under this section meet the require-  
10 ments of section 404A(c); and

11 “(4) not approve a plan unless such a plan—

12 “(A) details the criteria used for deter-  
13 mining student academic readiness or qualifica-  
14 tions for participation in the dual/concurrent  
15 enrollment program; and

16 “(B) specifies the methods by which funds  
17 will be spent for carrying out the program.

18 “(e) EARLY/MIDDLE COLLEGE HIGH SCHOOL.—

19 “(1) RESERVATION FOR GRANTS.—The Sec-  
20 retary of Education shall reserve, at a maximum, 25  
21 percent of the funds appropriated under subsection  
22 (f) for any fiscal year for a program of grants to  
23 early/middle college high school.

24 “(2) ELIGIBLE PROGRAMS.—For purposes of  
25 this subsection, an early/middle college high school is

1 a school that is designed to provide 9th through  
2 12th grade low-income and first-generation college  
3 students with a coherent course of study enabling  
4 them to earn simultaneously a high school diploma  
5 and college credit toward a postsecondary degree.

6 “(3) REQUIREMENTS.—Except as provided in  
7 paragraph (4), the programs provided funds under  
8 this subsection shall comply with the requirements of  
9 subsections (b), (c), and (d) of this section.

10 “(4) EXCEPTION.—Notwithstanding subsections  
11 (b)(1) and (d)(3)—

12 “(A) a student served in a program funded  
13 by a grant under this subsection is not required  
14 to be enrolled in a GEAR UP partnership or  
15 State program; and

16 “(B) an entity applying for funding under  
17 this subsection is not required to meet the re-  
18 quirements of section 404A(c).

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
20 tion to the sums authorized by section 404I, there are au-  
21 thorized to be appropriated to carry out this section  
22 \$50,000,000 for fiscal year 2005 and such sums necessary  
23 for each of the 5 succeeding years.”.



1 (b) CONFORMING AMENDMENTS.—Chapter 2 of part  
2 A of title IV is further amended by striking “section  
3 404H” each place it appears and inserting “section 404I”.

4 **SEC. 7. EVALUATION, REPORT, AND TECHNICAL ASSIST-**  
5 **ANCE.**

6 Section 404H (20 U.S.C. 1070a–27), as redesignated  
7 by section 5(1) of this Act, is amended by adding at the  
8 end the following new subsection:

9 “(e) TECHNICAL ASSISTANCE.—In order to improve  
10 the impact of the activities assisted under this chapter,  
11 the Secretary shall, from not more than 0.75 percent of  
12 the funds appropriated under section 404I for a fiscal  
13 year, award one or more grants, contracts, or cooperative  
14 agreements to or with public and private institutions and  
15 organizations—

16 “(1) to enable the institutions and organiza-  
17 tions to strengthen and promote the success of such  
18 activities and eligible entities;

19 “(2) to disseminate and replicate best practices  
20 of activities assisted and eligible entities; and

21 “(3) to provide technical assistance regarding  
22 activities and eligible entities assisted under this sec-  
23 tion.”.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2       Section 404I (20 U.S.C. 1070a–28), as redesignated  
3 by section 5(1) of this Act, is amended to read as follows:

4 **“SEC. 404I. AUTHORIZATION OF APPROPRIATIONS.**

5       “There are authorized to be appropriated to carry out  
6 this chapter \$400,000,000 for fiscal year 2006 and such  
7 sums as may be necessary for each of the 5 succeeding  
8 fiscal years.”.

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