

109TH CONGRESS
1ST SESSION

S. 1267

To amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2005

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, 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 “Gearing Up for Aca-
5 demic Success Act”.

1 **SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR**
 2 **UNDERGRADUATE PROGRAMS**

3 Chapter 2 of subpart 2 of part A of title IV of the
 4 Higher Education Act of 1965 (20 U.S.C. 1070a–21 et
 5 seq.) is amended to read as follows:

6 **“CHAPTER 2—GAINING EARLY AWARENESS AND**
 7 **READINESS FOR UNDERGRADUATE PROGRAMS**

8 **“SEC. 404A. DEFINITION OF ELIGIBLE ENTITY.**

9 “In this chapter, the term ‘eligible entity’ means—

10 “(1) a State; or

11 “(2) a partnership consisting of—

12 “(A) 1 or more local educational agencies
 13 acting on behalf of—

14 “(i) 1 or more elementary schools,
 15 middle schools, or secondary schools; and

16 “(ii) the secondary schools that stu-
 17 dents from the schools described in clause
 18 (i) would normally attend;

19 “(B) 1 or more degree granting institu-
 20 tions of higher education; and

21 “(C) at least 2 community organizations or
 22 entities, such as businesses, professional asso-
 23 ciations, community-based organizations, phil-
 24 anthropic organizations, State agencies, institu-
 25 tions or agencies sponsoring programs author-

1 ized under subpart 4, or other public or private
2 agencies or organizations.

3 **“SEC. 404B. EARLY INTERVENTION AND COLLEGE AWARE-**
4 **NESS PROGRAM AUTHORIZED.**

5 “The Secretary is authorized to award grants in ac-
6 cordance with section 404C—

7 “(1) to eligible entities described in section
8 404A(1) to enable the eligible entities to carry out
9 the authorized activities described in section
10 404D(b); and

11 “(2) to eligible entities described in section
12 404A(2) to enable the eligible entities to carry out
13 the authorized activities described in section
14 404D(a).

15 **“SEC. 404C. GRANTS TO ELIGIBLE ENTITIES.**

16 “(a) GENERAL RESERVATIONS.—From the amount
17 appropriated under section 404H for a fiscal year the Sec-
18 retary shall reserve—

19 “(1) an amount sufficient to continue multiyear
20 grant and scholarship awards made under this chap-
21 ter prior to the date of enactment of the Gearing Up
22 for Academic Success Act, in accordance with the
23 terms and conditions of such awards; and

24 “(2) the amount described in section 404G to
25 carry out section 404G.

1 “(b) COMPETITIVE GRANT AWARDS.—

2 “(1) IN GENERAL.—If the amount appropriated
3 under section 404H for a fiscal year is less than
4 \$400,000,000, then the Secretary shall use the
5 amount that remains after reserving funds under
6 subsection (a) to award grants, on a competitive
7 basis and in accordance with paragraph (2), to eligi-
8 ble entities described in paragraphs (1) and (2) of
9 section 404A to enable the eligible entities to carry
10 out the authorized activities described in section
11 404D.

12 “(2) DISTRIBUTION OF COMPETITIVE GRANT
13 AWARDS.—From the amount made available under
14 paragraph (1) that remains after reserving funds
15 under subsection (a) for a fiscal year, the Secretary
16 shall—

17 “(A) make available—

18 “(i) not less than 33 percent of the
19 remainder to eligible entities described in
20 section 404A(1); and

21 “(ii) not less than 33 percent of the
22 remainder to eligible entities described in
23 section 404A(2); and

24 “(B) award the remainder not made avail-
25 able under subparagraph (A) to eligible entities

1 described in paragraph (1) or (2) of section
2 404A.

3 “(3) SPECIAL RULE.—The Secretary shall an-
4 nually reevaluate the distribution of funds described
5 in paragraph (2)(B) based on the number, quality,
6 and promise of the applications and adjust the dis-
7 tribution accordingly.

8 “(c) FORMULA AND COMPETITIVE GRANT
9 AWARDS.—

10 “(1) IN GENERAL.—If the amount appropriated
11 under section 404H for a fiscal year is equal to or
12 greater than \$400,000,000, then the Secretary shall
13 use the amount that remains after reserving funds
14 under subsection (a) as follows:

15 “(A) 33 percent of the remainder shall be
16 used to award grants, from allotments under
17 paragraph (2), to eligible entities described in
18 section 404A(1) to enable the eligible entities to
19 carry out the authorized activities described in
20 section 404D.

21 “(B) 67 percent of the remainder shall be
22 used to award grants, on a competitive basis, to
23 eligible entities described in section 404A(2) to
24 enable the eligible entities to carry out the au-
25 thorized activities described in section 404D.

1 “(2) FORMULA.—

2 “(A) RESERVATIONS.—If the amount ap-
3 propriated under section 404H is greater than
4 or equal to \$400,000,000, then the Secretary
5 shall reserve, in addition to amounts reserved
6 under subsection (a)—

7 “(i) $\frac{1}{2}$ of 1 percent of the amount to
8 award grants to the outlying areas accord-
9 ing to their respective needs for assistance
10 under this chapter to enable the outlying
11 areas to carry out activities authorized
12 under this chapter; and

13 “(ii) 1 percent of the amount to
14 award a grant to the Bureau of Indian Af-
15 fairs to enable the Bureau of Indian Af-
16 fairs to carry out activities authorized
17 under this chapter.

18 “(B) FORMULA.—If the amount appro-
19 priated under section 404H for a fiscal year is
20 equal to or greater than \$400,000,000, then the
21 Secretary shall allocate the amount that re-
22 mains after reserving funds under subsection
23 (a) and subparagraph (A) among eligible enti-
24 ties having plans approved under section 404E
25 as follows:

1 “(i) 50 percent of the remainder shall
2 be allocated on the basis of the number of
3 individuals in the State; and

4 “(ii) 50 percent of the remainder shall
5 be allocated on the basis of the number of
6 children in the State, aged 5 through 17,
7 who are from families with incomes below
8 the poverty line.

9 “(C) CENSUS DATA.—In allocating funds
10 under subparagraph (A) the Secretary shall use
11 the most recent data available from the Bureau
12 of the Census.

13 “(D) DEFINITIONS.—In this paragraph;

14 “(i) OUTLYING AREA.—The term ‘out-
15 lying area’ means the United States Virgin
16 Islands, Guam, American Samoa, and the
17 Commonwealth of the Northern Mariana
18 Islands, the Republic of the Marshall Is-
19 lands, the Federated States of Micronesia,
20 and the Republic of Palau.

21 “(ii) POVERTY LINE.—The term ‘pov-
22 erty line’ means the poverty line (as de-
23 fined by the Office of Management and
24 Budget and revised annually in accordance
25 with section 673(2) of the Community

1 Services Block Grant Act) applicable to a
2 family of the size involved.

3 “(iii) STATE.—The term ‘State’
4 means each of the several States of the
5 United States, the District of Columbia,
6 and the Commonwealth of Puerto Rico.

7 **“SEC. 404D. AUTHORIZED ACTIVITIES.**

8 “(a) USES OF FUNDS FOR PARTNERSHIPS.—

9 “(1) COHORT APPROACH.—

10 “(A) IN GENERAL.—The Secretary shall
11 require that eligible entities described in section
12 404A(2)—

13 “(i) provide services under this chap-
14 ter to at least 1 grade level of students, be-
15 ginning not later than 7th grade, in a par-
16 ticipating school that has a 7th grade and
17 in which at least 50 percent of the stu-
18 dents enrolled are eligible for a free or re-
19 duced-price lunch under the Richard B.
20 Russell National School Lunch Act (or, if
21 an eligible entity determines that it would
22 promote the effectiveness of a program, an
23 entire grade level of students, beginning
24 not later than the 7th grade, who reside in
25 public housing as defined in section 3(b)(1)

1 of the United States Housing Act of
2 1937); and

3 “(ii) ensure that the services are pro-
4 vided through the 12th grade to students
5 in the participating grade level.

6 “(B) COORDINATION REQUIREMENT.—In
7 carrying out subparagraph (A), the Secretary
8 shall, where applicable, ensure that the cohort
9 approach is done in coordination and collabora-
10 tion with existing early intervention programs
11 and does not duplicate the services already pro-
12 vided to a school or community.

13 “(2) MANDATORY ACTIVITIES.—In order to re-
14 ceive a grant under this chapter, an eligible entity
15 described in section 404A(2) shall demonstrate to
16 the satisfaction of the Secretary, in the plan sub-
17 mitted under section 404E, that the eligible entity
18 will provide activities designed to ensure the sec-
19 ondary school completion and college enrollment of
20 children at risk of dropping out of school, with a
21 focus on providing access to rigorous core courses
22 that reflect challenging academic standards. Such
23 activities shall be designed so as to ensure systemic
24 change in the school, so that future cohorts of chil-

1 dren will benefit from the changes as well. Such ac-
2 tivities shall include—

3 “(A) enrollment of participating students
4 in a standard college preparation curriculum or,
5 in the case of younger students, in a curriculum
6 that logically articulates with a college prepara-
7 tion curriculum;

8 “(B) professional development opportuni-
9 ties for instructors of college preparation class-
10 es; and

11 “(C) funds for curriculum development re-
12 lated to the institution of college preparation
13 classes.

14 “(3) PERMISSIBLE ACTIVITIES.—In addition to
15 the activities described in paragraph (1), an eligible
16 entity described in section 404A(2) may provide
17 other services or supports that are designed to en-
18 sure the secondary school completion and college en-
19 rollment of children at risk of dropping out of
20 school, such as comprehensive mentoring, coun-
21 seling, outreach, and supportive services. Examples
22 of activities that meet the requirements of the pre-
23 ceding sentence include the following:

24 “(A) Providing participating students in el-
25 ementary school, middle school, or secondary

1 school through grade 12 with a continuing sys-
2 tem of mentoring and advising that—

3 “(i) is coordinated with the Federal
4 and State community service initiatives;
5 and

6 “(ii) may include such support serv-
7 ices as after school and summer tutoring,
8 assistance in obtaining summer jobs, ca-
9 reer mentoring, and academic counseling.

10 “(B) Requiring each student to enter into
11 an agreement under which the student agrees
12 to achieve certain academic milestones, such as
13 completing a prescribed set of courses and
14 maintaining satisfactory progress described in
15 section 484(c), in exchange for receiving tuition
16 assistance for a period of time to be established
17 by each eligible entity.

18 “(C) Activities such as the identification of
19 children at risk of dropping out of school, vol-
20 unteer and parent involvement, providing
21 former or current scholarship recipients as
22 mentor or peer counselors, skills assessment,
23 personal counseling, family counseling and
24 home visits, and programs and activities that
25 are specially designed for students of limited

1 English proficiency and students with disabili-
2 ties.

3 “(D) Summer programs for individuals
4 who are in their sophomore or junior years of
5 secondary school or are planning to attend an
6 institution of higher education in the succeeding
7 academic year, that—

8 “(i) are carried out at an institution
9 of higher education which has programs of
10 academic year supportive services for dis-
11 advantaged students through projects au-
12 thorized under section 402D or through
13 comparable projects funded by the State or
14 other sources;

15 “(ii) provide for the participation of
16 the individuals who are eligible for assist-
17 ance under section 402D or who are eligi-
18 ble for comparable programs funded by the
19 State;

20 “(iii)(I) provide summer instruction in
21 remedial, developmental or supportive
22 courses;

23 “(II) provide such summer services as
24 counseling, tutoring, or orientation; and

1 “(III) provide financial assistance to
2 the individuals to cover the individuals’
3 summer costs for books, supplies, living
4 costs, and personal expenses; and

5 “(iv) provide the individuals with fi-
6 nancial assistance during each academic
7 year the individuals are enrolled at the
8 participating institution after the summer
9 program.

10 “(E) Requiring eligible students to meet
11 other standards or requirements as the State
12 determines necessary to meet the purposes of
13 this section.

14 “(F) Financial aid counseling and informa-
15 tion regarding the opportunities for financial
16 assistance.

17 “(G) Providing activities or information re-
18 garding—

19 “(i) fostering and improving parent
20 involvement in—

21 “(I) promoting the advantages of
22 a college education;

23 “(II) academic admission re-
24 quirements; and

1 “(III) the need to take college
2 preparation courses;

3 “(ii) college admission and achieve-
4 ment tests; and

5 “(iii) college application procedures.

6 “(b) USE OF FUNDS FOR STATES.—

7 “(1) MANDATORY ACTIVITIES.—In order to re-
8 ceive a grant under this chapter, an eligible entity
9 described in section 404A(1) shall demonstrate to
10 the satisfaction of the Secretary, in the plan sub-
11 mitted under section 404E, that the eligible entity
12 will provide—

13 “(A) policy leadership designed to promote
14 the college readiness of students in the State,
15 especially those who are at risk of dropping out
16 of school and those who are economically dis-
17 advantaged; and

18 “(B) if there are eligible entities in the
19 State that received a grant under this chapter,
20 services designed to promote coordination and
21 information sharing among all such eligible en-
22 tities in the State.

23 “(2) PERMISSIBLE ACTIVITIES.—

24 “(A) POLICY LEADERSHIP.—In order to
25 meet the requirements of paragraph (1)(A), an

1 eligible entity described in section 404A(1) may
2 engage in the following activities:

3 “(i) Developing a core curriculum of
4 college preparatory classes that can be
5 adopted by all State secondary schools.

6 “(ii) Facilitating curriculum develop-
7 ment in individual schools where needed.

8 “(iii) Supporting and creating profes-
9 sional development opportunities for teach-
10 ers in relation to the core curriculum.

11 “(iv) Facilitating the alignment of
12 kindergarten through grade 12 classes with
13 the requirements for passing college en-
14 trance exams, and entering college without
15 the need for remedial courses.

16 “(v) Convening and consulting with
17 groups of individuals and organizations
18 that can provide input and expertise re-
19 lated to clauses (i), (ii), (iii), and (iv).

20 “(vi) Developing a comprehensive,
21 statewide database that can be used to
22 track indicators of college readiness, and to
23 track enrollment in and completion of col-
24 lege, among the secondary school students
25 in the State.

1 “(vii) Other activities that will pro-
2 mote the college readiness of students in
3 the State, especially students who are con-
4 sidered at risk for not completing sec-
5 ondary school.

6 “(C) COORDINATION AND INFORMATION
7 SHARING.—In order to meet the requirements
8 of paragraph (1)(B), an eligible entity described
9 in section 404A(1) may engage in the following
10 activities:

11 “(i) Providing technical assistance
12 and training for eligible entities described
13 in section 404A(2) that receive a grant
14 under this chapter.

15 “(ii) Disseminating information about
16 best practices among eligible entities de-
17 scribed in section 404A(2) that receive a
18 grant under this chapter.

19 “(iii) Providing eligible entities de-
20 scribed in section 404A(2) that receive a
21 grant under this chapter with opportunities
22 for coordinating their efforts and net-
23 working.

24 “(iv) Assisting eligible entities de-
25 scribed in section 404A(2) that receive a

1 grant under this chapter in adopting a core
2 curriculum and providing professional de-
3 velopment opportunities for teachers.

4 “(v) Providing a centralized source of
5 information, regarding college planning,
6 college entrance requirements, and oppor-
7 tunities for financial aid, to students in the
8 State.

9 “(vi) Providing other services that
10 promote and support the activities of eligi-
11 ble entities described in section 404A(2) in
12 the State that receive a grant under this
13 chapter.

14 “(c) ALLOWABLE PROVIDERS.—In the case of eligible
15 entities described in section 404A(1), the activities re-
16 quired by this section may be provided by service providers
17 such as community-based organizations, schools, institu-
18 tions of higher education, public and private agencies,
19 nonprofit and philanthropic organizations, businesses, in-
20 stitutions and agencies sponsoring programs authorized
21 under subpart 4, and other organizations the State deter-
22 mines appropriate.

23 **“SEC. 404E. ELIGIBLE ENTITY PLANS.**

24 “(a) PLAN REQUIRED FOR ELIGIBILITY.—

1 “(1) IN GENERAL.—In order for an eligible en-
2 tity to receive a grant under this chapter, the eligible
3 entity shall submit to the Secretary a plan for car-
4 rying out the program under this chapter.

5 “(2) CONTENTS.—Each plan submitted pursu-
6 ant to paragraph (1) shall be in such form, contain
7 or be accompanied by such information or assur-
8 ances, and be submitted at such time as the Sec-
9 retary may require by regulation. Each plan shall—

10 “(A) describe the activities for which as-
11 sistance under this chapter is sought; and

12 “(B) provide such assurances as the Sec-
13 retary determines necessary to ensure compli-
14 ance with the requirements of this chapter.

15 “(3) ADDITIONAL REQUIREMENTS FOR PART-
16 NERSHIPS.—An eligible entity described in section
17 404A(2) shall also include in its plan—

18 “(A) a description of the college prepara-
19 tion curriculum that will be instituted;

20 “(B) a description of all uses of funds;

21 “(C) a description of how the funds pro-
22 vided under this chapter shall be used to affect
23 systemic schoolwide change that will ensure
24 that future cohorts of students will also benefit
25 from the use of the grant funds; and

1 “(D) a needs analysis detailing the ways in
2 which the funds provided under this chapter
3 will be most profitably used to ensure the suc-
4 cess of curricular changes (for example, by
5 spending such funds on professional develop-
6 ment, the purchase of curricular materials, or
7 other activities).

8 “(4) ADDITIONAL REQUIREMENTS FOR
9 STATES.—An eligible entity described in section
10 404A(1) shall also include in its plan—

11 “(A) an assessment of the activities and
12 programs most needed to enhance the college
13 readiness of students in the State;

14 “(B) a description of how the proposed ac-
15 tivities will enhance the college readiness of stu-
16 dents in the State;

17 “(C) a description of how the State will en-
18 sure that students who are at risk of dropping
19 out of school and those who are economically
20 disadvantaged receive and benefit from the pro-
21 posed activities; and

22 “(D) if applicable, a description of how the
23 proposed activities will promote coordination
24 and information-sharing among all eligible enti-

1 ties in the State that receive a grant under this
2 chapter.

3 “(b) MATCHING REQUIREMENT.—

4 “(1) IN GENERAL.—The Secretary shall not ap-
5 prove a plan submitted under subsection (a) unless
6 such plan—

7 “(A) provides that the eligible entity will
8 provide, from State, local, institutional, or pri-
9 vate funds, not less than 50 percent of the cost
10 of the program, which matching funds may be
11 provided in cash or in kind;

12 “(B) specifies the methods by which
13 matching funds will be paid; and

14 “(C) includes provisions designed to ensure
15 that funds provided under this chapter shall
16 supplement and not supplant funds expended
17 for existing programs.

18 “(2) SPECIAL RULE.—Notwithstanding the
19 matching requirement described in paragraph
20 (1)(A), the Secretary may modify, by regulation, the
21 percentage requirement described in paragraph
22 (1)(A) for eligible entities described in section
23 404A(2).

24 “(3) METHODS FOR COMPLYING WITH MATCH-
25 ING REQUIREMENT.—An eligible entity may count

1 toward the matching requirement described in sub-
2 section (b)(1)(A)—

3 “(A) the amount of the financial assistance
4 paid to students from State, local, institutional,
5 or private funds under this chapter;

6 “(B) the amount of tuition, fees, room or
7 board waived or reduced for recipients of finan-
8 cial assistance under this chapter; and

9 “(C) the amount expended on documented,
10 targeted, long-term mentoring and counseling
11 provided by volunteers or paid staff of non-
12 school organizations, including businesses, reli-
13 gious organizations, community groups, postsec-
14 ondary educational institutions, nonprofit and
15 philanthropic organizations, and other organiza-
16 tions.

17 “(c) PEER REVIEW PANELS.—The Secretary shall
18 convene peer review panels to assist in making determina-
19 tions regarding the awarding of grants under this chapter.

20 **“SEC. 404F. REQUIREMENTS.**

21 “(a) COORDINATION.—Each eligible entity shall en-
22 sure that the activities assisted under this chapter are, to
23 the extent practicable, coordinated with, and complement
24 and enhance—

1 “(1) services under this chapter provided by
2 other eligible entities serving the same school district
3 or State; and

4 “(2) related services under other Federal or
5 non-Federal programs.

6 “(b) DESIGNATION OF FISCAL AGENT.—An eligible
7 entity described in section 404A(2) shall designate an in-
8 stitution of higher education or a local educational agency
9 as the fiscal agent for the eligible entity for purposes of
10 this chapter.

11 “(c) COORDINATORS.—Each eligible entity described
12 in section 404A(2) that receives a grant under this chap-
13 ter shall have a full-time program coordinator or a part-
14 time program coordinator, whose primary responsibility is
15 to assist such eligible entity in carrying out the authorized
16 activities described in section 404D(a).

17 “(d) DISPLACEMENT.—An eligible entity described in
18 404A(2) shall ensure that the activities assisted under this
19 chapter will not displace an employee or eliminate a posi-
20 tion at a school assisted under this chapter, including a
21 partial displacement such as a reduction in hours, wages,
22 or employment benefits.

23 **“SEC. 404G. EVALUATION AND REPORT.**

24 “(a) EVALUATION.—Each eligible entity receiving a
25 grant under this chapter shall biennially evaluate the ac-

1 tivities assisted under this chapter in accordance with the
2 standards described in subsection (b) and shall submit to
3 the Secretary a copy of such evaluation. The evaluation
4 shall permit service providers to track eligible student
5 progress during the period such students are participating
6 in the activities and shall be consistent with the standards
7 developed by the Secretary pursuant to subsection (b).

8 “(b) EVALUATION STANDARDS.—The Secretary shall
9 prescribe standards for the evaluation described in sub-
10 section (a). Such standards shall—

11 “(1) provide for input from eligible entities and
12 service providers; and

13 “(2) ensure that data protocols and procedures
14 are consistent and uniform.

15 “(c) FEDERAL EVALUATION.—In order to evaluate
16 and improve the impact of the activities assisted under
17 this chapter, the Secretary shall, from not more than 0.75
18 percent of the funds appropriated under section 404H for
19 a fiscal year, award 1 or more grants, contracts, or cooper-
20 ative agreements to or with public and private institutions
21 and organizations, to enable the institutions and organiza-
22 tions to evaluate the effectiveness of the program and, as
23 appropriate, disseminate the results of the evaluation.

24 “(d) REPORT.—The Secretary shall biennially report
25 to Congress regarding the activities assisted under this

1 chapter and the evaluations conducted pursuant to this
2 section.

3 **“SEC. 404H. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this chapter \$400,000,000 for fiscal year 2006 and such
6 sums as may be necessary for each of the 4 succeeding
7 fiscal years.”.

○