

109TH CONGRESS  
2D SESSION

# S. 2337

To increase access to postsecondary education, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2006

Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN) 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 increase access to postsecondary education, 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 Pathway Act  
5       of 2006”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Postsecondary education is an important as-  
9       piration for most students and the future strength  
10      of the United States economy and workforce will

1 largely depend on the postsecondary educational at-  
2 tainments of all people of the United States, regard-  
3 less of sex, race, or ethnic background.

4 (2) Parents and students recognize the value of  
5 postsecondary education. Ninety-seven percent of  
6 secondary school students expect to attend college,  
7 and more than 75 percent of secondary school grad-  
8 uates enroll in some postsecondary education within  
9 2 years of secondary school graduation.

10 (3) Notwithstanding those expectations, only 32  
11 percent of students graduate from secondary school  
12 adequately prepared to enter a 4-year institution of  
13 higher education. Students living in poverty and stu-  
14 dents of color are roughly half as likely to be college-  
15 ready.

16 (4) Despite the reality that most students will  
17 enter college after secondary school, secondary  
18 school graduation requirements are not aligned with  
19 the expectations of postsecondary education.

20 (5) Rather than beginning college-level work  
21 upon entering postsecondary education, many stu-  
22 dents (nearly 1 in 3) enroll in developmental  
23 coursework, and more than half will take at least 1  
24 class of developmental coursework before leaving  
25 postsecondary education. Students who need to take

1 a class of developmental coursework in college have  
2 less than a 40 percent chance of completing their  
3 course of study, and students who take 3 or more  
4 classes of developmental coursework face reducing  
5 their prospects of completing their course of study to  
6 less than 1 in 5.

7 (6) The quality and intensity of the secondary  
8 school curriculum—

9 (A) are the most significant predictors of  
10 college success; and

11 (B) are more significant than race, socio-  
12 economic status, secondary school grade point  
13 average, or ACT and SAT scores.

14 (7) States around the Nation have developed  
15 secondary school academic standards, but there is  
16 often no relationship between those standards and  
17 institutional expectations for college-level study. Stu-  
18 dents, families, and school personnel need informa-  
19 tion to address the gap that exists between satis-  
20 fying various kindergarten through grade 12 stand-  
21 ards and meeting the standards that indicate success  
22 in higher education. The lack of clear information  
23 affects all students, but the effect is particularly  
24 grave for students living in poverty who are more re-

1       liant on schools and public sources of information to  
2       gauge their preparedness for college-level work.

3           (8) Numerous reports have cited the need to  
4       improve mathematics and science achievement in  
5       prekindergarten through grade 12.

6           (9) Current data systems are not designed to  
7       measure the efficacy of State actions intended to  
8       prepare students to enter and succeed in postsec-  
9       ondary education. State-level data systems usually  
10      contain only data related to kindergarten through  
11      grade 12, and often are not compatible with postsec-  
12      ondary education data systems.

13   **SEC. 3. PURPOSES.**

14       The purposes of this Act are the following:

15           (1) To broaden the focus of Federal, State, and  
16       local higher education programs to promote aca-  
17       demic success in postsecondary education, particu-  
18       larly with respect to mathematics, science, and engi-  
19       neering.

20           (2) To increase the percentage of low-income  
21       and minority students who are academically pre-  
22       pared to enter and successfully complete postsec-  
23       ondary-level general education coursework.

24           (3) To decrease the percentage of students re-  
25       quiring developmental coursework through grants

1 that enable States to coordinate the public pre-  
2 kindergarten through grade 12 education system  
3 and the postsecondary education system—

4 (A) to ensure that covered institutions ar-  
5 ticulate and publicize the prerequisite skills and  
6 knowledge expected of incoming postsecondary  
7 students attending covered institutions, in order  
8 to provide students and other interested parties  
9 with accurate information pertaining to the stu-  
10 dents' necessary preparations for postsecondary  
11 education;

12 (B) to establish and implement middle  
13 school and secondary school course enrollment  
14 guidelines—

15 (i) to ensure that public secondary  
16 school students, in all major racial and  
17 ethnic groups, and income levels, complete  
18 academic courses linked with academic suc-  
19 cess at the postsecondary level; and

20 (ii) to increase the percentage of stu-  
21 dents in each major racial group, ethnic  
22 group, and income level who graduate from  
23 secondary school and enter postsecondary  
24 education with the academic preparation  
25 necessary to successfully complete postsec-

1           ondary-level general education coursework,  
 2           particularly with respect to mathematics,  
 3           science, and engineering;

4           (C) to implement programs and policies  
 5           that increase secondary school graduation rates;  
 6           and

7           (D) to collect and analyze disaggregated  
 8           longitudinal student data throughout P–16 edu-  
 9           cation in order to—

10                   (i) understand and improve students’  
 11                   progress throughout the P–16 education  
 12                   system;

13                   (ii) understand problems and needs  
 14                   throughout the P–16 education system;  
 15                   and

16                   (iii) align prekindergarten through  
 17                   grade 12 academic standards and higher  
 18                   education standards so that more students  
 19                   are prepared to successfully complete post-  
 20                   secondary-level       general       education  
 21                   coursework.

22 **SEC. 4. DEFINITIONS.**

23       In this Act:

24           (1) IN GENERAL.—The terms “local educational  
 25       agency”, “parent”, “secondary school”, and “State”

1 have the meanings given the terms in section 9101  
2 of the Elementary and Secondary Education Act of  
3 1965 (20 U.S.C. 7801).

4 (2) ACADEMIC ASSESSMENTS.—The term “aca-  
5 demic assessments” means the academic assess-  
6 ments implemented by a State educational agency  
7 pursuant to section 1111(b)(3) of the Elementary  
8 and Secondary Education Act of 1965 (20 U.S.C.  
9 6311(b)(3)).

10 (3) ACADEMIC STANDARDS.—The term “aca-  
11 demic standards” means the challenging academic  
12 content standards and challenging student academic  
13 achievement standards adopted by a State pursuant  
14 to section 1111(b)(1) of the Elementary and Sec-  
15 ondary Education Act of 1965 (20 U.S.C.  
16 6311(b)(1)).

17 (4) COVERED INSTITUTION.—The term “cov-  
18 ered institution” means an institution of higher edu-  
19 cation that participates in a program under title IV  
20 of the Higher Education Act of 1965 (20 U.S.C.  
21 1070 et seq.).

22 (5) DEVELOPMENTAL COURSEWORK.—The  
23 term “developmental coursework” means coursework  
24 that a student is required to complete in order to at-  
25 tain prerequisite knowledge or skills necessary for

1 entrance into a postsecondary degree or certification  
2 program.

3 (6) INSTITUTION OF HIGHER EDUCATION.—The  
4 term “institution of higher education” has the  
5 meaning given the term in section 102 of the Higher  
6 Education Act of 1965 (20 U.S.C. 1002).

7 (7) P-16 EDUCATION.—The term “P-16 edu-  
8 cation” means the educational system from pre-  
9 kindergarten through the conferring of a bacca-  
10 laurate degree.

11 (8) P-16 EDUCATOR.—The term “P-16 educa-  
12 tor” means an individual teaching in P-16 edu-  
13 cation.

14 (9) SECRETARY.—The term “Secretary” means  
15 the Secretary of Education.

16 (10) STUDENT.—The term “student” means  
17 any student enrolled in a public school.

18 **SEC. 5. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.**

19 (a) PROGRAM AUTHORIZED.—From amounts appro-  
20 priated under section 10 for a fiscal year, and subject to  
21 subsection (b), the Secretary shall award grants, on a  
22 competitive basis, to States to enable the States—

23 (1) to establish—

24 (A) P-16 education stewardship commis-  
25 sions in accordance with section 7; or



1 (B) P-16 education stewardship systems  
2 consisting of—

3 (i) a P-16 education stewardship  
4 commission in accordance with section 7;  
5 and

6 (ii) a P-16 education data system in  
7 accordance with section 8; and

8 (2) to carry out the activities and programs de-  
9 scribed in the State application and plan submitted  
10 under section 6.

11 (b) AWARD BASIS.—In determining the approval and  
12 amount of a grant under subsection (a), the Secretary  
13 shall give priority to an application from a State that de-  
14 sires the grant to establish a P-16 education stewardship  
15 system described in subsection (a)(1)(B).

16 (c) PERIOD OF GRANTS.—

17 (1) STATES ESTABLISHING P-16 EDUCATION  
18 STEWARDSHIP SYSTEMS.—Each grant made under  
19 this section to a State to establish a P-16 education  
20 stewardship system described in subsection (a)(1)(B)  
21 shall be awarded for a period of 5 years.

22 (2) STATES ESTABLISHING P-16 EDUCATION  
23 STEWARDSHIP COMMISSIONS.—Each grant made  
24 under this section to a State to establish a P-16  
25 education stewardship commission described in sub-

1       section (a)(1)(A) shall be awarded for a period of 3  
2       years.

3   **SEC. 6. STATE APPLICATION AND PLAN.**

4       (a) IN GENERAL.—A State desiring a grant under  
5       section 5 shall submit an application to the Secretary at  
6       such time, in such manner, and containing such informa-  
7       tion as the Secretary may reasonably require.

8       (b) CONTENTS.—Each application submitted under  
9       this section shall include, at a minimum, the following:

10           (1) A demonstration that the State, not later  
11           than 5 months after receiving grant funds under this  
12           Act, will establish a P–16 education stewardship  
13           commission described in section 7.

14           (2) For a state applying for a grant under sec-  
15           tion 5(a)(1)(B), a demonstration that the State, not  
16           later than 2 years after receiving grant funds under  
17           this Act, will implement, expand, or improve a P–16  
18           education data system described in section 8.

19           (3) A demonstration that the State will work  
20           with the State P–16 education stewardship commis-  
21           sion and others as necessary to examine the relation-  
22           ship among the content of postsecondary education  
23           admission and placement exams, the prerequisite  
24           skills and knowledge required to successfully take  
25           postsecondary-level general education coursework,

1 the prekindergarten through grade 12 courses and  
2 academic factors associated with academic success at  
3 the postsecondary level, particularly with respect to  
4 mathematics, science, and engineering, and existing  
5 academic standards and academic assessments.

6 (4) A description of how the State will, using  
7 the information from the State P–16 education  
8 stewardship commission, increase the percentage of  
9 students taking courses that have the highest cor-  
10 relation of academic success at the postsecondary  
11 level, for each of the following groups of students:

12 (A) Economically disadvantaged students.

13 (B) Students from each major racial and  
14 ethnic group.

15 (C) Students with disabilities.

16 (D) Students with limited English pro-  
17 ficiency.

18 (5) A description of how the State will dis-  
19 tribute the information in the P–16 education stew-  
20 ardship commission’s report under section 7(c)(4) to  
21 the public in the State, including public secondary  
22 schools, local educational agencies, school counselors,  
23 P–16 educators, institutions of higher education,  
24 students, and parents.

1           (6) An assurance that the State will continue to  
 2           pursue effective P-16 education alignment strategies  
 3           after the end of the grant period.

4 **SEC. 7. P-16 EDUCATION STEWARDSHIP COMMISSION.**

5           (a) P-16 EDUCATION STEWARDSHIP COMMISSION.—

6           (1) IN GENERAL.—Each State receiving a grant  
 7           under section 5 shall establish a P-16 education  
 8           stewardship commission that has the policymaking  
 9           ability to meet the requirements of this section.

10          (2) EXISTING COMMISSION.—The State may  
 11          designate an existing coordinating body or commis-  
 12          sion as the State P-16 education stewardship com-  
 13          mission for purposes of this Act, if the body or com-  
 14          mission meets, or is amended to meet, the basic re-  
 15          quirements of this section.

16          (b) MEMBERSHIP.—

17          (1) COMPOSITION.—Each P-16 education stew-  
 18          ardship commission shall be composed of the Gov-  
 19          ernor of the State, or the designee of the Governor,  
 20          and the stakeholders of the statewide education com-  
 21          munity, as determined by the Governor or the des-  
 22          ignee of the Governor, such as—

23                  (A) the chief State official responsible for  
 24                  administering prekindergarten through grade  
 25                  12 education in the State;

1 (B) the chief State official of the entity  
2 primarily responsible for the supervision of in-  
3 stitutions of higher education in the State;

4 (C) bipartisan representation from the  
5 State legislative committee with jurisdiction  
6 over prekindergarten through grade 12 edu-  
7 cation and higher education;

8 (D) representatives of 2- and 4-year insti-  
9 tutions of higher education in the State;

10 (E) representatives of the business commu-  
11 nity; and

12 (F) at the discretion of the Governor, or  
13 the designee of the Governor, representatives  
14 from prekindergarten through grade 12 and  
15 higher education governing boards and other  
16 organizations.

17 (2) CHAIRPERSON; MEETINGS.—The Governor  
18 of the State, or the designee of the Governor, shall  
19 serve as chairperson of the P–16 education steward-  
20 ship commission and shall convene regular meetings  
21 of the commission.

22 (c) DUTIES OF THE COMMISSION.—

23 (1) MEETINGS OF COVERED INSTITUTIONS.—

24 (A) IN GENERAL.—Each State P–16 edu-  
25 cation stewardship commission shall convene

1 regular meetings of the covered institutions in  
2 the State for the purpose of assessing and  
3 reaching consensus regarding—

4 (i) the prerequisite skills and knowl-  
5 edge expected of incoming freshmen to suc-  
6 cessfully engage in and complete postsec-  
7 ondary-level general education coursework  
8 without the prior need to enroll in develop-  
9 mental coursework, particularly with re-  
10 spect to mathematics, science, and engi-  
11 neering; and

12 (ii) patterns of coursework and other  
13 academic factors that demonstrate the  
14 highest correlation with success in com-  
15 pleting postsecondary-level general edu-  
16 cation coursework and degree or certifi-  
17 cation programs.

18 (B) FINDINGS OF COVERED INSTITU-  
19 TIONS.—The covered institutions shall commu-  
20 nicate to the P-16 education stewardship com-  
21 mission the findings of the covered institutions,  
22 which—

23 (i) shall include the consensus on the  
24 prerequisite skills and knowledge, patterns

1 of coursework, and other academic factors  
2 described in subparagraph (A);

3 (ii) shall address, at minimum, the  
4 subjects of reading, mathematics, science,  
5 grammar, and writing, and may cover ad-  
6 ditional academic content areas;

7 (iii) shall be descriptive of content and  
8 purpose, and shall not be limited to a sim-  
9 ple listing of secondary course names; and

10 (iv) may be different for 2- and 4-year  
11 institutions of higher education.

12 (2) COMMISSION RECOMMENDATIONS.—Not  
13 later than 18 months after a State receives a grant  
14 under section 5, and annually thereafter for each  
15 year in the grant period, the State P–16 education  
16 stewardship commission shall—

17 (A) develop recommendations regarding  
18 the prerequisite skills and knowledge, patterns  
19 of coursework, and other academic factors de-  
20 scribed in paragraph (1)(A); and

21 (B) develop recommendations and enact  
22 policies to increase the success rate of students  
23 in the students' transition from secondary  
24 school to postsecondary education.

1           (3) COMMISSION FINDINGS.—Not later than 3  
 2       years after a State receives a grant under section  
 3       5(a)(1)(B), the State P–16 education stewardship  
 4       commission shall—

5           (A) compile and interpret the findings  
 6       from the P–16 education data system; and

7           (B) include the compilation and interpreta-  
 8       tion of the findings in the report described in  
 9       paragraph (4)(A).

10       (4) REPORTS.—

11           (A) IN GENERAL.—Not later than 18  
 12       months after a State receives a grant under  
 13       section 5, and annually thereafter for each year  
 14       in the grant period, the State P–16 education  
 15       stewardship commission shall prepare and sub-  
 16       mit to the Secretary a clear and concise report  
 17       that shall include the recommendations de-  
 18       scribed in subparagraphs (A) and (B) of para-  
 19       graph (2).

20           (B) DISTRIBUTION TO THE PUBLIC.—Not  
 21       later than 60 days after the submission of a re-  
 22       port under subparagraph (A), each State P–16  
 23       education stewardship commission shall publish  
 24       and widely distribute the information in the re-  
 25       port to the public in the State, including—



- 1 (i) all public secondary schools and
- 2 local educational agencies;
- 3 (ii) school counselors;
- 4 (iii) P–16 educators;
- 5 (iv) institutions of higher education;
- 6 and
- 7 (v) students and parents, especially
- 8 students entering grade 9 in the next aca-
- 9 demic year and the parents of such stu-
- 10 dents, to assist the students and the par-
- 11 ents in making informed and strategic
- 12 course enrollment decisions.

13 **SEC. 8. P–16 EDUCATION DATA SYSTEM.**

14 (a) ESTABLISHMENT.—Not later than 2 years after  
 15 a State receives a grant under section 5(a)(1)(B), the  
 16 State shall establish a State-level longitudinal data system  
 17 that provides each student, upon enrollment in a public  
 18 school or in a covered institution in the State, with a  
 19 unique identifier that is retained throughout the student’s  
 20 enrollment in P–16 education in the State.

21 (b) FUNCTIONS OF DATA SYSTEM.—The State shall,  
 22 through the implementation of the data system described  
 23 in subsection (a), carry out the following:

- 24 (1) Identify factors that correlate to students’
- 25 ability to successfully engage in and complete post-

1 secondary-level general education coursework with-  
 2 out the need for prior developmental coursework.

3 (2) Implement procedures to track develop-  
 4 mental coursework enrollment rates.

5 (3) Implement procedures to assist with identi-  
 6 fying correlations between course-taking patterns in  
 7 public secondary education and increased academic  
 8 performance in higher education.

9 (4) Implement procedures to assist with identi-  
 10 fying the points at which students exit the P-16  
 11 education system, including the assimilation of valid  
 12 and reliable secondary school dropout data.

13 (5) Incorporate data to track postsecondary de-  
 14 gree and certification completion rates and student  
 15 persistence patterns.

16 (6) Ensure that the data system is compliant  
 17 with the Family Educational Rights and Privacy Act  
 18 of 1974 (20 U.S.C. 1232g).

19 (7) Disaggregate the data described in para-  
 20 graphs (1) through (5) by race, ethnicity, income  
 21 level, sex, secondary school attended, and type of in-  
 22 stitution of higher education attended.

23 (c) EXISTING DATA SYSTEMS.—A State may employ,  
 24 coordinate, or revise an existing data system for purposes  
 25 of this section if such data system produces valid and reli-

1 able information that satisfies the requirements of sub-  
 2 section (b).

3 **SEC. 9. REPORTS; TECHNICAL ASSISTANCE.**

4 (a) STATE REPORTS.—

5 (1) ANNUAL REPORT.—Each State that re-  
 6 ceives a grant under section 5 shall submit an an-  
 7 nual report to the Secretary for each year of the  
 8 grant period that shall include a description of the  
 9 activities undertaken under the grant to improve  
 10 academic readiness for postsecondary-level general  
 11 education coursework and course completion.

12 (2) DISSEMINATION.—Each State shall prepare,  
 13 publish, and widely disseminate the report described  
 14 in paragraph (1) to the public in the State, includ-  
 15 ing secondary schools, local educational agencies,  
 16 school counselors, P-16 educators, institutions of  
 17 higher education, students, and parents.

18 (b) SECRETARY REPORTS.—

19 (1) ANNUAL REPORT.—The Secretary shall  
 20 submit an annual report to Congress that includes—

21 (A) findings from the State reports sub-  
 22 mitted under subsection (a)(1);

23 (B) a description of the actions taken by  
 24 the Department of Education to assist States

1 with creating P–16 education stewardship com-  
2 missions and P–16 education data systems;

3 (C) a description of the actions and incen-  
4 tives planned by the States’ P–16 education  
5 stewardship commissions—

6 (i) to help States align academic  
7 standards, courses, and academic assess-  
8 ments with postsecondary academic expec-  
9 tations, courses, and assessments;

10 (ii) to help States increase the per-  
11 centage of minority and low-income stu-  
12 dents prepared to enter and succeed at the  
13 postsecondary level; and

14 (iii) to reduce postsecondary develop-  
15 mental coursework enrollment rates of mi-  
16 nority and low-income students;

17 (D) a description of the actions and incen-  
18 tives planned to help States reduce postsec-  
19 ondary developmental coursework enrollment  
20 rates;

21 (E) an assessment of the effectiveness of  
22 P-16 education stewardship commissions in im-  
23 proving college readiness and eliminating the  
24 need for developmental coursework; and

1           (F) recommendations regarding how to  
2           make the P-16 education stewardship commis-  
3           sions more effective, and whether the establish-  
4           ment of such commissions should be encouraged  
5           throughout the United States.

6           (2) AVAILABILITY.—The Secretary shall make  
7           the annual report described in paragraph (1) avail-  
8           able to the public and to each State and institution  
9           of higher education.

10          (c) TECHNICAL ASSISTANCE.—The Secretary shall  
11          provide, upon request, technical assistance to States and  
12          institutions of higher education seeking technical assist-  
13          ance under this Act.

14   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

15          There are authorized to be appropriated to carry out  
16          this Act \$55,000,000 for fiscal year 2007 and such sums  
17          as may be necessary for each of fiscal years 2008 through  
18          2011.

○