

110TH CONGRESS  
1ST SESSION

# H. R. 4075

To amend the Higher Education Act of 1965 to expand college access and increase college persistence, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2007

Mr. COURTNEY introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Higher Education Act of 1965 to expand college access and increase college persistence, 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 “Accessing College  
5 through Comprehensive Early Outreach and State Part-  
6 nerships Act”.

7 **SEC. 2. GRANTS FOR ACCESS AND PERSISTENCE.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 415A(b) of the Higher Education Act of 1965 (20 U.S.C.

1 1070c(b)) is amended by striking paragraphs (1) and (2)  
2 and inserting the following:

3 “(1) IN GENERAL.—There are authorized to be  
4 appropriated to carry out this subpart \$500,000,000  
5 for fiscal year 2008, and such sums as may be nec-  
6 essary for each of the 5 succeeding fiscal years.

7 “(2) RESERVATION.—For any fiscal year for  
8 which the amount appropriated under paragraph (1)  
9 exceeds \$30,000,000, the excess amount shall be  
10 available to carry out section 415E.”.

11 (b) APPLICATIONS FOR LEVERAGING EDUCATIONAL  
12 ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b)  
13 of the Higher Education Act of 1965 (20 U.S.C. 1070c–  
14 2(b)) is amended—

15 (1) in paragraph (2), by striking “\$5,000” and  
16 inserting “\$12,500”;

17 (2) in paragraph (9), by striking “and” after  
18 the semicolon;

19 (3) in paragraph (10), by striking the period at  
20 the end and inserting “; and”; and

21 (4) by adding at the end the following:

22 “(11) provides notification to eligible students  
23 that such grants are—

24 “(A) Leveraging Educational Assistance  
25 Partnership Grants; and

1 “(B) funded by the Federal Government  
2 and the State.”.

3 (c) GRANTS FOR ACCESS AND PERSISTENCE.—Sec-  
4 tion 415E of the Higher Education Act of 1965 (20  
5 U.S.C. 1070c–3a) is amended to read as follows:

6 **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

7 “(a) PURPOSE.—It is the purpose of this section to  
8 expand college access and increase college persistence by  
9 making allotments to States to enable the States to—

10 “(1) expand and enhance partnerships with in-  
11 stitutions of higher education, early information and  
12 intervention, mentoring, or outreach programs, pri-  
13 vate corporations, philanthropic organizations, and  
14 other interested parties to carry out activities under  
15 this section and to provide coordination and cohesion  
16 among Federal, State, and local governmental and  
17 private efforts that provide financial assistance to  
18 help low-income students attend college;

19 “(2) provide need-based access and persistence  
20 grants to eligible low-income students;

21 “(3) provide early notification to low-income  
22 students of their eligibility for financial aid; and

23 “(4) encourage increased participation in early  
24 information and intervention, mentoring, or outreach  
25 programs.

1 “(b) ALLOTMENTS TO STATES.—

2 “(1) IN GENERAL.—

3 “(A) AUTHORIZATION.—From sums re-  
4 served under section 415A(b)(2) for each fiscal  
5 year, the Secretary shall make an allotment to  
6 each State that submits an application for an  
7 allotment in accordance with subsection (c) to  
8 enable the State to pay the Federal share of the  
9 cost of carrying out the activities under sub-  
10 section (d).

11 “(B) DETERMINATION OF ALLOTMENT.—  
12 In making allotments under subparagraph (A),  
13 the Secretary shall consider the following:

14 “(i) CONTINUATION OF AWARD.—If a  
15 State continues to meet the specifications  
16 established in its application under sub-  
17 section (c), the Secretary shall make an al-  
18 lotment to such State that is not less than  
19 the allotment made to such State for the  
20 previous fiscal year.

21 “(ii) PRIORITY.—The Secretary shall  
22 give priority in making allotments to  
23 States that meet the requirements under  
24 paragraph (2)(B)(ii).

25 “(2) FEDERAL SHARE.—

1           “(A) IN GENERAL.—The Federal share of  
2           the cost of carrying out the activities under  
3           subsection (d) for any fiscal year shall not ex-  
4           ceed 66.66 percent.

5           “(B) DIFFERENT PERCENTAGES.—The  
6           Federal share under this section shall be deter-  
7           mined in accordance with the following:

8                   “(i) If a State applies for an allot-  
9                   ment under this section in partnership  
10                  with any number of degree granting insti-  
11                  tutions of higher education in the State  
12                  whose combined full-time enrollment rep-  
13                  resents less than a majority of all students  
14                  attending institutions of higher education  
15                  in the State, and philanthropic organiza-  
16                  tions that are located in, or that provide  
17                  funding in, the State or private corpora-  
18                  tions that are located in, or that do busi-  
19                  ness in, the State, then the Federal share  
20                  of the cost of carrying out the activities  
21                  under subsection (d) shall be equal to 57  
22                  percent.

23                  “(ii) If a State applies for an allot-  
24                  ment under this section in partnership  
25                  with any number of degree granting insti-

1           tutions of higher education in the State  
2           whose combined full-time enrollment rep-  
3           resents a majority of all students attending  
4           institutions of higher education in the  
5           State, philanthropic organizations that are  
6           located in, or that provide funding in, the  
7           State, and private corporations that are lo-  
8           cated in, or that do business in, the State,  
9           then the Federal share of the cost of car-  
10          rying out the activities under subsection  
11          (d) shall be equal to 66.66 percent.

12          “(C) NON-FEDERAL SHARE.—

13                 “(i) IN GENERAL.—The non-Federal  
14                 share under this section may be provided  
15                 in cash or in kind, fairly evaluated.

16                 “(ii) IN KIND CONTRIBUTION.—For  
17                 the purpose of calculating the non-Federal  
18                 share under this subparagraph, an in kind  
19                 contribution is a non-cash contribution  
20                 that—

21                         “(I) has monetary value, such as  
22                         the provision of—

23                                 “(aa) room and board; or

24                                 “(bb) transportation passes;

25                                 and

1 “(II) helps a student meet the  
2 cost of attendance at an institution of  
3 higher education.

4 “(iii) EFFECT ON NEEDS ANALYSIS.—  
5 For the purpose of calculating a student’s  
6 need in accordance with part F, an in kind  
7 contribution described in clause (ii) shall  
8 not be considered an asset or income of the  
9 student or the student’s parent.

10 “(c) APPLICATION FOR ALLOTMENT.—

11 “(1) IN GENERAL.—

12 “(A) SUBMISSION.—A State that desires  
13 to receive an allotment under this section shall  
14 submit an application to the Secretary at such  
15 time, in such manner, and containing such in-  
16 formation as the Secretary may require.

17 “(B) CONTENT.—An application submitted  
18 under subparagraph (A) shall include the fol-  
19 lowing:

20 “(i) A description of the State’s plan  
21 for using the allotted funds.

22 “(ii) Assurances that the State will  
23 provide matching funds, in cash or in kind,  
24 from State, institutional, philanthropic, or  
25 private funds, of not less than 33.33 per-

cent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's matching obligation under this clause.

“(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

“(iv) A description of the organizational structure that the State has in place



1 to administer the activities under sub-  
2 section (d).

3 “(v) A description of the steps the  
4 State will take to ensure students who re-  
5 ceive grants under this section persist to  
6 degree completion.

7 “(vi) Assurances that the State has a  
8 method in place, such as acceptance of the  
9 automatic zero expected family contribu-  
10 tion determination described in section  
11 479(c), to identify eligible low-income stu-  
12 dents and award State grant aid to such  
13 students.

14 “(vii) Assurances that the State will  
15 provide notification to eligible low-income  
16 students that grants under this section  
17 are—

18 “(I) Leveraging Educational As-  
19 sistance Partnership Grants; and

20 “(II) funded by the Federal Gov-  
21 ernment and the State.

22 “(2) STATE AGENCY.—The State agency that  
23 submits an application for a State under section  
24 415C(a) shall be the same State agency that sub-

1 mits an application under paragraph (1) for such  
2 State.

3 “(3) PARTNERSHIP.—In applying for an allot-  
4 ment under this section, the State agency shall apply  
5 for the allotment in partnership with—

6 “(A) not less than one public and one pri-  
7 vate degree granting institution of higher edu-  
8 cation that are located in the State;

9 “(B) new or existing early information and  
10 intervention, mentoring, or outreach programs  
11 located in the State; and

12 “(C) not less than one—

13 “(i) philanthropic organization located  
14 in, or that provides funding in, the State;  
15 or

16 “(ii) private corporation located in, or  
17 that does business in, the State.

18 “(4) ROLES OF PARTNERS.—

19 “(A) STATE AGENCY.—A State agency  
20 that is in a partnership receiving an allotment  
21 under this section—

22 “(i) shall—

23 “(I) serve as the primary admin-  
24 istrative unit for the partnership;

1 “(II) provide or coordinate  
2 matching funds, and coordinate activi-  
3 ties among partners;

4 “(III) encourage each institution  
5 of higher education in the State to  
6 participate in the partnership;

7 “(IV) make determinations and  
8 early notifications of assistance as de-  
9 scribed under subsection (d)(2); and

10 “(V) annually report to the Sec-  
11 retary on the partnership’s progress  
12 in meeting the purpose of this section;  
13 and

14 “(ii) may provide early information  
15 and intervention, mentoring, or outreach  
16 programs.

17 “(B) DEGREE GRANTING INSTITUTIONS OF  
18 HIGHER EDUCATION.—A degree granting insti-  
19 tution of higher education that is in a partner-  
20 ship receiving an allotment under this section—

21 “(i) shall—

22 “(I) recruit and admit partici-  
23 pating qualified students and provide  
24 such additional institutional grant aid

1 to participating students as agreed to  
2 with the State agency;

3 “(II) provide support services to  
4 students who receive an access and  
5 persistence grant under this section  
6 and are enrolled at such institution;  
7 and

8 “(III) assist the State in the  
9 identification of eligible students and  
10 the dissemination of early notifica-  
11 tions of assistance as agreed to with  
12 the State agency; and

13 “(ii) may provide funding for early in-  
14 formation and intervention, mentoring, or  
15 outreach programs or provide such services  
16 directly.

17 “(C) PROGRAMS.—An early information  
18 and intervention, mentoring, or outreach pro-  
19 gram that is in a partnership receiving an allot-  
20 ment under this section shall provide direct  
21 services, support, and information to partici-  
22 pating students.

23 “(D) PHILANTHROPIC ORGANIZATION OR  
24 PRIVATE CORPORATION.—A philanthropic orga-  
25 nization or private corporation that is in a part-

nership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

“(B) AMOUNT.—

“(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

“(I) IN GENERAL.—In the case

where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State

1 shall be not less than the amount that  
2 is equal to the average undergraduate  
3 tuition and mandatory fees at 4-year  
4 public institutions of higher education  
5 in the State where the student resides  
6 (less any other Federal or State spon-  
7 sored grant amount, college work  
8 study amount, and scholarship  
9 amount received by the student) and  
10 such amount shall be used toward the  
11 cost of attendance at an institution of  
12 higher education, located in the State,  
13 that is a partner in the partnership.

14 “(II) COST OF ATTENDANCE.—A  
15 State that has a program, apart from  
16 the partnership under this section, of  
17 providing eligible low-income students  
18 with grants that are equal to the aver-  
19 age undergraduate tuition and man-  
20 datory fees at 4-year public institu-  
21 tions of higher education in the State,  
22 may increase the amount of access  
23 and persistence grants awarded by  
24 such State up to an amount that is  
25 equal to the average cost of attend-

1           ance at 4-year public institutions of  
2           higher education in the State (less  
3           any other Federal or State sponsored  
4           grant amount, college work study  
5           amount, and scholarship amount re-  
6           ceived by the student).

7           “(ii) PARTNERSHIP WITH INSTITU-  
8           TIONS SERVING THE MAJORITY OF STU-  
9           DENTS IN THE STATE.—In the case where  
10          a State receiving an allotment under this  
11          section is in a partnership described in  
12          subsection (b)(2)(B)(ii), the amount of an  
13          access and persistence grant awarded by  
14          such State shall be not less than the aver-  
15          age cost of attendance at 4-year public in-  
16          stitutions of higher education in the State  
17          where the student resides (less any other  
18          Federal or State sponsored grant amount,  
19          college work study amount, and scholar-  
20          ship amount received by the student) and  
21          such amount shall be used by the student  
22          to attend an institution of higher edu-  
23          cation, located in the State, that is a part-  
24          ner in the partnership.

25          “(2) EARLY NOTIFICATION.—

1           “(A) IN GENERAL.—Each State receiving  
2           an allotment under this section shall annually  
3           notify low-income students, such as students  
4           who are eligible to receive a free lunch under  
5           the school lunch program established under the  
6           Richard B. Russell National School Lunch Act  
7           (42 U.S.C. 1751 et seq.), in grade 7 through  
8           grade 12 in the State of their potential eligi-  
9           bility for student financial assistance, including  
10          an access and persistence grant, to attend an  
11          institution of higher education.

12          “(B) CONTENT OF NOTICE.—The notifica-  
13          tion under subparagraph (A)—

14               “(i) shall include—

15                       “(I) information about early in-  
16                       formation and intervention, men-  
17                       toring, or outreach programs available  
18                       to the student;

19                       “(II) information that a stu-  
20                       dent’s candidacy for an access and  
21                       persistence grant is enhanced through  
22                       participation in an early information  
23                       and intervention, mentoring, or out-  
24                       reach program;



1 “(III) an explanation that stu-  
2 dent and family eligibility and partici-  
3 pation in other Federal means-tested  
4 programs may indicate eligibility for  
5 an access and persistence grant and  
6 other student aid programs;

7 “(IV) a nonbinding estimation of  
8 the total amount of financial aid a  
9 low-income student with a similar in-  
10 come level may expect to receive, in-  
11 cluding an estimation of the amount  
12 of an access and persistence grant  
13 and an estimation of the amount of  
14 grants, loans, and all other available  
15 types of aid from the major Federal  
16 and State financial aid programs;

17 “(V) an explanation that in order  
18 to be eligible for an access and per-  
19 sistence grant, at a minimum, a stu-  
20 dent shall meet the requirement under  
21 paragraph (3), graduate from sec-  
22 ondary school, and enroll at an insti-  
23 tution of higher education that is a  
24 partner in the partnership;

1 “(VI) information on any addi-  
2 tional requirements (such as a student  
3 pledge detailing student responsibil-  
4 ities) that the State may impose for  
5 receipt of an access and persistence  
6 grant under this section; and

7 “(VII) instructions on how to  
8 apply for an access and persistence  
9 grant and an explanation that a stu-  
10 dent is required to file a Free Applica-  
11 tion for Federal Student Aid author-  
12 ized under section 483(a) to be eligi-  
13 ble for such grant and assistance from  
14 other Federal and State financial aid  
15 programs; and

16 “(ii) may include a disclaimer that ac-  
17 cess and persistence grant awards are con-  
18 tingent upon—

19 “(I) a determination of the stu-  
20 dent’s financial eligibility at the time  
21 of the student’s enrollment at an in-  
22 stitution of higher education that is a  
23 partner in the partnership;

24 “(II) annual Federal and State  
25 appropriations; and

1                   “(III) other aid received by the  
2                   student at the time of the student’s  
3                   enrollment at an institution of higher  
4                   education that is a partner in the  
5                   partnership.

6                   “(3) ELIGIBILITY.—In determining which stu-  
7                   dents are eligible to receive access and persistence  
8                   grants, the State shall ensure that each such student  
9                   meets not less than one of the following:

10                   “(A) Meets not less than 2 of the following  
11                   criteria, with priority given to students meeting  
12                   all of the following criteria:

13                   “(i) Has an expected family contribu-  
14                   tion equal to zero (as described in section  
15                   479) or a comparable alternative based  
16                   upon the State’s approved criteria in sec-  
17                   tion 415C(b)(4).

18                   “(ii) Has qualified for a free lunch, or  
19                   at the State’s discretion a reduced price  
20                   lunch, under the school lunch program es-  
21                   tablished under the Richard B. Russell Na-  
22                   tional School Lunch Act.

23                   “(iii) Qualifies for the State’s max-  
24                   imum undergraduate award, as authorized  
25                   under section 415C(b).

1                   “(iv) Is participating in, or has par-  
2                   ticipated in, a Federal, State, institutional,  
3                   or community early information and inter-  
4                   vention, mentoring, or outreach program,  
5                   as recognized by the State agency admin-  
6                   istering activities under this section.

7                   “(B) Is receiving, or has received, an ac-  
8                   cess and persistence grant under this section, in  
9                   accordance with paragraph (5).

10                  “(4) GRANT AWARD.—Once a student, includ-  
11                  ing a student who has received early notification  
12                  under paragraph (2) from the State, applies for ad-  
13                  mission to an institution that is a partner in the  
14                  partnership, files a Free Application for Federal  
15                  Student Aid and any related State form, and is de-  
16                  termined to be eligible by the State under paragraph  
17                  (3), the State shall—

18                         “(A) issue the student a preliminary access  
19                         and persistence grant award certificate with  
20                         tentative award amounts; and

21                         “(B) inform the student that payment of  
22                         the access and persistence grant award  
23                         amounts is subject to certification of enrollment  
24                         and award eligibility by the institution of higher  
25                         education.

1           “(5) DURATION OF AWARD.—An eligible stu-  
2       dent that receives an access and persistence grant  
3       under this section shall receive such grant award for  
4       each year of such student’s undergraduate education  
5       in which the student remains eligible for assistance  
6       under this title, including pursuant to section  
7       484(c), and remains financially eligible as deter-  
8       mined by the State, except that the State may im-  
9       pose reasonable time limits for baccalaureate degree  
10      completion.

11       “(e) ADMINISTRATIVE COST ALLOWANCE.—A State  
12      that receives an allotment under this section may reserve  
13      not more than 3.5 percent of the funds made available  
14      annually through the allotment for State administrative  
15      functions required to carry out this section.

16       “(f) STATUTORY AND REGULATORY RELIEF FOR IN-  
17      STITUTIONS OF HIGHER EDUCATION.—The Secretary  
18      may grant, upon the request of an institution of higher  
19      education that is in a partnership described in subsection  
20      (b)(2)(B)(ii) and that receives an allotment under this sec-  
21      tion, a waiver for such institution from statutory or regu-  
22      latory requirements that inhibit the ability of the institu-  
23      tion to successfully and efficiently participate in the activi-  
24      ties of the partnership.

1       “(g) APPLICABILITY RULE.—The provisions of this  
2 subpart which are not inconsistent with this section shall  
3 apply to the program authorized by this section.

4       “(h) MAINTENANCE OF EFFORT REQUIREMENT.—  
5 Each State receiving an allotment under this section for  
6 a fiscal year shall provide the Secretary an assurance that  
7 the aggregate amount expended per student or the aggre-  
8 gate expenditures by the State, from funds derived from  
9 non-Federal sources, for the authorized activities de-  
10 scribed in subsection (d) for the preceding fiscal year were  
11 not less than the amount expended per student or the ag-  
12 gregate expenditure by the State for the activities for the  
13 second preceding fiscal year.

14       “(i) SPECIAL RULE.—Notwithstanding subsection  
15 (h), for purposes of determining a State’s share of the cost  
16 of the authorized activities described in subsection (d), the  
17 State shall consider only those expenditures from non-  
18 Federal sources that exceed its total expenditures for  
19 need-based grants, scholarships, and work-study assist-  
20 ance for fiscal year 1999 (including any such assistance  
21 provided under this subpart).

22       “(j) REPORTS.—Not later than 3 years after the date  
23 of enactment of the Accessing College through Com-  
24 prehensive Early Outreach and State Partnerships Act,  
25 and annually thereafter, the Secretary shall submit a re-

1 port describing the activities and the impact of the part-  
 2 nerships under this section to the Committee on Health,  
 3 Education, Labor, and Pensions of the Senate and the  
 4 Committee on Education and Labor of the House of Rep-  
 5 resentatives.”.

6 (d) CONTINUATION AND TRANSITION.—During the  
 7 2-year period commencing on the date of enactment of this  
 8 Act, the Secretary shall continue to award grants under  
 9 section 415E of the Higher Education Act of 1965 (20  
 10 U.S.C. 1070c–3a), as such section existed on the day be-  
 11 fore the date of enactment of this Act, to States that  
 12 choose to apply for grants under such predecessor section.

13 (e) IMPLEMENTATION AND EVALUATION.—Section  
 14 491(j) of the Higher Education Act of 1965 (20 U.S.C.  
 15 1098(j)) is amended—

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

18 (2) by redesignating paragraph (5) as para-  
 19 graph (6); and

20 (3) by inserting after paragraph (4) the fol-  
 21 lowing new paragraph:

22 “(5) not later than 6 months after the date of  
 23 enactment of the Accessing College through Com-  
 24 prehensive Early Outreach and State Partnerships  
 25 Act, advise the Secretary on means to implement the

1 activities under section 415E, and the Advisory  
2 Committee shall continue to monitor, evaluate, and  
3 make recommendations on the progress of partner-  
4 ships that receive allotments under such section;  
5 and”.

○