

110TH CONGRESS  
2D SESSION

# S. 3508

To authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2008

Mr. KOHL 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 authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

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 “Fast Track to College  
5       Act of 2008”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to increase high school  
8       graduation rates and the percentage of students who com-  
9       plete a recognized postsecondary credential by the age of  
10      26, including among low-income students and students

1 from other populations underrepresented in higher edu-  
2 cation.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act:

5 (1) DUAL ENROLLMENT PROGRAM.—The term  
6 “dual enrollment program” means an academic pro-  
7 gram through which a high school student is able si-  
8 multaneously to earn credit toward a high school di-  
9 ploma and a postsecondary degree or certificate.

10 (2) EARLY COLLEGE HIGH SCHOOL.—The term  
11 “early college high school” means a high school that  
12 provides a course of study that enables a student to  
13 earn a high school diploma and either an associate’s  
14 degree or one to two years of college credit toward  
15 a postsecondary degree or credential.

16 (3) EDUCATIONAL SERVICE AGENCY.—The  
17 term “educational service agency” means an edu-  
18 cational service agency as defined by section 9101 of  
19 the Elementary and Secondary Education Act of  
20 1965 (20 U.S.C. 7801).

21 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
22 ty” means a local educational agency, which may be  
23 an educational service agency, in a collaborative  
24 partnership with an institution of higher education.  
25 Such partnership also may include other entities,

1       such as a nonprofit organization with experience in  
2       youth development.

3           (5) INSTITUTION OF HIGHER EDUCATION.—The  
4       term “institution of higher education” means an in-  
5       stitution of higher education as defined by section  
6       102 of the Higher Education Act of 1965 (20  
7       U.S.C. 1002).

8           (6) LOCAL EDUCATIONAL AGENCY.—The term  
9       “local educational agency” means a local educational  
10      agency as defined by section 9101 of the Elementary  
11      and Secondary Education Act of 1965 (20 U.S.C.  
12      7801).

13          (7) SECRETARY.—The term “Secretary” means  
14      the Secretary of Education.

15   **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16      (a) EARLY COLLEGE HIGH SCHOOLS.—To support  
17      early college high schools under this Act, there are author-  
18      ized to be appropriated \$50,000,000 for fiscal year 2009  
19      and such sums as may be necessary for each of fiscal years  
20      2010 through 2014.

21      (b) OTHER DUAL ENROLLMENT PROGRAMS.—To  
22      support other dual enrollment programs under this Act,  
23      there are authorized to be appropriated \$50,000,000 for  
24      fiscal year 2009 and such sums as may be necessary for  
25      each of fiscal years 2010 through 2014.

1 (c) FUNDS RESERVED.—The Secretary shall reserve  
 2 3 percent of funds appropriated pursuant to subsection  
 3 (b) for grants to States under section 9.

4 **SEC. 5. AUTHORIZED PROGRAM.**

5 (a) IN GENERAL.—The Secretary is authorized to  
 6 award six-year grants to eligible entities seeking to estab-  
 7 lish a new or support an existing early college high school  
 8 or other dual enrollment program.

9 (b) GRANT AMOUNT.—A grant under this Act shall  
 10 not exceed \$2,000,000.

11 (c) MATCHING REQUIREMENT.—

12 (1) IN GENERAL.—An eligible entity shall con-  
 13 tribute matching funds toward the costs of the early  
 14 college high school or other dual enrollment program  
 15 to be supported under this Act, of which not less  
 16 than half shall be from non-Federal sources, which  
 17 funds shall represent not less than the following:

18 (A) 20 percent of the grant amount re-  
 19 ceived in each of the first and second years of  
 20 the grant.

21 (B) 30 percent in each of the third and  
 22 fourth years.

23 (C) 40 percent in the fifth year.

24 (D) 50 percent in the sixth year.

1           (2) DETERMINATION OF AMOUNT CONTRIB-  
2           UTED.—The Secretary shall allow an eligible entity  
3           to satisfy the requirement of this subsection through  
4           in-kind contributions.

5           (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-  
6           ty shall use a grant received under this Act only to supple-  
7           ment funds that would, in the absence of such grant, be  
8           made available from non-Federal funds for support of the  
9           activities described in the eligible entity’s application  
10          under section 7, and not to supplant such funds.

11          (e) PRIORITY.—In awarding grants under this Act,  
12          the Secretary shall give priority to applicants—

13               (1) that propose to establish or support an  
14               early college high school or other dual enrollment  
15               program that will serve a student population of  
16               which 40 percent or more are students counted  
17               under section 1113(a)(5) of the Elementary and  
18               Secondary Education Act of 1965 (20 U.S.C.  
19               6313(a)(5)); and

20               (2) from States that provide assistance to early  
21               college high schools or other dual enrollment pro-  
22               grams, such as assistance to defray the costs of  
23               higher education, such as tuition, fees, and text-  
24               books.

1       (f) GEOGRAPHIC DISTRIBUTION.—The Secretary  
 2 shall, to the maximum extent practicable, ensure that  
 3 grantees are from a representative cross-section of urban,  
 4 suburban, and rural areas.

5 **SEC. 6. USES OF FUNDS.**

6       (a) MANDATORY ACTIVITIES.—An eligible entity  
 7 shall use grant funds received under section 5 to support  
 8 the activities described in its application, including for the  
 9 following:

10           (1) PLANNING YEAR.—In the case of a new  
 11 early college high school or dual enrollment program,  
 12 during the first year of the grant—

13                   (A) hiring a principal and staff, as appro-  
 14 priate;

15                   (B) designing the curriculum and sequence  
 16 of courses in collaboration with at a minimum,  
 17 teachers from the local educational agency and  
 18 faculty from the partner institution of higher  
 19 education;

20                   (C) educating parents and the community  
 21 about the school;

22                   (D) recruiting students;

23                   (E) liaison activities among partners in the  
 24 eligible entity; and

1 (F) coordinating secondary and postsec-  
 2 ondary support services, academic calendars,  
 3 and transportation.

4 (2) IMPLEMENTATION PERIOD.—During the re-  
 5 mainder of the grant period—

6 (A) academic and social support services,  
 7 including counseling;

8 (B) student recruitment and community  
 9 education and engagement;

10 (C) professional development, including  
 11 joint professional development for secondary  
 12 school and faculty from the institution of higher  
 13 education; and

14 (D) school design and planning team ac-  
 15 tivities, including curriculum development.

16 (b) ALLOWABLE ACTIVITIES.—An eligible entity may  
 17 also use grant funds received under this Act to otherwise  
 18 support the activities described in its application, includ-  
 19 ing—

20 (1) purchasing textbooks and equipment that  
 21 support academic programs;

22 (2) learning opportunities for students that  
 23 complement classroom experiences, such as intern-  
 24 ships, career-based capstone projects, and opportuni-  
 25 ties provided under chapters 1 and 2 of subpart 2

1 of part A of title IV of the Higher Education Act  
 2 of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et  
 3 seq.);

4 (3) transportation;

5 (4) planning time for high school and college  
 6 educators to collaborate; and

7 (5) data collection, sharing, reporting, and eval-  
 8 uation.

9 **SEC. 7. APPLICATION.**

10 (a) IN GENERAL.—To receive a grant under section  
 11 5, an eligible entity shall submit to the Secretary an appli-  
 12 cation at such time, in such manner, and including such  
 13 information as the Secretary determines to be appropriate.

14 (b) CONTENTS OF APPLICATION.—At a minimum,  
 15 the application described in subsection (a) shall include  
 16 a description of—

17 (1) the early college high school’s or other dual  
 18 enrollment program’s budget;

19 (2) each partner in the eligible entity and its  
 20 experience with early college high schools or other  
 21 dual enrollment programs, key personnel from each  
 22 partner and their responsibilities for the early col-  
 23 lege high school or dual enrollment program, and  
 24 how the eligible entity will work with secondary and  
 25 postsecondary teachers, other public and private en-



1       tities, community-based organizations, businesses,  
2       and labor organizations to ensure that students will  
3       be prepared to succeed in postsecondary education  
4       and employment, which may include the development  
5       of an advisory board;

6           (3) how the eligible entity will target and re-  
7       cruit at-risk youth, including those at risk of drop-  
8       ping out of school, first generation college students,  
9       and students from populations described in section  
10      1111(b)(2)(C)(v)(II) of the Elementary and Sec-  
11      ondary Education Act of 1965 (20 U.S.C.  
12      6311(b)(2)(C)(v)(II));

13          (4) a system of student supports for students in  
14      the early college high school or other dual enrollment  
15      program, including small group activities, tutoring,  
16      literacy and numeracy skill development in all aca-  
17      demic disciplines, parental outreach, extended learn-  
18      ing time, and college readiness activities, such as  
19      early college academic seminars and counseling;

20          (5) in the case of an early college high school,  
21      how a graduation and career plan will be developed,  
22      consistent with State graduation requirements, for  
23      each student and reviewed each semester;

24          (6) how parents or guardians of dually enrolled  
25      students will be informed of the students' academic

1 performance and progress and, subject to paragraph  
2 (5), involved in the development of the students' ca-  
3 reer and graduation plan;

4 (7) coordination activities between the institu-  
5 tion of higher education and the local educational  
6 agency, including regarding academic calendars, pro-  
7 vision of student services, curriculum development,  
8 and professional development;

9 (8) how the eligible entity will ensure that  
10 teachers in the early college high school or other  
11 dual enrollment program receive appropriate profes-  
12 sional development and other supports, including to  
13 enable the teachers to help English-language learn-  
14 ers, students with disabilities, and students from di-  
15 verse cultural backgrounds to succeed;

16 (9) learning opportunities for students that  
17 complement classroom experiences, such as intern-  
18 ships, career-based capstone projects, and opportuni-  
19 ties provided under chapters 1 and 2 of subpart 2  
20 of part A of title IV of the Higher Education Act  
21 of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et  
22 seq.);

23 (10) a plan to ensure that postsecondary credits  
24 earned will be transferable to, at a minimum, public  
25 institutions of higher education within the State,

1 consistent with existing statewide articulation agree-  
2 ment;

3 (11) student assessments and other measure-  
4 ments of student achievement that will be used, in-  
5 cluding benchmarks for student achievement;

6 (12) outreach programs to provide elementary  
7 and secondary school students, especially those in  
8 middle grades, and their parents, teachers, school  
9 counselors, and principals information about and  
10 academic preparation for the early college high  
11 school or other dual enrollment program;

12 (13) how the eligible entity will help students  
13 meet eligibility criteria for postsecondary courses;  
14 and

15 (14) how the eligible entity will sustain the  
16 early college high school or other dual enrollment  
17 program after the grant expires.

18 (c) ASSURANCES.—An eligible entity's application  
19 under subsection (a) shall include assurances that—

20 (1) in the case of an early college high school,  
21 the majority of courses offered, including of postsec-  
22 ondary courses, will be offered at facilities of the in-  
23 stitution of higher education;

24 (2) students will not be required to pay tuition  
25 or fees for postsecondary courses;

1           (3) postsecondary credits earned will be tran-  
2       scribed upon completion of the requisite coursework;  
3       and

4           (4) faculty teaching postsecondary courses meet  
5       the normal standards for faculty established by the  
6       institution of higher education.

7       (d) WAIVER.—The Secretary may waive the require-  
8       ment of subsection (c)(1) upon a showing that it is im-  
9       practical to apply due to geographic considerations.

10   **SEC. 8. PEER REVIEW.**

11       (a) PEER REVIEW OF APPLICATIONS.—The Sec-  
12       retary shall establish peer review panels to review applica-  
13       tions submitted pursuant to section 7 and to advise the  
14       Secretary regarding such applications.

15       (b) COMPOSITION OF PEER REVIEW PANELS.—The  
16       Secretary shall ensure that each peer review panel is not  
17       comprised wholly of full-time officers or employees of the  
18       Federal Government and includes, at a minimum—

19           (1) experts in the establishment and adminis-  
20       tration of early college high schools or other dual en-  
21       rollment programs from the high school and college  
22       perspective;

23           (2) faculty at institutions of higher education  
24       and secondary school teachers with expertise in dual  
25       enrollment; and

1 (3) experts in the education of at-risk students.

2 **SEC. 9. GRANTS TO STATES.**

3 (a) IN GENERAL.—The Secretary is authorized to  
4 award six-year grants to State agencies responsible for  
5 secondary or postsecondary education for efforts to sup-  
6 port or establish statewide dual enrollment programs.

7 (b) APPLICATION.—To receive a grant under this sec-  
8 tion, a State agency shall submit to the Secretary an appli-  
9 cation at such time, in such manner, and including such  
10 information as the Secretary determines to be appropriate.

11 (c) CONTENTS OF APPLICATION.—At a minimum,  
12 the application described in subsection (b) shall include—

13 (1) how the State will create outreach programs  
14 to ensure that middle and high school students and  
15 their families are aware of dual enrollment programs  
16 in the State;

17 (2) how the State will provide technical assist-  
18 ance to local dual enrollment programs as appro-  
19 priate;

20 (3) how the State will ensure the quality of  
21 State and local dual enrollment programs; and

22 (4) such other information as the Secretary de-  
23 termines to be appropriate.

24 (d) STATE ACTIVITIES.—A State receiving a grant  
25 under this section shall use such funds for—

- 1 (1) planning and implementing a statewide
- 2 strategy for expanding access to dual enrollment
- 3 programs for students who are underrepresented in
- 4 higher education; and
- 5 (2) providing technical assistance to local dual
- 6 enrollment programs.

7 **SEC. 10. REPORTING AND OVERSIGHT.**

8 (a) REPORTING BY GRANTEES.—

9 (1) IN GENERAL.—The Secretary shall establish

10 uniform guidelines for all grantees under section 5,

11 and uniform guidelines for all grantees under section

12 9, concerning information such grantees annually

13 shall report to the Secretary to demonstrate a grant-

14 ee’s progress toward achieving the goals of this Act.

15 (2) CONTENTS OF REPORT.—At a minimum,

16 the report described in paragraph (1) shall include,

17 for eligible entities receiving funds under section 5,

18 for each category of students described in section

19 1111(h)(1)(C)(i) of the Elementary and Secondary

20 Education Act of 1965 (20 U.S.C.

21 6311(h)(1)(C)(i)):

22 (A) The number of students.

23 (B) The percentage of students scoring ad-

24 vanced, proficient, basic, and below basic on the

25 assessments described in section 1111(b)(3) of

1 the Elementary and Secondary Education Act  
2 of 1965 (20 U.S.C. 6311(b)(3)).

3 (C) The performance of students on other  
4 assessments or measurements of achievement.

5 (D) The number of secondary school cred-  
6 its earned.

7 (E) The number of postsecondary credits  
8 earned.

9 (F) Attendance rate.

10 (G) Graduation rate.

11 (H) Placement in postsecondary education  
12 or advanced training, in military service, and in  
13 employment.

14 (b) REPORTING BY THE SECRETARY.—The Secretary  
15 annually shall compile and analyze the information de-  
16 scribed in subsection (a) and report it to the Committee  
17 on Health, Education, Labor, and Pensions of the Senate  
18 and the Committee on Education and Labor of the House  
19 of Representatives, which report shall include identifica-  
20 tion of best practices for achieving the goals of this Act.

21 (c) MONITORING VISITS.—The Secretary's designee  
22 shall visit each grantee at least once for the purpose of  
23 helping the grantee achieve the goals of this Act and to  
24 monitor the grantee's progress toward achieving such  
25 goals.

1       (d) NATIONAL EVALUATION.—Within six months of  
2 the appropriation of funds for this Act, the Secretary shall  
3 enter into a contract with an independent organization to  
4 perform an evaluation of the grants awarded under this  
5 Act. Such evaluation shall apply rigorous procedures to  
6 obtain valid and reliable data concerning participants’ out-  
7 comes by social and academic characteristics and monitor  
8 the progress of students from high school to and through  
9 postsecondary education.

10       (e) TECHNICAL ASSISTANCE.—The Secretary shall  
11 provide technical assistance to eligible entities concerning  
12 best practices in early college high schools and dual enroll-  
13 ment programs and shall disseminate such best practices  
14 among eligible entities and State and local educational  
15 agencies.

16 **SEC. 11. RULES OF CONSTRUCTION.**

17       (a) EMPLOYEES.—Nothing in this Act shall be con-  
18 strued to alter or otherwise affect the rights, remedies,  
19 and procedures afforded to the employees of local edu-  
20 cational agencies (including schools) or institutions of  
21 higher education under Federal, State, or local laws (in-  
22 cluding applicable regulations or court orders) or under  
23 the terms of collective bargaining agreements, memoranda  
24 of understanding, or other agreements between such em-  
25 ployees and their employers.



1       (b) GRADUATION RATE.—A student who graduates  
2 from an early college high school supported under this Act  
3 in the standard number of years for graduation described  
4 in the eligible entity’s application shall be considered to  
5 have graduated on time for purposes of section  
6 1111(b)(2)(C)(vi) of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

○