

110TH CONGRESS
1ST SESSION

S. 938

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

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2007

Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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-

tutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, philanthropic organizations that are located in, or that provide funding in, the State, and private corporations that are located in, or that do business in, the State, then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 66.66 percent.

“(C) NON-FEDERAL SHARE.—

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

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

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

“(aa) room and board; or

“(bb) transportation passes;

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, from State, insti-
24 tutional, philanthropic, or private funds, of
25 not less than 33.33 percent of the cost of

1 carrying out the activities under subsection
2 (d). Matching funds from philanthropic or-
3 ganizations used to provide early informa-
4 tion and intervention, mentoring, or out-
5 reach programs may be in cash or in kind.
6 The State shall specify the methods by
7 which matching funds will be paid and in-
8 clude provisions designed to ensure that
9 funds provided under this section will be
10 used to supplement, and not supplant,
11 Federal and non-Federal funds available
12 for carrying out the activities under this
13 title. A State that uses non-Federal funds
14 to create or expand existing partnerships
15 with nonprofit organizations or commu-
16 nity-based organizations in which such or-
17 ganizations match State funds for student
18 scholarships, may apply such matching
19 funds from such organizations toward ful-
20 filling the State's matching obligation
21 under this clause.

22 “(iii) Assurances that early informa-
23 tion and intervention, mentoring, or out-
24 reach programs exist within the State or

1 that there is a plan to make such pro-
 2 grams widely available.

3 “(iv) A description of the organiza-
 4 tional structure that the State has in place
 5 to administer the activities under sub-
 6 section (d).

7 “(v) A description of the steps the
 8 State will take to ensure students who re-
 9 ceive grants under this section persist to
 10 degree completion.

11 “(vi) Assurances that the State has a
 12 method in place, such as acceptance of the
 13 automatic zero expected family contribu-
 14 tion determination described in section
 15 479(c), to identify eligible low-income stu-
 16 dents and award State grant aid to such
 17 students.

18 “(vii) Assurances that the State will
 19 provide notification to eligible low-income
 20 students that grants under this section
 21 are—

22 “(I) Leveraging Educational As-
 23 sistance Partnership Grants; and

24 “(II) funded by the Federal Gov-
 25 ernment and the State.

1 “(2) STATE AGENCY.—The State agency that
 2 submits an application for a State under section
 3 415C(a) shall be the same State agency that sub-
 4 mits an application under paragraph (1) for such
 5 State.

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

9 “(A) not less than 1 public and 1 private
 10 degree granting institution of higher education
 11 that are located in the State;

12 “(B) new or existing early information and
 13 intervention, mentoring, or outreach programs
 14 located in the State; and

15 “(C) not less than 1—

16 “(i) philanthropic organization located
 17 in, or that provides funding in, the State;
 18 or

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

21 “(4) ROLES OF PARTNERS.—

22 “(A) STATE AGENCY.—A State agency
 23 that is in a partnership receiving an allotment
 24 under this section—

25 “(i) shall—

1 “(I) serve as the primary admin-
2 istrative unit for the partnership;

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

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

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

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

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

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

23 “(i) shall—

24 “(I) recruit and admit partici-
25 pating qualified students and provide

1 such additional institutional grant aid
2 to participating students as agreed to
3 with the State agency;

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

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

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

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

24 “(D) PHILANTHROPIC ORGANIZATION OR
25 PRIVATE CORPORATION.—A philanthropic orga-

nization or private corporation that is in a partnership 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 persist-

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

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

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

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

1 “(2) EARLY NOTIFICATION.—

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

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

15 “(i) shall include—

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

20 “(II) information that a stu-
 21 dent’s candidacy for an access and
 22 persistence grant is enhanced through
 23 participation in an early information
 24 and intervention, mentoring, or out-
 25 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 1 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 those students who have received early notifica-
 12 tion under paragraph (2) from the State, applies for
 13 admission to an institution that is a partner in the
 14 partnership, files a Free Application for Federal
 15 Student Aid and any related existing State form,
 16 and is determined eligible by the State under para-
 17 graph (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 to 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) (as amend-
 21 ed by paragraph (1)) the following:

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”.

○