

111TH CONGRESS
1ST SESSION

S. 1460

To amend title VII of the Higher Education Act of 1965 to provide for college retention challenge grants.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2009

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

A BILL

To amend title VII of the Higher Education Act of 1965 to provide for college retention challenge grants.

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 “Building Student Suc-
5 cess Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the overwhelming majority of new jobs cre-
9 ated by the United States economy will require at
10 least some college;

1 (2) the United States has slipped from number
2 1 in the world in the percentage of workers with col-
3 lege degrees;

4 (3) in order to restore the United States stand-
5 ing with respect to the percentage of workers with
6 college degrees, it will be necessary to increase the
7 percentage of 25- to 34-year-olds attaining college
8 degrees from 40 percent to 60 percent;

9 (4) there is a national imperative to ensure that
10 a greater number of citizens attain postsecondary
11 degrees and credentials;

12 (5) community colleges enroll more than 46
13 percent of all the students in American higher edu-
14 cation taking credit-bearing courses;

15 (6) community colleges enroll disproportionate
16 percentages of low-income individuals, first genera-
17 tion college students, and underrepresented racial
18 and ethnic minorities;

19 (7) the graduation and completion rates of com-
20 munity colleges can be substantially improved from
21 current rates;

22 (8) community colleges receive far fewer re-
23 sources per student than other types of institutions
24 of higher education; and

1 (9) the Federal Government has an interest in
 2 ensuring that community colleges receive greater
 3 support to help students complete their programs
 4 and achieve their personal goals.

5 **SEC. 3. COLLEGE RETENTION CHALLENGE GRANTS.**

6 Title VII of the Higher Education Act of 1965 (20
 7 U.S.C. 1133 et seq.) is amended by adding at the end
 8 the following:

9 **“PART F—COLLEGE RETENTION CHALLENGE**
 10 **GRANTS**

11 **“SEC. 791. COLLEGE RETENTION CHALLENGE GRANTS.**

12 “(a) ESTABLISHMENT OF GRANT PROGRAM TO
 13 STATES.—

14 “(1) IN GENERAL.—

15 “(A) AWARD.—From amounts appro-
 16 priated under subsection (d), the Secretary
 17 shall award grants, from allotments under para-
 18 graph (2), to States to pay the Federal share
 19 of the costs of carrying out the activities de-
 20 scribed in paragraph (4).

21 “(B) GRANT TERMS.—Grants awarded
 22 under this paragraph shall be for a period of 5
 23 years.

24 “(C) DEFINITIONS.—In this section:

1 “(i) COMMUNITY COLLEGE.—The
 2 term ‘community college’ means a public
 3 institution of higher education whose high-
 4 est degree offered is predominantly an as-
 5 sociate’s degree.

6 “(ii) OPEN ENROLLMENT INSTITU-
 7 TION.—The term ‘open enrollment institu-
 8 tion’ means a community college or an in-
 9 stitution of higher education that has an
 10 admission policy whereby the college or in-
 11 stitution will accept any student who ap-
 12 plies for admission.

13 “(2) ALLOTMENTS.—

14 “(A) IN GENERAL.—Subject to subpara-
 15 graph (B), in making grant payments to grant-
 16 ees under this subsection, the allotment to each
 17 grantee for a fiscal year shall be equal to the
 18 sum of—

19 “(i) the amount that bears the same
 20 relation to 50 percent of the amount ap-
 21 propriated under subsection (d) for such
 22 fiscal year as the number of residents in
 23 the State aged 15 through 44 who are liv-
 24 ing below the poverty line applicable to the
 25 individual’s family size (as determined

1 under section 673(2) of the Community
2 Service Block Grant Act) bears to the total
3 number of such residents in all States; and

4 “(ii) the amount that bears the same
5 relation to 50 percent of the amount ap-
6 propriated under subsection (d) for such
7 fiscal year as the number of residents in
8 the State who are enrolled in open enroll-
9 ment institutions bears to the total number
10 of such residents in all States.

11 “(B) MINIMUM ALLOTMENT.—The allot-
12 ment for each State under this section for a fis-
13 cal year shall not be an amount that is less
14 than 0.5 percent of the total amount appro-
15 priated under subsection (d) for such fiscal
16 year.

17 “(C) ADMINISTRATIVE EXPENSES.—A
18 State may not use more than 5 percent if its
19 allotment for administrative expenses.

20 “(3) APPLICATION.—A State that desires to re-
21 ceive a grant under this subsection shall submit an
22 application to the Secretary at such time, in such
23 manner, and accompanied by such information as
24 the Secretary may require, including the following:

1 “(A) A list of the open enrollment institu-
2 tions in the State and the number of students
3 enrolled in such institutions.

4 “(B) A description of any data systems
5 and performance accountability systems that
6 the State uses to monitor its institutions of
7 higher education.

8 “(C) A description of any existing state-
9 wide initiatives to improve retention and com-
10 pletion rates at institutions of higher education
11 in the State.

12 “(D) An assurance that the State will dis-
13 seminate the findings and best practices from
14 the activities funded under the grant.

15 “(E) An assurance that the State will—

16 “(i) review its policies and programs
17 with respect to access, retention, and com-
18 pletion based on the outcomes of activities
19 funded under the grant; and

20 “(ii) develop or revise policies to sup-
21 port institutional success improvements.

22 “(F) A description of how the State will
23 provide or coordinate the provision of the non-
24 Federal share from State resources or private
25 contributions.

1 “(G) A description of the selection criteria
2 for participating institutions, including how
3 such criteria will ensure—

4 “(i) to the extent practicable, an equi-
5 table geographic distribution of partici-
6 pating institutions within the State; and

7 “(ii) that resources are targeted to
8 the institutions that serve high percentages
9 or numbers of students from groups under-
10 represented in higher education or stu-
11 dents with the greatest financial need.

12 “(4) STATE ACTIVITIES.—A State that receives
13 a grant under this subsection shall carry out the fol-
14 lowing:

15 “(A) GRANT OR CONTRACT TO NONPROFIT
16 OR PUBLIC ENTITY.—The State shall award a
17 grant or contract to a nonprofit or public entity
18 that has expertise in improving student out-
19 comes in higher education, data management
20 and analysis in higher education, and providing
21 technical assistance to institutions of higher
22 education for systemic reform to carry out a
23 comprehensive program to improve college re-
24 tention and completion at selected open enroll-
25 ment institutions.

1 “(B) EVALUATION GRANT.—The State
2 shall award a grant or contract for a rigorous,
3 external evaluation of activities funded under
4 the grant awarded under this subsection.

5 “(C) REPORT.—The State shall report an-
6 nually to the Secretary on the implementation
7 of the grant awarded under this subsection, in-
8 cluding information on student outcomes at
9 participating campuses.

10 “(5) ADDITIONAL PERMISSIBLE STATE ACTIV-
11 ITY.—A State that receives a grant under this sub-
12 section may collaborate with other States—

13 “(A) to share data and best practices; and

14 “(B) to develop common approaches to im-
15 proving student retention and completion.

16 “(6) FEDERAL SHARE.—

17 “(A) FEDERAL SHARE; NON-FEDERAL
18 SHARE.—

19 “(i) FEDERAL SHARE.—The amount
20 of the Federal share under this subsection
21 for a fiscal year shall be equal to $\frac{2}{3}$ of the
22 costs of the activities described in para-
23 graph (4) that are carried out under the
24 grant.

1 “(ii) NON-FEDERAL SHARE.—The
 2 amount of the non-Federal share under
 3 this subsection shall be equal to $\frac{1}{3}$ of the
 4 costs of the activities described in para-
 5 graph (4). The non-Federal share may be
 6 in cash or in-kind, and may be provided
 7 from State resources, contributions from
 8 private organizations, or both.

9 “(B) REDUCTION FOR FAILURE TO PAY
 10 NON-FEDERAL SHARE.—If a State fails to pro-
 11 vide the full non-Federal share required under
 12 this subsection, the Secretary shall reduce the
 13 amount of the grant payment under this sub-
 14 section proportionately.

15 “(C) WAIVER.—The Secretary may waive
 16 or reduce the amount of the non-Federal share
 17 for a State—

18 “(i) experiencing extreme economic
 19 distress; or

20 “(ii) recovering from a declared nat-
 21 ural disaster.

22 “(7) TEMPORARY INELIGIBILITY FOR SUBSE-
 23 QUENT PAYMENTS.—The Secretary may determine a
 24 grantee to be temporarily ineligible to receive a
 25 grant payment under this subsection if—

1 “(A) the grantee fails to submit an annual
2 report as required under paragraph (4)(C); or

3 “(B) the Secretary determines, based on
4 information in the annual report, that the
5 grantee is not meeting the conditions of the
6 grant or the goals of the application.

7 “(b) PROGRAM TO IMPROVE COLLEGE RETENTION
8 AND COMPLETION.—

9 “(1) IN GENERAL.—A nonprofit or public entity
10 awarded a grant or contract under subsection
11 (a)(4)(A) shall carry out each of the following:

12 “(A) Issue a competition for open enroll-
13 ment institutions to participate in the program
14 described in subsection (c).

15 “(B) Coordinate activities with the partici-
16 pating open enrollment institutions.

17 “(C) Manage data, technical assistance,
18 professional development in cooperation with
19 participating open enrollment institutions.

20 “(D) Provide expertise in the review and
21 interpretation of data.

22 “(E) Facilitate the development of the im-
23 provement strategies.

24 “(F) Facilitate the development of policies
25 and practices to sustain proven strategies.

1 “(G) Provide for institutional experimen-
 2 tation with innovative practices in improving
 3 student retention and completion.

4 “(H) Establish and maintain a web portal
 5 for sharing findings, best practices, and data
 6 among participating open enrollment institu-
 7 tions and to deliver professional development
 8 and technical assistance to participating open
 9 enrollment institutions.

10 “(2) DISTRIBUTION OF FUNDS.—A nonprofit or
 11 public entity awarded a grant or contract under sub-
 12 section (a)(4)(A)—

13 “(A) may expend not more than 20 per-
 14 cent of the grant or contract funds on the ac-
 15 tivities described in paragraph (1); and

16 “(B) shall—

17 “(i) expend the funds remaining after
 18 carrying out subparagraph (A) on the ac-
 19 tivities described in subsection (c)(2); and

20 “(ii) ensure that funds made available
 21 to participating campuses are of sufficient
 22 size and scope to carry out the activities
 23 described in subsection (c)(2).

24 “(c) CAMPUS PARTICIPATION.—

1 “(1) OPEN ENROLLMENT INSTITUTION PARTICI-
2 PATION.—An open enrollment institution that de-
3 sires to participate in the program described in
4 paragraph (2) shall submit an application to the
5 nonprofit or public entity that shall include the fol-
6 lowing:

7 “(A) An assurance to maintain its open
8 admission policies.

9 “(B) An assurance that the institution’s
10 board of trustees is fully supportive of the insti-
11 tution’s student success plan.

12 “(C) A description of the core team of in-
13 stitutional leaders who will lead the campus
14 process for improvement of student retention
15 and completion. Such team, at minimum, shall
16 include the college president, the institutional
17 research or institutional effectiveness officer (if
18 the institution has such a position), the chief
19 academic officer, the chief student services offi-
20 cer, and representatives of the faculty respon-
21 sible for programs and curricula in key areas
22 such as developmental education, mathematics,
23 and English.

24 “(D) A description of the data team that
25 will conduct in-depth examinations of data on

1 student outcomes disaggregated by race, eth-
 2 nicity, gender, socioeconomic status, and dis-
 3 ability status. Such team, may include the insti-
 4 tutional research director, the senior planning
 5 administrator, information technology special-
 6 ists, faculty, and student services staff.

7 “(E) A description of any existing institu-
 8 tion-wide efforts to improve retention and com-
 9 pletion.

10 “(F) A description of the institution’s cur-
 11 rent capacity to—

12 “(i) use data to devise strategies,
 13 monitor progress, and evaluate outcomes;

14 “(ii) develop strategies to close any
 15 identified performance gaps among stu-
 16 dents;

17 “(iii) involve faculty, students, staff,
 18 and communities in the development and
 19 implementation of the strategies to im-
 20 prove outcomes;

21 “(iv) report data and outcomes to the
 22 public and to the campus community; and

23 “(v) form partnerships with the com-
 24 munity, local businesses, and others.

1 “(G) Data on student enrollment disaggre-
 2 gated by full-time/part-time status, race, eth-
 3 nicity, gender, and any available data related to
 4 socioeconomic status and disability status.

5 “(H) Data on student success, including
 6 any available data on the performance indica-
 7 tors described in paragraph (3).

8 “(2) ACTIVITIES.—The program under this
 9 paragraph shall include the open enrollment institu-
 10 tion working with the nonprofit or public entity to
 11 undertake a comprehensive program of institutional
 12 improvement to increase retention and completion,
 13 which shall include the following:

14 “(A) Using data to devise strategies, mon-
 15 itor progress, and evaluate outcomes.

16 “(B) Developing strategies to close identi-
 17 fied performance gaps among students.

18 “(C) Involving faculty, students, staff, and
 19 communities in the development and implemen-
 20 tation of the strategies to improve outcomes.

21 “(D) Reporting data and outcomes to the
 22 public and to the campus community.

23 “(E) Forming partnerships with the com-
 24 munity, local businesses, and others.

1 “(F) Institutionalizing effective policies
2 and practices to sustain improvements in reten-
3 tion and completion.

4 “(3) PERFORMANCE INDICATORS.—In evalu-
5 ating the outcome of the activities described in para-
6 graph (2), an open enrollment institution partici-
7 pating in such program shall determine whether the
8 program increased the percentage of students who—

9 “(A) complete developmental courses and
10 move on to credit-bearing courses;

11 “(B) enroll in and complete ‘gatekeeper
12 courses’ such as introductory mathematics and
13 English;

14 “(C) satisfactorily complete the courses in
15 which they enroll;

16 “(D) re-enroll from 1 semester to the next
17 and from year to year;

18 “(E) earn certificates and degrees; and

19 “(F) transfer to 4-year or other institu-
20 tions of higher education.

21 “(4) COLLECTION AND REPORTING OF DATA.—
22 An open enrollment institution participating in the
23 program described in paragraph (2) shall collect and
24 report data disaggregated by full-time/part-time,

1 race, ethnicity, gender, socioeconomic status, and
2 disability status.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$500,000,000 for fiscal year 2010 and each of the 4 suc-
6 ceeding fiscal years.”.

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