

111TH CONGRESS
1ST SESSION

S. 627

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

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

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

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 2009”.

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” has the meaning
18 given such term in section 9101 of the Elementary
19 and Secondary Education Act of 1965 (20 U.S.C.
20 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” has the
5 meaning given such term in section 101 of the High-
6 er Education Act of 1965.

7 (6) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 such term in section 9101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7801).

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of Education.

13 (8) LOW-INCOME STUDENT.—The term “low-in-
14 come student” means a student described in section
15 1113(a)(5) of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6313(a)(5)).

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
18 **TIONS.**

19 (a) IN GENERAL.—To carry out this Act, there are
20 authorized to be appropriated \$150,000,000 for fiscal year
21 2010 and such sums as may be necessary for each of fiscal
22 years 2011 through 2015.

23 (b) EARLY COLLEGE HIGH SCHOOLS.—The Sec-
24 retary shall reserve not less than 45 percent of the funds

1 appropriated under subsection (a) to support early college
2 high schools under section 5.

3 (c) OTHER DUAL ENROLLMENT PROGRAMS.—The
4 Secretary shall reserve not less than 45 percent of such
5 funds to support other dual enrollment programs under
6 section 5.

7 (d) STATE GRANTS.—The Secretary shall reserve 10
8 percent of such funds, or \$10,000,000, whichever is less,
9 for grants to States under section 9.

10 **SEC. 5. AUTHORIZED PROGRAM.**

11 (a) IN GENERAL.—The Secretary is authorized to
12 award six-year grants to eligible entities seeking to estab-
13 lish a new, or support an existing, early college high school
14 or other dual enrollment program.

15 (b) GRANT AMOUNT.—The Secretary shall ensure
16 that grants are of sufficient size to enable grantees to
17 carry out all required activities and otherwise meet the
18 purposes of this Act, except that a grant under this section
19 may not exceed \$2,000,000.

20 (c) MATCHING REQUIREMENT.—

21 (1) IN GENERAL.—An eligible entity shall con-
22 tribute matching funds toward the costs of the early
23 college high school or other dual enrollment program
24 to be supported under this section, of which not less

1 than half shall be from non-Federal sources, which
2 funds shall represent not less than the following:

3 (A) 20 percent of the grant amount re-
4 ceived in each of the first and second years of
5 the grant.

6 (B) 30 percent in each of the third and
7 fourth years.

8 (C) 40 percent in the fifth year.

9 (D) 50 percent in the sixth year.

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

14 (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
15 ty shall use a grant received under this section only to
16 supplement funds that would, in the absence of such
17 grant, be made available from non-Federal funds for sup-
18 port of the activities described in the eligible entity's appli-
19 cation under section 7, and not to supplant such funds.

20 (e) PRIORITY.—In awarding grants under this sec-
21 tion, the Secretary shall give priority to applicants—

22 (1) that propose to establish or support an
23 early college high school or other dual enrollment
24 program that will serve a student population of
25 which 40 percent or more are students counted

1 under section 1113(a)(5) of the Elementary and
 2 Secondary Education Act of 1965 (20 U.S.C.
 3 6313(a)(5)); and

4 (2) from States that provide assistance to early
 5 college high schools or other dual enrollment pro-
 6 grams, such as assistance to defray the costs of
 7 higher education, such as tuition, fees, and text-
 8 books.

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

13 **SEC. 6. USES OF FUNDS.**

14 (a) MANDATORY ACTIVITIES.—An eligible entity
 15 shall use grant funds received under section 5 to support
 16 the activities described in its application under section 7,
 17 including the following:

18 (1) PLANNING YEAR.—In the case of a new
 19 early college high school or other dual enrollment
 20 program, during the first year of the grant—

21 (A) hiring a principal and staff, as appro-
 22 priate;

23 (B) designing the curriculum and sequence
 24 of courses in collaboration with, at a minimum,
 25 teachers from the local educational agency and

1 faculty from the partner institution of higher
2 education;

3 (C) informing parents and the community
4 about the school or program and opportunities
5 to become actively involved in the school or pro-
6 gram;

7 (D) establishing a course articulation proc-
8 ess for defining and approving courses for high
9 school and college credit;

10 (E) outreach programs to ensure that mid-
11 dle and high school students and their families
12 are aware of the school or program;

13 (F) liaison activities among partners in the
14 eligible entity; and

15 (G) coordinating secondary and postsec-
16 ondary support services, academic calendars,
17 and transportation.

18 (2) IMPLEMENTATION PERIOD.—During the re-
19 mainder of the grant period—

20 (A) academic and social support services,
21 including counseling;

22 (B) liaison activities among partners in the
23 eligible entity;

1 (C) data collection and use of such data
 2 for student and instructional improvement and
 3 program evaluation;

4 (D) outreach programs to ensure that mid-
 5 dle and high school students and their families
 6 are aware of the early college high school or
 7 other dual enrollment program;

8 (E) professional development, including
 9 joint professional development for secondary
 10 school personnel and faculty from the institu-
 11 tion of higher education; and

12 (F) school or program design and planning
 13 team activities, including curriculum develop-
 14 ment.

15 (b) ALLOWABLE ACTIVITIES.—An eligible entity may
 16 also use grant funds received under section 5 otherwise
 17 to support the activities described in its application under
 18 section 7, including—

19 (1) purchasing textbooks and equipment that
 20 support the curriculum of the early college high
 21 school or other dual enrollment program;

22 (2) developing learning opportunities for stu-
 23 dents that complement classroom experiences, such
 24 as internships, career-based capstone projects, and
 25 opportunities to participate in the activities provided

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

4 (3) transportation; and

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

7 **SEC. 7. APPLICATION.**

8 (a) IN GENERAL.—To receive a grant under section
 9 5, an eligible entity shall submit to the Secretary an appli-
 10 cation at such time, in such manner, and including such
 11 information as the Secretary determines to be appropriate.

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

15 (1) the budget of the early college high school
 16 or other dual enrollment program;

17 (2) each partner in the eligible entity and its
 18 experience with early college high schools or other
 19 dual enrollment programs, key personnel from each
 20 partner and such personnel’s responsibilities for the
 21 school or program, and how the eligible entity will
 22 work with secondary and postsecondary teachers,
 23 other public and private entities, community-based
 24 organizations, businesses, labor organizations, and
 25 parents to ensure that students will be prepared to

1 succeed in postsecondary education and employment,
2 which may include the development of an advisory
3 board;

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

11 (4) a system of student supports, including
12 small group activities, tutoring, literacy and
13 numeracy skill development in all academic dis-
14 ciplines, parental and community outreach and en-
15 gagement, extended learning time, and college readi-
16 ness activities, such as early college academic semi-
17 nars and counseling;

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

22 (6) how parents or guardians of students par-
23 ticipating in the early college high school or other
24 dual enrollment program will be informed of the stu-
25 dents' academic performance and progress and, sub-

1 ject to paragraph (5), involved in the development of
2 the students' career and graduation plans;

3 (7) coordination between the institution of high-
4 er education and the local educational agency, in-
5 cluding regarding academic calendars, provision of
6 student services, curriculum development, and pro-
7 fessional development;

8 (8) how the eligible entity will ensure that
9 teachers in the early college high school or other
10 dual enrollment program receive appropriate profes-
11 sional development and other supports, including to
12 enable the teachers to utilize effective parent and
13 community engagement strategies, and help English-
14 language learners, students with disabilities, and
15 students from diverse cultural backgrounds to suc-
16 ceed;

17 (9) learning opportunities for students that
18 complement classroom experiences, such as intern-
19 ships, career-based capstone projects, and opportuni-
20 ties to participate in the activities provided under
21 chapters 1 and 2 of subpart 2 of part A of title IV
22 of the Higher Education Act of 1965 (20 U.S.C.
23 1070a–11 et seq., 1070a–21 et seq.);

24 (10) how policies, agreements, and the courses
25 in the program will ensure that postsecondary cred-

1 its earned will be transferable to, at a minimum,
2 public institutions of higher education within the
3 State, consistent with existing statewide articulation
4 agreements;

5 (11) student assessments and other measure-
6 ments of student achievement, including benchmarks
7 for student achievement;

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

14 (13) how the local educational agency and insti-
15 tution of higher education will work together, as ap-
16 propriate, to collect and use data for student and in-
17 structional improvement and program evaluation;

18 (14) how the eligible entity will help students
19 meet eligibility criteria for postsecondary courses
20 and ensure that students understand how their cred-
21 its will transfer; and

22 (15) how the eligible entity will access and le-
23 verage additional resources necessary to sustain the
24 early college high school or other dual enrollment

1 program after the grant expires, including by engag-
 2 ing businesses and non-profit organizations.

3 (c) ASSURANCES.—An eligible entity’s application
 4 under subsection (a) shall include assurances that—

5 (1) in the case of an early college high school,
 6 the majority of courses offered, including of postsec-
 7 ondary courses, will be offered at facilities of the in-
 8 stitution of higher education;

9 (2) students will not be required to pay tuition
 10 or fees for postsecondary courses offered as part of
 11 the early college high school or other dual enrollment
 12 program;

13 (3) postsecondary credits earned will be tran-
 14 scribed upon completion of the requisite coursework;
 15 and

16 (4) faculty teaching such postsecondary courses
 17 meet the normal standards for faculty established by
 18 the institution of higher education.

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

22 **SEC. 8. PEER REVIEW.**

23 (a) PEER REVIEW OF APPLICATIONS.—The Sec-
 24 retary shall establish peer review panels to review applica-

1 tions submitted pursuant to section 7 to advise the Sec-
 2 retary regarding such applications.

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

7 (1) experts in the establishment and adminis-
 8 tration of early college high schools or other dual en-
 9 rollment programs from the secondary and postsec-
 10 ondary perspective;

11 (2) faculty at institutions of higher education
 12 and secondary school teachers with expertise in dual
 13 enrollment; and

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

15 **SEC. 9. GRANTS TO STATES.**

16 (a) IN GENERAL.—The Secretary is authorized to
 17 award five-year grants to State agencies responsible for
 18 secondary or postsecondary education for efforts to sup-
 19 port or establish early college high schools or other dual
 20 enrollment programs.

21 (b) GRANT AMOUNT.—The Secretary shall ensure
 22 that grants are of sufficient size to enable grantees to
 23 carry out all required activities.

24 (c) MATCHING REQUIREMENT.—A State shall con-
 25 tribute matching funds from non-Federal sources toward

1 the costs of carrying out activities under this section,
2 which funds shall represent not less than 50 percent of
3 the grant amount received in each year of the grant.

4 (d) PRIORITY.—In awarding grants under this sec-
5 tion, the Secretary shall give priority to States that pro-
6 vide assistance to early college high schools or other dual
7 enrollment programs, such as assistance to defray the
8 costs of higher education, such as tuition, fees, and text-
9 books.

10 (e) APPLICATION.—To receive a grant under this sec-
11 tion, a State agency 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 (f) CONTENTS OF APPLICATION.—At a minimum, the
15 application described in subsection (e) shall include—

16 (1) how the State will carry out all of the re-
17 quired State activities described in subsection (g);

18 (2) how the State will identify and eliminate
19 barriers to implementing effective early college high
20 schools and other dual enrollment programs after
21 the grant expires, including by engaging businesses
22 and non-profit organizations;

23 (3) how the State will access and leverage addi-
24 tional resources necessary to sustain early college
25 high schools or other dual enrollment programs; and

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

3 (g) STATE ACTIVITIES.—A State receiving a grant
4 under this section shall use such funds for—

5 (1) creating outreach programs to ensure that
6 middle and high school students, their families, and
7 community members are aware of early college high
8 schools and other dual enrollment programs in the
9 State;

10 (2) planning and implementing a statewide
11 strategy for expanding access to early college high
12 schools and other dual enrollment programs for stu-
13 dents who are underrepresented in higher education
14 to raise statewide rates of high school graduation,
15 college readiness, and completion of postsecondary
16 degrees and credentials, with a focus on at-risk stu-
17 dents, including identifying any obstacles to such a
18 strategy under State law or policy;

19 (3) providing technical assistance to early col-
20 lege high schools and other dual enrollment pro-
21 grams, such as brokering relationships and agree-
22 ments that forge a strong partnership between ele-
23 mentary and secondary and postsecondary partners;

24 (4) identifying policies that will improve the ef-
25 fectiveness and ensure the quality of early college

1 high schools and other dual enrollment programs,
2 such as access, funding, data and quality assurance,
3 governance, accountability, and alignment policies;

4 (5) planning and delivering statewide training
5 and peer learning opportunities for school leaders
6 and teachers from early college high schools and
7 other dual enrollment programs, which may include
8 providing instructional coaches who offer on-site
9 guidance;

10 (6) disseminating best practices in early college
11 high schools and other dual enrollment programs
12 from across the State and from other States; and

13 (7) facilitating Statewide data collection, re-
14 search and evaluation, and reporting to policymakers
15 and other stakeholders.

16 **SEC. 10. REPORTING AND OVERSIGHT.**

17 (a) REPORTING BY GRANTEES.—

18 (1) IN GENERAL.—The Secretary shall establish
19 uniform guidelines for all grantees concerning infor-
20 mation such grantees annually shall report to the
21 Secretary to demonstrate a grantee's progress to-
22 ward achieving the goals of this Act.

23 (2) CONTENTS OF REPORT.—At a minimum, a
24 report submitted under this subsection by an eligible
25 entity receiving funds under section 5 for an early

1 college high school or other dual enrollment program
 2 shall include the following information about the stu-
 3 dents participating in the school or program, for
 4 each category of students described in section
 5 1111(h)(1)(C)(i) of the Elementary and Secondary
 6 Education Act of 1965 (20 U.S.C.
 7 6311(h)(1)(C)(i)):

8 (A) The number of students.

9 (B) The percentage of students scoring ad-
 10 vanced, proficient, basic, and below basic on the
 11 assessments described in section 1111(b)(3) of
 12 the Elementary and Secondary Education Act
 13 of 1965.

14 (C) The performance of students on other
 15 assessments or measurements of achievement.

16 (D) The number of secondary school cred-
 17 its earned.

18 (E) The number of postsecondary credits
 19 earned.

20 (F) Attendance rate, as appropriate.

21 (G) Graduation rate.

22 (H) Placement in postsecondary education
 23 or advanced training, in military service, and in
 24 employment.

1 (I) A description of the school or pro-
2 gram's student, parent, and community out-
3 reach and engagement.

4 (b) REPORTING BY SECRETARY.—The Secretary an-
5 nually shall—

6 (1) prepare a report that compiles and analyzes
7 the information described in subsection (a) and iden-
8 tifies the best practices for achieving the goals of
9 this Act; and

10 (2) submit the report to the Committee on
11 Health, Education, Labor, and Pensions of the Sen-
12 ate and the Committee on Education and Labor of
13 the House of Representatives.

14 (c) MONITORING VISITS.—The Secretary's designee
15 shall visit each grantee at least once for the purpose of
16 helping the grantee achieve the goals of this Act and to
17 monitor the grantee's progress toward achieving such
18 goals.

19 (d) NATIONAL EVALUATION.—Not later than 6
20 months after the date on which funds are appropriated
21 to carry out this Act, the Secretary shall enter into a con-
22 tract with an independent organization to perform an eval-
23 uation of the grants awarded under this Act. Such evalua-
24 tion shall apply rigorous procedures to obtain valid and
25 reliable data concerning participants' outcomes by social

1 and academic characteristics and monitor the progress of
2 students from high school to and through postsecondary
3 education.

4 (e) **TECHNICAL ASSISTANCE.**—The Secretary shall
5 provide technical assistance to eligible entities concerning
6 best practices in early college high schools and other dual
7 enrollment programs and shall disseminate such best prac-
8 tices among eligible entities and State and local edu-
9 cational agencies.

10 **SEC. 11. RULES OF CONSTRUCTION.**

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

20 (b) **GRADUATION RATE.**—A student who graduates
21 from an early college high school supported under this Act
22 in the standard number of years for graduation described
23 in the eligible entity's application shall be considered to
24 have graduated on time for purposes of section

1 1111(b)(2)(C)(6) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

○