

113TH CONGRESS
2D SESSION

S. 2518

To establish a grant program to incentivize States to implement comprehensive reforms and innovative strategies to significantly improve postsecondary outcomes for low-income and first generation college students, including increasing postsecondary enrollment and graduation rates, to reduce the need of postsecondary students for remedial education, to increase alignment of elementary, secondary, and postsecondary education, and to promote innovation in postsecondary education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2014

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

A BILL

To establish a grant program to incentivize States to implement comprehensive reforms and innovative strategies to significantly improve postsecondary outcomes for low-income and first generation college students, including increasing postsecondary enrollment and graduation rates, to reduce the need of postsecondary students for remedial education, to increase alignment of elementary, secondary, and postsecondary education, and to promote innovation in postsecondary education, 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 “College Access Act of
 5 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ACCELERATED LEARNING MODEL.—The
 9 term “accelerated learning model” means a program
 10 that—

11 (A) is designed to help students in sec-
 12 ondary school learn at a faster and more rig-
 13 orous pace; and

14 (B) offers students the opportunity to earn
 15 postsecondary credits and, in some cases, obtain
 16 an occupational certificate or degree (including
 17 an associate degree), while such students are in
 18 secondary school.

19 (2) ADULT EDUCATION.—The term “adult edu-
 20 cation” means services or instruction below the post-
 21 secondary level for individuals—

22 (A) who have attained 16 years of age;

23 (B) who are not enrolled or required to be
 24 enrolled in secondary school under State law;
 25 and

1 (C) who—

2 (i) lack sufficient mastery of basic
3 educational skills to function effectively in
4 society;

5 (ii) do not have a secondary school di-
6 ploma, or the recognized equivalent of such
7 diploma, and have not achieved an equiva-
8 lent level of education; or

9 (iii) are unable to speak, read, or
10 write in the English language.

11 (3) COMMUNITY COLLEGE.—The term “commu-
12 nity college” has the meaning given the term “junior
13 or community college” in section 312(f) of the High-
14 er Education Act of 1965 (20 U.S.C. 1058(f)).

15 (4) DUAL ENROLLMENT PROGRAM.—The term
16 “dual enrollment program” means an academic pro-
17 gram through which a secondary school student is
18 able to simultaneously earn credit toward a sec-
19 ondary school diploma and a postsecondary degree
20 or certificate.

21 (5) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means a State or a consortium of States.

23 (6) ENROLLMENT STATUS.—The term “enroll-
24 ment status” has the meaning given the term in sec-

tion 690.2(c) of title 34, Code of Federal Regulations (as in effect on July 1, 2011).

(7) FEDERAL PELL GRANT.—The term “Federal Pell Grant” means a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a).

(8) FIRST GENERATION COLLEGE STUDENT.—The term “first generation college student” has the meaning given the term in section 402A(h) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)).

(9) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(10) LOW-INCOME STUDENT.—The term “low-income student” means a student with a taxable family income for the preceding year that did not exceed 80 percent of the median taxable family income for a family of the same size as the student in the State in which the student is a resident.

(11) NET PRICE.—The term “net price” has the meaning given the term in section 132(a) of the Higher Education Act of 1965 (20 U.S.C. 1015a(a)).

1 (12) OPEN EDUCATIONAL RESOURCE.—The
2 term “open educational resource” means an edu-
3 cational resource that is licensed under an open li-
4 cense and freely available online to the public.

5 (13) OPEN LICENSE.—The term “open license”
6 means a worldwide, royalty-free, nonexclusive, per-
7 petual, and irrevocable copyright license that grants
8 the public permission to access, reproduce, publicly
9 perform, publicly display, adapt, distribute, and oth-
10 erwise use the work governed by such license and
11 adaptations of such work for any purpose, condi-
12 tioned only upon the requirement that an author of
13 such work receives appropriate attribution.

14 (14) POSTSECONDARY CREDENTIAL.—The term
15 “postsecondary credential” means an associate de-
16 gree, a baccalaureate degree, or a certificate pro-
17 vided by a community college or a postsecondary vo-
18 cational institution.

19 (15) POSTSECONDARY VOCATIONAL INSTITU-
20 TION.—The term “postsecondary vocational institu-
21 tion” has the meaning given such term in section
22 102(c) of the Higher Education Act of 1965 (20
23 U.S.C. 1002(c)).

24 (16) SECONDARY SCHOOL.—The term “sec-
25 ondary school” has the meaning given the term in

1 section 9101 of the Elementary and Secondary Edu-
 2 cation Act of 1965 (20 U.S.C. 7801).

3 (17) SECRETARY.—The term “Secretary”
 4 means the Secretary of Education.

5 (18) STATE.—The term “State” has the mean-
 6 ing given the term in section 103 of the Higher
 7 Education Act of 1965 (20 U.S.C. 1003).

8 **SEC. 3. RESERVATION OF FUNDS.**

9 From amounts made available to carry out this Act
 10 for each fiscal year, the Secretary may reserve not more
 11 than 2 percent of such amounts to carry out activities in
 12 accordance with this Act related to technical assistance,
 13 evaluation, outreach, and dissemination.

14 **SEC. 4. AUTHORIZATION OF STATE GRANT PROGRAM.**

15 (a) IN GENERAL.—For each fiscal year for which
 16 funds are appropriated under section 11 and from such
 17 amounts not reserved under section 3, the Secretary shall
 18 award planning and implementation grants to eligible enti-
 19 ties to enable such entities to develop or implement a com-
 20 prehensive State plan described in section 5 to improve
 21 postsecondary outcomes for all students, especially low-in-
 22 come and first generation college students.

23 (b) PLANNING AND IMPLEMENTATION GRANTS.—In
 24 accordance with subparagraph (a), the Secretary shall
 25 award—

1 (1) planning grants, on a competitive basis, to
 2 eligible entities to enable such entities to develop a
 3 comprehensive State plan described in section 5; and

4 (2) implementation grants, on a competitive
 5 basis, to eligible entities and without regard to
 6 whether the entities have received a planning grant
 7 under paragraph (1), to implement a comprehensive
 8 State plan described in section 5.

9 (c) LIMITATION.—A State or a consortium of States
 10 shall not have more than 1 planning grant or more than
 11 1 implementation grant at any given time. A State or a
 12 consortium of States awarded a planning grant or an im-
 13 plementation grant may reapply for such grant after the
 14 termination of such grant.

15 (d) DURATION.—

16 (1) PLANNING GRANTS.—Each planning grant
 17 awarded under subsection (b)(1) shall be for a pe-
 18 riod of not more than 18 months.

19 (2) IMPLEMENTATION GRANTS.—

20 (A) IN GENERAL.—Each implementation
 21 grant awarded under subsection (b)(2) shall be
 22 for a period of not more than 5 years, subject
 23 to the requirement under subparagraph (B).

24 (B) SUFFICIENT PROGRESS.—An imple-
 25 mentation grant awarded under subsection

(b)(2) shall terminate after a period of 2 years, if the Secretary determines that the eligible entity receiving such implementation grant has not made sufficient progress in—

(i) implementing a comprehensive State plan described in section 5, at a rate that the Secretary determines will result in complete implementation of such plan during the remainder of the grant period; and

(ii) meeting the annual targets under section 7.

SEC. 5. COMPREHENSIVE STATE PLAN.

(a) IN GENERAL.—To carry out the objectives of this Act, an eligible entity that receives a grant under this Act shall develop, in the case of a planning grant, and implement, in the case of an implementation grant, a comprehensive State plan to—

(1) enhance the affordability of postsecondary education; and

(2) increase the number and percentage of students attaining a postsecondary credential, particularly first generation college students and low-income students.

(b) REFORMS.—

1 (1) UNIVERSALLY REQUIRED REFORMS.—The
2 comprehensive State plan for each eligible entity re-
3 ceiving a grant under this Act shall include each of
4 the following reforms:

5 (A) Increasing the transparency of infor-
6 mation provided to students and the families of
7 such students about the costs and outcomes of
8 attaining a postsecondary credential in each
9 State participating in the eligible entity, and in-
10 creasing access to such information for students
11 and their families, by taking measures that
12 shall include—

13 (i) requiring the institutions of higher
14 education in each State participating in
15 the eligible entity to adopt a net price cal-
16 culator under section 132(h) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1015a(h)) that meets the requirements of
19 paragraph (4);

20 (ii) adopting a common letter devel-
21 oped by the Secretary under section 484(a)
22 of the Higher Education Opportunity Act
23 (20 U.S.C. 1092 note) for institutions of
24 higher education in each State partici-

1 pating in the eligible entity to use in
2 awarding financial aid to students;

3 (iii) enhancing the financial literacy of
4 students and the families of such students
5 regarding the costs of postsecondary edu-
6 cation and financial aid opportunities, be-
7 ginning when such students enter sec-
8 ondary school;

9 (iv) reporting accurate student grad-
10 uation rates for institutions of higher edu-
11 cation in each State participating in the el-
12 igible entity, disaggregated by status as a
13 full-time student, or a part-time student,
14 and status as a transfer student;

15 (v) developing practices for the contin-
16 uous assessment of student learning at the
17 postsecondary level and public reporting of
18 student learning outcomes;

19 (vi) developing multi-year tuition and
20 fee schedules; and

21 (vii) providing free degree audits to
22 students residing in each State partici-
23 pating in the eligible entity.

1 (B) Implementing measures to maintain or
2 increase fiscal support for postsecondary edu-
3 cation that shall include—

4 (i) increasing need-based grant aid for
5 postsecondary education; and

6 (ii) restricting the increase in tuition
7 at public institutions of higher education in
8 each State participating in the eligible en-
9 tity to a rate that is below the rate of in-
10 flation.

11 (2) SELECTIVE REFORMS.—The comprehensive
12 State plan of each eligible entity receiving a grant
13 under this Act shall include 1 or more of the fol-
14 lowing reforms, as chosen by such eligible entity in
15 accordance with paragraph (3):

16 (A) Removing barriers to innovation in
17 postsecondary education that shall include—

18 (i) developing innovative education de-
19 livery models, such as using technology to
20 enhance online and classroom learning
21 aimed to increase participation and reten-
22 tion of students, particularly first genera-
23 tion college students and low-income stu-
24 dents;

1 (ii) promoting the use of technology to
 2 increase personalized learning, advising,
 3 and support services for students; and

4 (iii) creating programs to create and
 5 expand the use of open educational re-
 6 sources.

7 (B) Improving the transition of students to
 8 and from postsecondary institutions and in-
 9 creasing the rate of graduation of students
 10 from postsecondary institutions, particularly
 11 such students graduating on time, by—

12 (i) increasing participation in acceler-
 13 ated learning models, which may include—

14 (I) subsidizing the cost of ad-
 15 vanced placement program examina-
 16 tions for low-income students;

17 (II) training teachers to offer ad-
 18 vanced placement program courses;

19 (III) subsidizing the cost of inter-
 20 national baccalaureate examinations
 21 and programs for low-income stu-
 22 dents;

23 (IV) increasing access to dual en-
 24 rollment programs for low-income stu-
 25 dents; and

1 (V) developing programs to bring
 2 advanced placement program courses
 3 to rural schools;

4 (ii) reforming postsecondary remedi-
 5 ation by taking measures, which may in-
 6 clude—

7 (I) reducing the need for remedi-
 8 ation, by creating targeted interventions
 9 to occur in secondary school or adult
 10 education that align with higher edu-
 11 cation and waiving placement testing;

12 (II) improving the quality of re-
 13 mediation courses and developmental
 14 education based on emerging re-
 15 search-based practices; and

16 (III) improving the process for
 17 identifying the foundational skills
 18 needs of students for remediation or
 19 developmental education while such
 20 students are in secondary school or
 21 adult education;

22 (iii) improving the credit transfer poli-
 23 cies and articulation agreements, as de-
 24 fined in section 486A(a) of the Higher
 25 Education Act of 1965 (20 U.S.C.

1093a(a)), between or among institutions of higher education in each State participating in the eligible entity; and

(iv) incentivizing institutions of higher education in each State participating in the eligible entity to increase the number and percentage of Federal Pell Grant recipients who attain a postsecondary credential at such institutions of higher education.

(3) REQUIREMENT FOR SELECTING REFORMS.—An eligible entity receiving a grant under this Act shall only select a reform under paragraph (2) that each State participating in the eligible entity does not have in place on the date on which such eligible entity receives such grant.

(4) REQUIREMENTS FOR NET PRICE CALCULATOR.—The net price calculator, adopted under paragraph (1)(A)(i) by each institution of higher education in each State participating in an eligible entity, shall meet each of the following requirements:

(A) The link to the net price calculator made publicly available on the website of such institution—

1 (i) shall be labeled as a “net price cal-
2 culator” in a prominent, clear, and con-
3 spicuous manner, using a size and contrast
4 (such as shade) that is readily noticeable
5 and readable;

6 (ii) shall be posted on the website of
7 such institution in locations that provide
8 information on costs and aid (such as web
9 pages for financial aid, prospective stu-
10 dents, or tuition and fees);

11 (iii) shall match in size and font to
12 the other prominent links on the primary
13 web page of such website; and

14 (iv) may be included on the web page
15 of such institution that contains informa-
16 tion relating to compliance with Federal,
17 State, and local laws.

18 (B) The results screen for the net price
19 calculator shall specify each of the following:

20 (i) The individual net price (as cal-
21 culated under section 132(h)(2) of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1015a(h)(2))) for an individual student,
24 which shall be the most visually prominent
25 figure on such screen.

1 (ii) The cost of attendance at such in-
2 stitution of higher education for a first-
3 time, full-time undergraduate student en-
4 rolled in the institution, including—

5 (I) tuition and fees;

6 (II) the average annual cost of
7 room and board;

8 (III) the average annual cost of
9 books and supplies; and

10 (IV) the estimated cost of other
11 expenses (including personal expenses
12 and transportation).

13 (iii) The estimated total need-based
14 grant aid and merit-based grant aid, from
15 Federal, State, and institutional sources,
16 that may be available to an individual stu-
17 dent, showing the subtotal for each such
18 category and the total of all sources of
19 grant aid.

20 (iv) The percentage of the first-time,
21 full-time undergraduate students enrolled
22 in the institution that received any type of
23 grant aid described in clause (iii).

1 (v) The disclaimer described in section
2 132(h)(4) of the Higher Education Act of
3 1965 (20 U.S.C. 1015a(h)(4)).

4 (vi) In the case of a calculator that—

5 (I) includes questions to estimate
6 the eligibility of a student (or prospec-
7 tive student) for veteran’s education
8 benefits (as defined in section 480(c)
9 of the Higher Education Act of 1956
10 (20 U.S.C. 1087vv(c))) or educational
11 benefits for active duty service mem-
12 bers, the results screen shall display
13 such benefits in a manner that clearly
14 distinguishes them from the grant aid
15 described in clause (iii); or

16 (II) does not include questions to
17 estimate eligibility for the benefits de-
18 scribed in subclause (I), the results
19 screen shall indicate that certain stu-
20 dents (or prospective students) may
21 qualify for such benefits and include a
22 link to information about such bene-
23 fits.

24 (C) The institution shall populate the cal-
25 culator with data from not earlier than 2 aca-

1 demic years prior to the most recent academic
2 year completed on the date of enactment of this
3 Act.

4 (D) The net price calculator shall clearly
5 indicate which questions are required to be an-
6 swered for a net price estimate.

7 (E) In the case of a calculator that re-
8 quests contact information from users, the net
9 price calculator shall clearly indicate that such
10 request is “optional”.

11 (F) The net price calculator shall protect
12 the confidentiality of users by including mecha-
13 nisms to prevent any personally identifiable in-
14 formation from being sold or made available to
15 third parties. The net price calculator shall
16 clearly state: “Any information that you provide
17 on this site is confidential.”.

18 (G) The net price calculator shall not store
19 responses, shall not require any personal identi-
20 fying information from users, and shall clearly
21 state: “The Net Price Calculator does not store
22 your responses and does not require personal
23 identifying information of any kind.”.

1 **SEC. 6. APPLICATIONS.**

2 (a) SUBMISSION.—An eligible entity desiring a plan-
3 ning grant or an implementation grant under this Act
4 shall submit an application to the Secretary at such time,
5 in such manner, and containing such information as the
6 Secretary may reasonably require.

7 (b) CONTENTS FOR ALL GRANTS.—Each application
8 for a planning grant or an implementation grant under
9 this Act shall include, at a minimum, a demonstration that
10 the eligible entity—

11 (1) has established mechanisms and the ability
12 to use funds made available under this Act and
13 other sources of funding, including Federal, State,
14 and local funds, to implement the reforms under sec-
15 tion 5(b); and

16 (2) will include, in carrying the reforms under
17 section 5(b), all public institutions of higher edu-
18 cation within each State participating in the eligible
19 entity and all State agencies with governing author-
20 ity over postsecondary education in each such State.

21 (c) PLANNING GRANTS.—An application for a plan-
22 ning grant awarded under section 4(b)(1) shall include,
23 in addition to the requirements described in subsection
24 (b)—

1 (1) a proposal describing how the eligible entity
2 will develop and establish a comprehensive State
3 plan to implement the reforms under section 5(b);

4 (2) a description of how the eligible entity will
5 include, in developing the comprehensive State
6 plan—

7 (A) all public institutions of higher edu-
8 cation in each State participating in the eligible
9 entity;

10 (B) private nonprofit organizations that
11 choose to participate in the development of such
12 plan;

13 (C) each State educational agency and
14 local educational agency (as such terms are de-
15 fined in section 9101 of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 7801)) in each State participating in the eligi-
18 ble entity; and

19 (D) other stakeholders, as designated by
20 the Governor of each State participating in the
21 eligible entity; and

22 (3) a description of the State agencies and
23 other entities that the Governor of each State par-
24 ticipating in the eligible entity has determined will
25 control the programs funded by the grant and how

1 such entities will interact in carrying out the activi-
2 ties of the planning grant.

3 (d) IMPLEMENTATION GRANTS.—An application for
4 an implementation grant awarded under section 4(b)(2)
5 shall include, in addition to the requirements described in
6 subsection (b)—

7 (1) a proposal describing how the eligible entity
8 will use the implementation grant to—

9 (A) carry out the reforms under section
10 5(b), in accordance with the comprehensive
11 State plan; and

12 (B) meet the annual targets established by
13 the eligible entity under section 7, at a rate
14 that the Secretary determines will result in
15 reaching the goals of the grant established by
16 such eligible entity under such section; and

17 (2) a description of the State agencies and
18 other entities that the Governor of each State par-
19 ticipating in the eligible entity has determined will
20 control the programs funded by the grant and how
21 such entities will interact in carrying out the activi-
22 ties of the implementation grant.

23 (e) APPLICATION REVIEW.—

1 (1) IN GENERAL.—The Secretary shall award
2 grants under this Act on a competitive basis consid-
3 ering the quality of the applications submitted.

4 (2) PUBLICATION OF EXPLANATION.—The Sec-
5 retary shall prepare and submit to Congress and
6 publish on the website of the Department of Edu-
7 cation an explanation of the application process, in-
8 cluding the fairness, equity, transparency, and objec-
9 tivity of the process.

10 (3) PRIORITY.—In awarding grants under this
11 Act, the Secretary shall give priority to eligible enti-
12 ties that show a stronger capacity to use the funds
13 made available under this Act to implement a com-
14 prehensive State plan under section 5.

15 **SEC. 7. PERFORMANCE INDICATORS; ANNUAL TARGETS;**
16 **GOALS.**

17 (a) IN GENERAL.—Each eligible entity receiving a
18 planning grant under this Act, or each eligible entity de-
19 scribed in subsection (c) that is applying for an implemen-
20 tation grant under this Act, shall establish, subject to ap-
21 proval by the Secretary—

22 (1) performance indicators that measure the
23 progress of such eligible entity in each of the areas
24 described in subsection (b);

1 (2) annual targets, for the programs and activi-
 2 ties carried out under this Act, that will enable such
 3 eligible entity to reach the goals under paragraph
 4 (3); and

5 (3) goals, to be met by such eligible entity at
 6 the end of the implementation grant period, for
 7 achieving progress in each of the areas described in
 8 subsection (b).

9 (b) PROGRESS AREAS.—The performance indicators,
 10 annual targets, and goals described in subsection (a) shall,
 11 at a minimum, track the progress of the eligible entity
 12 in each of the following areas:

13 (1) Implementing the reforms under section
 14 5(b).

15 (2) Increasing—

16 (A) the student graduation rate of first
 17 generation college students and low-income stu-
 18 dents at institutions of higher education; and

19 (B) the number and percentage of students
 20 from community colleges and postsecondary vo-
 21 cational institutions who transfer to a 4-year
 22 institution of higher education and attain a bac-
 23 calaureate degree.

24 (3) Reducing the net price of attaining a post-
 25 secondary credential.

1 (c) IMPLEMENTATION GRANTS.—An eligible entity
 2 that has received a planning grant under this Act may
 3 use the performance indicators, annual targets, and goals
 4 developed by such entity using the funds of such planning
 5 grant to apply for and carry out the activities of an imple-
 6 mentation grant under this Act. An eligible entity that has
 7 not received a planning grant under this Act shall estab-
 8 lish performance indicators, annual targets, and goals de-
 9 scribed in subsection (a) prior to applying for an imple-
 10 mentation grant under this Act and verify such establish-
 11 ment in the application for such implementation grant.

12 **SEC. 8. USES OF FUNDS.**

13 (a) IN GENERAL.—An eligible entity receiving funds
 14 from a grant under this Act shall use such funds to carry
 15 out the activities of the grant.

16 (b) PROHIBITIONS.—An eligible entity receiving
 17 funds from a grant under this Act shall not use such funds
 18 to—

19 (1) promote any lender’s loans; or

20 (2) compensate for a decrease in State appro-
 21 priations for higher education.

22 (c) TERMINATED GRANTS.—If an implementation
 23 grant is terminated under section 4(d)(2)(B), the eligible
 24 entity that received such grant shall return any unused

1 funds of the grant to the Secretary. The Secretary shall
2 use such funds to—

3 (1) increase funds made available to other
4 grants awarded under this Act; or

5 (2) award additional grants to other eligible en-
6 tities.

7 **SEC. 9. REPORTS AND EVALUATION.**

8 (a) REPORTS.—

9 (1) IN GENERAL.—An eligible entity that re-
10 ceives an implementation grant under this Act shall
11 submit to the Secretary an annual report that, at a
12 minimum, includes—

13 (A) data on the progress of such eligible
14 entity in achieving the annual targets estab-
15 lished under section 7; and

16 (B) a description of the challenges that
17 such eligible entity has faced in carrying out
18 the grant and how such eligible entity has ad-
19 dressed or plans to address such challenges.

20 (b) EVALUATION.—The Secretary shall—

21 (1) acting through the Director of the Institute
22 of Education Sciences, evaluate the implementation
23 and impact of the activities carried out by this Act;
24 and

1 (2) disseminate research on best practices for
2 carrying out activities to achieve the objectives of
3 this Act.

4 **SEC. 10. SUPPLEMENT AND NOT SUPPLANT.**

5 The funds authorized under this Act shall supple-
6 ment, and not supplant, other Federal, State, and local
7 funds that are available to enhance the affordability of at-
8 taining a postsecondary credential and increase the stu-
9 dent graduation rates for institutions of higher education.

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out this Act.

○