

114TH CONGRESS
1ST SESSION

H. R. 4158

To amend the Higher Education Act of 1965 to reinstate the ability-to-benefit eligibility.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2015

Mr. GIBSON (for himself and Ms. LEE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to reinstate the ability-to-benefit eligibility.

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 “Restoring Investment
5 in ATB Student Education Act” or the “RISE Act”.

6 **SEC. 2. ABILITY-TO-BENEFIT ELIGIBILITY.**

7 (a) IN GENERAL.—Section 484(d) of the Higher
8 Education Act of 1965 (20 U.S.C. 1091(d)) is amended
9 to read as follows:

1 “(d) STUDENTS WHO ARE NOT HIGH SCHOOL
2 GRADUATES.—In order for a student who does not have
3 a certificate of graduation from a school providing sec-
4 ondary education, or the recognized equivalent of such cer-
5 tificate, to be eligible for any assistance under subparts
6 1, 3, and 4 of part A and parts B, C, D, and E of this
7 title, the student shall meet one of the following standards:

8 “(1) The student shall take an independently
9 administered examination and shall achieve a score,
10 specified by the Secretary, demonstrating that such
11 student can benefit from the education or training
12 being offered. Such examination shall be approved
13 by the Secretary on the basis of compliance with
14 such standards for development, administration, and
15 scoring as the Secretary may prescribe in regula-
16 tions.

17 “(2) The student shall be determined as having
18 the ability to benefit from the education or training
19 in accordance with such process as the State shall
20 prescribe. Any such process described or approved
21 by a State for the purposes of this section shall be
22 effective 6 months after the date of submission to
23 the Secretary unless the Secretary disapproves such
24 process. In determining whether to approve or dis-
25 approve such process, the Secretary shall take into

1 account the effectiveness of such process in enabling
2 students without high school diplomas or the equiva-
3 lent thereof to benefit from the instruction offered
4 by institutions utilizing such process, and shall also
5 take into account the cultural diversity, economic
6 circumstances, and educational preparation of the
7 populations served by the institutions.

8 “(3) The student has completed a secondary
9 school education in a home school setting that is
10 treated as a home school or private school under
11 State law.

12 “(4) The student shall be determined by the in-
13 stitution of higher education as having the ability to
14 benefit from the education or training offered by the
15 institution of higher education upon satisfactory
16 completion of six credit hours or the equivalent clock
17 hours that are applicable toward a degree or certifi-
18 cate offered by the institution of higher education.”.

19 (b) CONFORMING AMENDMENT.—Section
20 401(b)(2)(A)(ii) of the Higher Education Act of 1965 (20
21 U.S.C. 1070a(b)(2)(A)(ii)) is amended by striking
22 “484(d)(1)(A)” and inserting “484(d)”.

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