

116TH CONGRESS
1ST SESSION

S. 303

To reform the GEAR UP program.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

Mr. CORNYN (for himself, Mr. MANCHIN, Mr. TILLIS, Ms. HARRIS, Ms. COLLINS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reform the GEAR UP program.

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 “GEAR UP for Success
5 Act of 2019”.

6 **SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR**
7 **UNDERGRADUATE PROGRAMS AMENDMENTS.**

8 Chapter 2 of part A of title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1070a–21 et seq.) is
10 amended—

11 (1) in section 404A (20 U.S.C. 1070a–21)—

1 (A) in the matter preceding subparagraph

2 (A) of subsection (a)(1), by inserting “for col-

3 lege readiness” after “academic support”; and

4 (B) in subsection (b)—

5 (i) by striking paragraph (3) and in-

6 serting the following:

7 “(3) PRIORITY.—In making awards to eligible

8 entities described in subsection (c), the Secretary—

9 “(A) may give a competitive priority—

10 “(i) to eligible entities that—

11 “(I) on the day before the date of

12 enactment of the GEAR UP for Suc-

13 cess Act of 2019, carried out success-

14 ful educational opportunity programs

15 under this chapter (as this chapter

16 was in effect on such day); and

17 “(II) have a prior, demonstrated

18 commitment to early intervention

19 leading to college access and readiness

20 through collaboration and replication

21 of successful strategies;

22 “(ii) to eligible entities that ensure

23 that students served under this chapter on

24 the day before the date of enactment of the

25 GEAR UP for Success Act of 2019 con-

1 tinue to receive assistance through the
2 completion of secondary school; or

3 “(iii) to eligible entities that meet the
4 requirements of clauses (i) and (ii); and

5 “(B) shall not give a competitive or abso-
6 lute priority on any other basis.”; and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(4) MULTIPLE AWARD PROHIBITION.—

10 “(A) IN GENERAL.—An eligible entity de-
11 scribed in subsection (c)(1) that receives a
12 grant under this chapter shall not be eligible to
13 receive an additional grant under this chapter
14 until after the date on which the initial grant
15 period expires.

16 “(B) EXCEPTION FOR NO-COST EXTEN-
17 SION.—Notwithstanding subparagraph (A), an
18 eligible entity shall be eligible to receive an ad-
19 ditional grant under this chapter during the
20 time that eligible entity is receiving a customary
21 no-cost extension of a grant under this chap-
22 ter.”;

23 (2) in section 404B (20 U.S.C. 1070a-22)—

1 (A) in subsection (a), in the matter pre-
 2 ceding paragraph (1), by inserting “that are in
 3 the first award year” after “grants”; and

4 (B) in subsection (d)(1)—

5 (i) in subparagraph (A), by inserting
 6 “and” after the semicolon;

7 (ii) in subparagraph (B), by striking
 8 “; and” and inserting a period; and

9 (iii) by striking subparagraph (C);

10 (3) in section 404C (20 U.S.C. 1070a–23)—

11 (A) in subsection (b)(1)(A)—

12 (i) by inserting “matching funds”
 13 after “will provide”;

14 (ii) by inserting “equaling” after “pri-
 15 vate funds,”; and

16 (iii) by striking “the cost of the pro-
 17 gram, which matching funds” and insert-
 18 ing “total Federal grant award, which”;

19 (B) in subsection (c)(1), by inserting “at
 20 any point during the grant award period” after
 21 “obligated to students”; and

22 (C) by striking subsection (d) and insert-
 23 ing the following:

24 “(d) PEER REVIEW PANELS AND COMPETITIONS.—

25 The Secretary—

1 “(1) shall convene peer review panels to assist
 2 in making determinations regarding the awarding of
 3 grants under this chapter; and

4 “(2) shall host a grant competition to make
 5 new awards under this chapter in any year in which
 6 there are funds available to make new awards.”;

7 (4) in section 404D (20 U.S.C. 1070a–24)—

8 (A) in subsection (b)—

9 (i) in paragraph (1), by striking “or
 10 former participants of a program under
 11 this chapter” and inserting “, former par-
 12 ticipants of a program under this chapter,
 13 or peers and near peers” after “adults”;

14 (ii) in paragraph (3), by inserting
 15 “academic, social, and postsecondary plan-
 16 ning” after “supportive”;

17 (iii) in paragraph (10)—

18 (I) by redesignating subpara-
 19 graphs (E) through (K) as subpara-
 20 graphs (F) through (L), respectively;

21 (II) by inserting after subpara-
 22 graph (D) the following:

23 “(E) counseling or referral services to ad-
 24 dress the behavioral, social-emotional, and men-
 25 tal health needs of at-risk students;”;

1 (III) in subparagraph (I), as re-
 2 designated by subclause (I), by insert-
 3 ing “, cognitive, non-cognitive, and
 4 credit-by-examination” after “skills”;

5 (IV) in subparagraph (K), as re-
 6 designated by subclause (I), by strik-
 7 ing “and” after the semicolon;

8 (V) in subparagraph (L), as re-
 9 designated by subclause (I), by strik-
 10 ing the period at the end and insert-
 11 ing “; and”; and

12 (VI) by adding at the end the fol-
 13 lowing:

14 “(M) capacity building activities that cre-
 15 ate college-going cultures in participating
 16 schools and local educational agencies.”; and

17 (iv) by adding at the end the fol-
 18 lowing:

19 “(16) Creating or expanding secondary school
 20 drop-out recovery programs that allow students who
 21 have dropped out of secondary school to complete a
 22 regular secondary school diploma and begin college-
 23 level work.

24 “(17) Establishing data collection and data
 25 sharing agreements to obtain, analyze, and report

postsecondary outcome data for eligible students for a period of not more than 72 months after the end of the grant award period, which may include postsecondary enrollment, persistence, and completion data.

“(18) Establishing or maintaining an agreement with a consortium of eligible entities described in section 404A(c) to—

“(A) foster collaborative approaches to research and evaluation;

“(B) improve the quality of data collection, data sharing, analysis and reporting; and

“(C) apply evidence to improve programs and evaluation under this chapter.

“(19) Providing services under this chapter to students who have received services under a previous grant award under this chapter but have not yet completed grade 12.”;

(B) in subsection (c)—

(i) in paragraph (3), by inserting “and technical assistance” after “support”; and

(ii) by striking paragraph (9); and

(C) in subsection (d)—

(i) in paragraph (3), by striking “or”;

1 (ii) by redesignating paragraph (4) as
 2 paragraph (5); and

3 (iii) by inserting after paragraph (3)
 4 the following:

5 “(4) eligible for free or reduced-price lunch
 6 under the Richard B. Russell National School Lunch
 7 Act; or”;

8 (5) in section 404E (20 U.S.C. 1070a–25)—
 9 (A) in subsection (a)—

10 (i) by redesignating paragraphs (1)
 11 and (2) as paragraphs (2) and (3), respec-
 12 tively;

13 (ii) by inserting before paragraph (2),
 14 as redesignated by clause (i), the following:

15 “(1) APPLICATION REQUIREMENTS.—

16 “(A) PLAN FOR MAINTENANCE OF FINAN-
 17 CIAL ASSISTANCE.—An eligible entity proposing
 18 to establish or maintain a financial assistance
 19 program providing scholarships for students as-
 20 sisted by the program of the eligible entity
 21 under this chapter shall include a plan regard-
 22 ing the financial application program with the
 23 application submitted under section 404C.

1 “(B) SCHOLARSHIP DETAILS.—Under a
2 plan described in subparagraph (A), an eligible
3 entity—

4 “(i) may elect to offer 1 or more types
5 of scholarships; and

6 “(ii) shall describe, for each type of
7 scholarship—

8 “(I) the minimum and maximum
9 awards for the scholarships, consistent
10 with section 404E(d), based on cri-
11 teria and disbursement priorities es-
12 tablished by the eligible entity;

13 “(II) the duration of the scholar-
14 ships, which may be single-year or
15 multi-year awards;

16 “(III) the enrollment require-
17 ments for participating students,
18 which may include providing scholar-
19 ships for participating students who
20 are enrolled in an institution of higher
21 education on less than a full-time
22 basis during any award year; and

23 “(IV) notwithstanding subsection
24 (g), any additional student eligibility
25 criteria established by the eligible en-

tity for earning and maintaining
scholarships under this section, in-
cluding—

“(aa) financial need;

“(bb) meeting participation
milestones in the activities of-
fered by the eligible entity under
section 404D;

“(cc) meeting and maintain-
ing satisfactory academic mile-
stones; and

“(dd) other criteria aligned
with State and local goals to
incentivize postsecondary readi-
ness, access, and success.”; and

(iii) in paragraph (3), as redesignated
by clause (i), by striking “may award” and
inserting “may use not less than 10 per-
cent and not more than 50 percent of
funds made available under this chapter to
award”;

(B) in subsection (b)—

(i) in the subsection heading, by in-
serting “STATE” before “LIMITATION”;
and

(ii) in paragraph (2), by striking “eligible entity demonstrates” and all that follows through the period at the end and inserting the following: “eligible entity—

“(I) demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section or eligible students have reasonable access to State and local financial assistance programs; and

“(II) describes such means or access in the application submitted under section 404C.”;

(C) in subsection (e)—

(i) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) SCHOLARSHIP PLAN.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall hold in reserve, for the students served by such grant as described in section 404B(d)(1)(A) or 404D(d), an estimated amount that is based on

the eligible entity's scholarship plan described in subsection (a)(1).

“(B) INTEREST USE.—Interest earned on funds held in reserve under subparagraph (A) may be used by the eligible entity to administer the scholarship program during the award period and through the post-award period described in paragraph (4).”;

(ii) in paragraph (2)(B), by inserting “, or been accepted for enrollment,” after “enrolled”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking “and” after the semicolon;

(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following:

“(B) the costs associated with enrolling in an institution of higher education; and”; and

(D) in subsection (g)—

(i) in paragraph (3)—

(I) by inserting “or, if the eligible entity chooses, in another program of study or credential program for which

1 an individual could use funds received
 2 under a Federal Pell Grant to at-
 3 tend,” before “that is located”; and

4 (II) by striking “except that, at
 5 the State’s option” and inserting “ex-
 6 cept that, at the eligible entity’s op-
 7 tion”; and

8 (ii) in paragraph (4), by inserting
 9 “and qualifies for an award, consistent
 10 with the eligible entity’s scholarship plan
 11 as described in subsection (a)(1)” after
 12 “404D(a)”;

13 (6) in section 404G (20 U.S.C. 1070a–27)—

14 (A) in subsection (b)—

15 (i) in paragraph (1), by striking
 16 “and” after the semicolon;

17 (ii) in paragraph (2), by striking the
 18 period at the end and inserting “; and”;
 19 and

20 (iii) by inserting after paragraph (2)
 21 the following:

22 “(3) include the following metrics:

23 “(A) The number of students completing
 24 the Free Application for Federal Student Aid
 25 under section 483.

1 “(B) If applicable, the number of students
2 receiving a scholarship under section 404E.

3 “(C) The graduation rate of participating
4 students from high school.

5 “(D) The enrollment of participating stu-
6 dents into postsecondary education.

7 “(E) Such other metrics as the Secretary
8 may require.”; and

9 (B) in subsection (c)—

10 (i) in the subsection heading, by in-
11 sserting “AND TECHNICAL ASSISTANCE”
12 after “FEDERAL EVALUATION”;

13 (ii) in the matter preceding paragraph
14 (1)—

15 (I) by inserting “after consulta-
16 tion with the community of eligible
17 entities receiving grants under this
18 chapter and” after “Secretary shall,”;

19 (II) by striking “0.75” and in-
20 sserting “1”; and

21 (III) by striking “evaluate the ef-
22 fectiveness of the program and, as ap-
23 propriate, disseminate the results of
24 the evaluation. Such evaluation shall
25 include a separate analysis of”;

1 (iii) by redesignating paragraphs (1)
 2 and (2) as subparagraphs (A) and (B), re-
 3 spectively, and indenting the margins ap-
 4 propriately; and

5 (iv) before subparagraph (A) (as re-
 6 designated by clause (iii)), by inserting the
 7 following:

8 “(1) provide pre-application technical assistance
 9 workshops for eligible entities and potential appli-
 10 cants in any year in which new awards are expected
 11 to be made;

12 “(2) support initiatives designed to improve the
 13 research, data collection and infrastructure, and
 14 evaluation capacity of eligible entities; and

15 “(3) evaluate the effectiveness of the program
 16 and, as appropriate, disseminate the results of the
 17 evaluation. Such evaluation may include a separate
 18 analysis of—”; and

19 (7) in section 404H (20 U.S.C. 1070a–28), by
 20 striking “2009” and inserting “2020”.

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