

116TH CONGRESS
1ST SESSION

S. 1516

To amend the Higher Education Act of 1965 to strengthen the future workforce and reduce the cost of postsecondary education by reducing rates of postsecondary remediation.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Mr. JONES (for himself, Ms. KLOBUCHAR, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to strengthen the future workforce and reduce the cost of postsecondary education by reducing rates of postsecondary remediation.

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 “Promoting Readiness
5 in Education to Prevent Additional Remediation and Ex-
6 pense Act”.

1 **SEC. 2. REDUCING RATES OF POSTSECONDARY REMEDI-**
 2 **ATION.**

3 (a) IN GENERAL.—Part A of title IV of the Higher
 4 Education Act of 1965 (20 U.S.C. 1070 et seq.) is amend-
 5 ed—

6 (1) by redesignating subparts 4, 5, 6, and 7, as
 7 subparts 5, 6, 7, and 8, respectively;

8 (2) by inserting after subpart 3 the following:

9 **“Subpart 4—Reducing Rates of Postsecondary**
 10 **Remediation**

11 **“SEC. 414A. PURPOSE.**

12 “The purpose of this subpart is to strengthen the fu-
 13 ture workforce and reduce the cost of postsecondary edu-
 14 cation by reducing rates of postsecondary remediation and
 15 increasing postsecondary completion rates.

16 **“SEC. 414B. DEFINITIONS.**

17 “In this subpart:

18 “(1) **ADVANCED COURSEWORK.**—The term ‘ad-
 19 vanced coursework’ means coursework designed for
 20 students to earn postsecondary credit upon its suc-
 21 cessful completion while still in high school, such as
 22 Advanced Placement, International Baccalaureate,
 23 dual or concurrent enrollment programs, and early
 24 college high school programs.

25 “(2) **CO-REQUISITE COURSES.**—The term ‘co-
 26 requisite courses’ means courses designed for college

1 students in need of remediation that combines cred-
2 it-bearing college-level coursework with supplemental
3 instruction.

4 “(3) DUAL OR CONCURRENT ENROLLMENT
5 PROGRAM.—The term ‘dual or concurrent enrollment
6 program’ has the meaning given the term in section
7 8101 of the Elementary and Secondary Education
8 Act of 1965.

9 “(4) EARLY COLLEGE HIGH SCHOOL.—The
10 term ‘early college high school’ has the meaning
11 given the term in section 8101 of the Elementary
12 and Secondary Education Act of 1965.

13 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means a partnership that—

15 “(A) shall include—

16 “(i) 1 local educational agency; and

17 “(ii) an institution of higher education
18 or higher education system, operating in
19 the same State as the local educational
20 agency; and

21 “(B) may include—

22 “(i) a consortium of entities described
23 in clauses (i) and (ii) of subparagraph (A);

24 “(ii) a State educational agency;

1 “(iii) a State higher education agency;

2 or

3 “(iv) a nonprofit or community-based
4 organization, business, or public or private
5 entity with a demonstrated record of suc-
6 cess in implementing activities under this
7 subpart.

8 “(6) EVIDENCE-BASED.—The term ‘evidence-
9 based’ has the meaning given the term in section
10 8101 of the Elementary and Secondary Education
11 Act of 1965.

12 “(7) FIRST GENERATION COLLEGE STUDENT.—
13 The term ‘first generation college student’ means—

14 “(A) an individual both of whose parents
15 did not complete a baccalaureate degree; or

16 “(B) in the case of any individual who reg-
17 ularly resided with and received support from
18 only 1 parent, an individual whose only such
19 parent did not complete a baccalaureate degree.

20 “(8) HIGH-NEED HIGH SCHOOL.—The term
21 ‘high-need high school’ means a secondary school
22 that meets any of the following:

23 “(A) Serves students not less than 50 per-
24 cent of whom are students who meet either of
25 the following:

1 “(i) Meet a measure of poverty as de-
2 scribed in section 1113(a)(5) of the Ele-
3 mentary and Secondary Education Act of
4 1965.

5 “(ii) Are students described in any of
6 the following subclauses:

7 “(I) Racial or ethnic groups that
8 are historically underserved.

9 “(II) Children with disabilities,
10 as defined in section 602 of the Indi-
11 viduals with Disabilities Education
12 Act.

13 “(III) English learners, as de-
14 fined in section 8101 of the Elemen-
15 tary and Secondary Education Act of
16 1965.

17 “(IV) Migratory children, as de-
18 fined in section 1309 of the Elemen-
19 tary and Secondary Education Act of
20 1965.

21 “(V) Homeless children and
22 youths.

23 “(VI) Students who are in foster
24 care or are aging out of the foster
25 care system.

1 “(VII) Students with a parent
 2 who is a member of the Armed Forces
 3 (as defined in section 101(a)(4) of
 4 title 10, United States Code) on active
 5 duty (as defined in section 101(d) of
 6 such title).

7 “(B) Is identified for comprehensive sup-
 8 port and improvement under section
 9 1111(c)(4)(D)(i) of the Elementary and Sec-
 10 ondary Education Act of 1965.

11 “(C) Is implementing a targeted support
 12 and improvement plan as described in section
 13 1111(d)(2) of the Elementary and Secondary
 14 Education Act of 1965.

15 “(9) HIGH-NEED INSTITUTION OF HIGHER
 16 EDUCATION.—The term ‘high-need institution of
 17 higher education’ means an institution of higher
 18 education with respect to which not less than 50
 19 percent of the undergraduate students enrolled in an
 20 academic program leading to a degree are described
 21 in any of the following subparagraphs:

22 “(A) Are eligible to receive a Federal Pell
 23 Grant under subpart 1.

24 “(B) Come from families that—

1 “(i) received benefits under a means-
 2 tested Federal benefit program while the
 3 student was enrolled in high school; or

4 “(ii) receive benefits under a means-
 5 tested Federal benefit program while the
 6 student is enrolled in an undergraduate
 7 academic program leading to a degree.

8 “(C) Attended a public or nonprofit private
 9 secondary school, in which the enrollment of
 10 children counted under a measure of poverty
 11 described in section 1113(a)(5) of the Elemen-
 12 tary and Secondary Education Act of 1965 ex-
 13 ceeds 40 percent of the total enrollment of such
 14 school.

15 “(D) Are first generation college students.

16 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
 17 CY.—The term ‘high-need local educational agency’
 18 means a local educational agency—

19 “(A) that serves not fewer than 10,000
 20 children from families with incomes below the
 21 poverty line;

22 “(B) for which not less than 20 percent of
 23 the children served by the agency are from fam-
 24 ilies with incomes below the poverty line; or

1 “(C) that is in the highest quartile of local
2 educational agencies in the State, based on stu-
3 dent poverty.

4 “(11) HIGH SCHOOL.—The term ‘high school’
5 has the meaning given the term in section 8101 of
6 the Elementary and Secondary Education Act of
7 1965.

8 “(12) HISTORICALLY UNDERREPRESENTED
9 STUDENT.—The term ‘historically underrepresented
10 student’—

11 “(A) means a student, or a prospective
12 student, at an institution of higher education
13 who is at risk of educational failure or other-
14 wise in need of special assistance and support;
15 and

16 “(B) may include an adult learner, work-
17 ing student, part-time student, student from a
18 low-income background, student of color, Native
19 youth, single parent (including a single preg-
20 nant woman), student who is a homeless child
21 or youth, youth who is in, or has aged out of,
22 the foster care system, first-generation college
23 student, and student with a disability.

24 “(13) HOMELESS CHILDREN AND YOUTHS.—
25 The term ‘homeless children and youths’ has the

1 meaning given the term in section 725 of the
 2 McKinney-Vento Homeless Assistance Act (42
 3 U.S.C. 11434a).

4 “(14) INSTITUTION OF HIGHER EDUCATION.—
 5 The term ‘institution of higher education’ has the
 6 meaning given the term in section 101(a).

7 “(15) LOW-INCOME INDIVIDUAL.—The term
 8 ‘low-income individual’ means an individual from a
 9 family whose taxable income for the preceding year
 10 did not exceed 150 percent of an amount equal to
 11 the poverty level determined by using criteria of pov-
 12 erty established by the Bureau of the Census.

13 “(16) MEANS-TESTED FEDERAL BENEFIT PRO-
 14 GRAM.—The term ‘means-tested Federal benefit pro-
 15 gram’ means a program of the Federal Government,
 16 other than a program under this title, in which eligi-
 17 bility for the program’s benefits or the amount of
 18 such benefits is determined on the basis of income
 19 or resources of the individual or family seeking the
 20 benefit.

21 “(17) MIDDLE GRADES.—The term ‘middle
 22 grades’ has the meaning given the term in section
 23 8101 of the Elementary and Secondary Education
 24 Act of 1965.

1 “(18) MINORITY-SERVING INSTITUTION.—The
 2 term ‘minority-serving institution’ means an institu-
 3 tion described in section 371(a).

4 “(19) OUTLYING AREA.—The term ‘outlying
 5 area’ means the United States Virgin Islands,
 6 Guam, American Samoa, and the Commonwealth of
 7 the Northern Mariana Islands.

8 “(20) REGULAR HIGH SCHOOL DIPLOMA.—The
 9 term ‘regular high school diploma’ has the meaning
 10 given the term in section 8101 of the Elementary
 11 and Secondary Education Act of 1965.

12 “(21) SELF-REGULATED LEARNING.—The term
 13 ‘self-regulated learning’ means learning through
 14 teaching students about how they learn and which
 15 study strategies are most effective for the individual
 16 student.

17 “(22) STATE.—The term ‘State’ means each of
 18 the 50 States, the District of Columbia, and the
 19 Commonwealth of Puerto Rico.

20 “(23) SUBGROUP OF STUDENTS.—The term
 21 ‘subgroup of students’ means—

22 “(A) economically disadvantaged students;

23 “(B) students from each major racial and
 24 ethnic group;

1 “(C) children with disabilities, as defined
2 in section 602 of the Individuals with Disabil-
3 ities Education Act;

4 “(D) English learners, as defined in sec-
5 tion 8101 of the Elementary and Secondary
6 Education Act of 1965;

7 “(E) students disaggregated by gender;

8 “(F) migratory children, as defined in sec-
9 tion 1309 of the Elementary and Secondary
10 Education Act of 1965;

11 “(G) homeless children and youths;

12 “(H) students who are in foster care or are
13 aging out of the foster care system; and

14 “(I) students with a parent who is a mem-
15 ber of the Armed Forces (as defined in section
16 101(a)(4) of title 10, United States Code) on
17 active duty (as defined in section 101(d) of
18 such title).

19 “(24) SUMMER BRIDGE PROGRAM.—The term
20 ‘summer bridge program’ means a pre-college pro-
21 gram focused on preparing high school students aca-
22 demically and otherwise to attend and succeed in
23 postsecondary education.

1 **“SEC. 414C. FORMULA GRANTS TO STATES.**

2 “(a) RESERVATIONS.—From the total amount appro-
3 priated under section 414I for a fiscal year, the Secretary
4 shall reserve—

5 “(1) one-half of 1 percent for allotments for
6 payments to the outlying areas, to be distributed
7 among those outlying areas on the basis of their rel-
8 ative need, as determined by the Secretary, in ac-
9 cordance with the purpose of this subpart;

10 “(2) one-half of 1 percent for the Secretary of
11 the Interior for programs under this subpart in
12 schools operated or funded by the Bureau of Indian
13 Education;

14 “(3) 2 percent for technical assistance dissemi-
15 nation, which may include—

16 “(A) providing, directly or through grants,
17 contracts, or cooperative agreements, technical
18 assistance by qualified experts on using prac-
19 tices grounded in evidence to improve the out-
20 comes of programs funded under this subpart;
21 and

22 “(B) disseminating information on prac-
23 tices that evidence indicates are successful in
24 improving the quality of remedial education at
25 the postsecondary level; and

1 “(4) 2 percent to conduct the evaluation de-
2 scribed in section 414F.

3 “(b) STATE ALLOTMENTS.—

4 “(1) GRANTS.—The Secretary shall award
5 grants to States under this section from allotments
6 made under paragraph (2).

7 “(2) ALLOTMENT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B) and subsection (c), from the amount
10 appropriated to carry out this subpart for a fis-
11 cal year that remains after the Secretary makes
12 the reservations under subsection (a), the Sec-
13 retary shall allot to each State having a plan
14 approved under subsection (d), an amount that
15 bears the same relationship to the remainder as
16 the amount the State received under subpart 2
17 of part A of title I of the Elementary and Sec-
18 ondary Education Act of 1965 for the preceding
19 fiscal year bears to the amount all States re-
20 ceived under subpart 2 of part A of title I of
21 the Elementary and Secondary Education Act
22 of 1965 for the preceding fiscal year.

23 “(B) SMALL STATE MINIMUM.—No State
24 receiving an allotment under this paragraph for
25 a fiscal year shall receive less than one-half of

1 1 percent of the total amount allotted under
2 this paragraph for the fiscal year.

3 “(3) REALLOTMENT.—If a State does not re-
4 ceive an allotment under this subpart for a fiscal
5 year, the Secretary shall reallocate the amount of the
6 State’s allotment to the remaining States in accord-
7 ance with this subsection.

8 “(c) COMPETITION.—If the total amount appro-
9 priated under section 414I for a fiscal year is less than
10 \$100,000,000, the Secretary shall award grants under this
11 section to States on a competitive basis.

12 “(d) STATE PLAN.—

13 “(1) IN GENERAL.—In order to receive an allot-
14 ment under this section for any fiscal year, the Gov-
15 ernor of a State shall submit a plan to the Sec-
16 retary, at such time, in such manner, and containing
17 such information as the Secretary may reasonably
18 require.

19 “(2) CONTENTS.—Each plan submitted by a
20 Governor under this section shall include the fol-
21 lowing:

22 “(A) A description of how the State will
23 use funds received under this section for State-
24 level activities.

1 “(B) A description of the State agency
2 that will be responsible for overseeing the im-
3 plementation of funds received under this sec-
4 tion.

5 “(C) A description of the statewide strat-
6 egy to reduce rates of postsecondary remedi-
7 ation and increase rates of first-year postsec-
8 ondary credit accumulation.

9 “(D) A description of how the State will
10 engage and collaborate with the members of the
11 State legislature and State board of education
12 (if the State has a State board of education),
13 State higher education governing or coordi-
14 nating entity (if the State has such an entity),
15 State educational agency, State entity that co-
16 ordinates early-childhood, elementary, sec-
17 ondary, and postsecondary education (if the
18 State has such an entity), local educational
19 agencies (including those located in rural
20 areas), representatives of Indian Tribes located
21 in the State, charter school leaders (if the State
22 has charter schools), civil rights organizations
23 in the State, teachers, principals, and other
24 school leaders, parents, and students in the ful-

1 fillment of activities described in subparagraph
2 (E).

3 “(E) A description of how the State will
4 complete, not later than 3 years after the date
5 of the initial receipt of funds under this section,
6 activities to reduce rates of postsecondary reme-
7 diation, which shall include—

8 “(i) updating the State’s requirements
9 for a student to receive a regular high
10 school diploma to align with the chal-
11 lenging State academic standards and en-
12 trance requirements for credit-bearing
13 coursework as described in section
14 1111(b)(1)(D) of the Elementary and Sec-
15 ondary Education Act of 1965, which may
16 include alignment with entrance require-
17 ments for credit-bearing coursework at the
18 State’s system of 4-year institutions of
19 higher education;

20 “(ii) verification of the alignment de-
21 scribed in clause (i) that is signified by the
22 signature of the Governor of the State,
23 chief State school officer, and State higher
24 education executive officer;

1 “(iii) incorporating as school quality
2 and student success indicators into the
3 State system of annual meaningful dif-
4 ferentiation, as described under section
5 1111(c)(4)(B)(v)(I) of the Elementary and
6 Secondary Education Act of 1965—

7 “(I) rates of enrollment, remedi-
8 ation, and first-year credit-bearing
9 course attainment in programs of
10 public postsecondary education in the
11 State;

12 “(II) to the extent practicable,
13 rates of enrollment, and remediation,
14 and first-year credit-bearing course
15 attainment in programs of private
16 postsecondary education in the State
17 or programs of postsecondary edu-
18 cation outside of the State; and

19 “(III) indicators regarding stu-
20 dent access to and completion of ad-
21 vanced coursework, dual or concurrent
22 enrollment programs, and early col-
23 lege high school programs;

24 “(iv) developing a formal, universal
25 statewide articulation agreement among all

1 public institutions of higher education or
2 systems in the State, in which all local
3 educational agencies served by the State
4 may participate, and in which all local edu-
5 cational agencies that are included in an
6 eligible entity shall participate, that guar-
7 antees that—

8 “(I) students who earn postsec-
9 ondary credit as part of a dual or con-
10 current enrollment program, early col-
11 lege high school, dual credit program,
12 articulated credit program, or credit
13 granted on the basis of performance
14 on technical or academic assessments,
15 be able to transfer such credit to—

16 “(aa) any public institution
17 of higher education in the State,
18 and that such credits will count
19 toward meeting specific degree or
20 certificate requirements; and

21 “(bb) any private nonprofit
22 institution of higher education
23 that chooses to participate in the
24 articulation agreement;

1 “(II) all relevant credits are rec-
 2 ognized throughout the public system
 3 of higher education in the State and
 4 count as credits earned for both a reg-
 5 ular high school diploma and credit
 6 for a degree or certificate program at
 7 a public institution of higher edu-
 8 cation in the State and at any private
 9 nonprofit institution of higher edu-
 10 cation that chooses to participate; and

11 “(III) if a student earns an asso-
 12 ciate’s degree as part of a dual or
 13 concurrent enrollment program or
 14 early college high school, that associ-
 15 ate’s degree, awarded by the partici-
 16 pating institution of higher education
 17 in the State, shall be fully acceptable
 18 in transfer and credited as the first 2
 19 years of a related baccalaureate pro-
 20 gram at a public institution of higher
 21 education in such State;

22 “(v) developing statewide standards
 23 for placement in remedial coursework
 24 based on multiple indicators, which may
 25 include grade point average, high school

1 courses completed, and performance as-
 2 sessments;

3 “(vi) developing statewide standards
 4 for the receipt of postsecondary credit
 5 based on performance on Advanced Place-
 6 ment and International Baccalaureate
 7 exams from public higher education sys-
 8 tems in the State; and

9 “(vii) developing a formal, universal
 10 statewide articulation agreement among all
 11 public institutions of higher education in
 12 the State to facilitate the seamless transfer
 13 of credit among such institutions of higher
 14 education, including between 2- and 4-year
 15 public institutions of higher education and
 16 private nonprofit institutions of higher
 17 education if such private nonprofit institu-
 18 tions of higher education choose to partici-
 19 pate, which may include—

20 “(I) common course numbering;

21 “(II) a general education core
 22 curriculum; and

23 “(III) management systems re-
 24 garding course equivalency, transfer
 25 of credit, and articulation.

1 “(F) Assurances that the State will—

2 “(i) review existing resources and pro-
3 grams across the State and will coordinate
4 any new plans and resources under this
5 subpart with such existing resources and
6 programs; and

7 “(ii) monitor the implementation of
8 activities under this subpart and provide
9 technical assistance to eligible entities in
10 carrying out such activities.

11 “(e) REPORTING.—Each State receiving a grant
12 under this section shall submit to the Secretary, at the
13 end of each grant period, a report that includes informa-
14 tion about the number and amount of subgrants provided
15 to eligible entities, and any other information as the Sec-
16 retary may reasonably require, including the impact of
17 policies and services provided under this subpart,
18 disaggregated by each group identified under subgroup of
19 students, on the number and percentage of students enter-
20 ing, persisting, and completing postsecondary education,
21 including the number and percentage of students with re-
22 spect to each of the following:

23 “(1) Who enroll in remedial coursework.

24 “(2) Who enroll in and complete remedial
25 coursework.

1 “(3) Who enroll in and complete remedial
 2 coursework and successfully complete first-year cred-
 3 it-bearing coursework not later than 16 months after
 4 the date of enrollment in an institution of higher
 5 education.

6 “(f) RULE OF CONSTRUCTION.—Nothing in this sub-
 7 part shall be construed to authorize or permit the Sec-
 8 retary when promulgating any rule or regulation, to pro-
 9 mulgate any rule or regulation on the development or im-
 10 plementation of the challenging State academic standards
 11 adopted by a State pursuant to the Elementary and Sec-
 12 ondary Education Act of 1965 or the requirements for a
 13 regular high school diploma that would—

14 “(1) add new requirements that are incon-
 15 sistent with or outside the scope of this section;

16 “(2) add new criteria that are inconsistent with
 17 or outside the scope of this section; or

18 “(3) be in excess of statutory authority granted
 19 to the Secretary.

20 “(g) EXCEPTION.—A State shall be ineligible to re-
 21 ceive an allotment under this section if the State received
 22 an allotment under this section for 3 fiscal years and has
 23 not completed the activities described in subsection
 24 (d)(2)(E).

1 **“SEC. 414D. STATE USE OF FUNDS.**

2 “(a) IN GENERAL.—Each State that receives an al-
3 lotment under section 414C for a fiscal year shall—

4 “(1) reserve not less than 80 percent of the al-
5 lotment to make subgrants to eligible entities under
6 section 414E; and

7 “(2) use the amount made available to the
8 State and not reserved under paragraph (1) for ac-
9 tivities described in subsection (b).

10 “(b) STATE ACTIVITIES.—Each State that receives
11 an allotment under section 414C shall use the funds avail-
12 able under subsection (a)(2) for activities and programs
13 designed to meet the purpose of this subpart, which may
14 include—

15 “(1) providing monitoring of, and training,
16 technical assistance, and capacity building to, eligi-
17 ble entities that receive subgrants under section
18 414E;

19 “(2) identifying and eliminating State barriers
20 to the coordination and integration of programs, ini-
21 tiatives, and funding streams that meet the purpose
22 of this subpart, so that eligible entities can best co-
23 ordinate with State higher education systems and
24 other agencies, schools, and community-based serv-
25 ices and programs;

1 “(3) supporting the completion of activities de-
 2 scribed in section 414C(d)(2)(E); and

3 “(4) supporting eligible entities in providing
 4 programs and activities that reduce rates of postsec-
 5 ondary remediation and increase rates of first-year
 6 postsecondary credit accumulation, which may in-
 7 clude developing a State strategy to pay for ad-
 8 vanced coursework opportunities for students attend-
 9 ing a high-need high school.

10 **“SEC. 414E. COMPETITIVE SUBGRANTS TO ELIGIBLE ENTI-**
 11 **TIES.**

12 “(a) SUBGRANTS.—

13 “(1) IN GENERAL.—From the funds reserved
 14 by a State under section 414D(a)(1), the State shall
 15 award subgrants, on a competitive basis, to eligible
 16 entities to reduce rates of postsecondary remedi-
 17 ation.

18 “(2) ADMINISTRATIVE COSTS.—An eligible enti-
 19 ty that receives a subgrant under this section may
 20 reserve not more than 2 percent of the subgrant
 21 funds for the direct administrative costs of carrying
 22 out the eligible entity’s responsibilities under this
 23 section.

24 “(3) DURATION OF AWARDS; RENEWABILITY.—
 25 A subgrant awarded under this section shall be

1 awarded for a period of not less than 3 years and
2 not more than 5 years. A State may renew a
3 subgrant provided under this section to an eligible
4 entity, based on the eligible entity's performance
5 during the preceding subgrant period.

6 “(4) MATCHING REQUIREMENT.—Each eligible
7 entity awarded a subgrant under this section shall
8 provide, from non-Federal sources, an amount
9 (which may be provided in cash or in-kind) to carry
10 out the activities supported by the subgrant—

11 “(A) in year 1 of the subgrant, equal to 10
12 percent of the amount of the subgrant;

13 “(B) in year 2 of the subgrant, equal to 20
14 percent of the amount of the subgrant;

15 “(C) in year 3 of the subgrant, equal to 30
16 percent of the amount of the subgrant;

17 “(D) in year 4 of the subgrant, equal to 40
18 percent of the amount of the subgrant; and

19 “(E) in year 5 of the subgrant, equal to 50
20 percent of the amount of the subgrant.

21 “(5) WAIVER.—The Governor of the State or
22 the Secretary may waive the matching requirement
23 described under paragraph (4) based on a deter-
24 mination that the eligible entity is unable to provide

1 the matching funds due to inadequate financial re-
 2 sources.

3 “(b) APPLICATION.—

4 “(1) IN GENERAL.—To be eligible to receive a
 5 subgrant under this section, an eligible entity shall
 6 submit an application to the State at such time, in
 7 such manner, and containing such information as
 8 the State may reasonably require.

9 “(2) CONTENTS.—Each application submitted
 10 under paragraph (1) shall include—

11 “(A) a description of the partners that
 12 comprise the eligible entity; and

13 “(B) a description of the activities and
 14 programming that the eligible entity will carry
 15 out under this subpart, including a description
 16 of—

17 “(i) how the eligible entity will iden-
 18 tify students to be served;

19 “(ii) how the eligible entity will dis-
 20 seminate information to all students and
 21 particularly subgroups of students, stu-
 22 dents who would be first-generation college
 23 students, and, as applicable, other histori-
 24 cally underrepresented students served by
 25 the eligible entity, including their parents,

1 about the opportunity to participate in ac-
 2 tivities implemented under this subpart;

3 “(iii) how funds will be used for ac-
 4 tivities related to improving high school
 5 education to prevent the need for remedial
 6 education under subsection (e); and

7 “(iv) how funds will be used for activi-
 8 ties related to strengthening remedial edu-
 9 cation at the postsecondary level under
 10 subsection (f).

11 “(c) PRIORITY.—In awarding subgrants under this
 12 section, a State shall give priority to applications that—

13 “(1) are submitted by an eligible entity that in-
 14 cludes—

15 “(A) a high-need local educational agency;

16 “(B) a local educational agency that serves
 17 a high-need high school;

18 “(C) a high-need institution of higher edu-
 19 cation; or

20 “(D) a minority-serving institution;

21 “(2) include an approach to strengthening re-
 22 medial education at the postsecondary level that in-
 23 cludes co-requisite courses described under sub-
 24 section (f) and not fewer than 2 activities described

1 in clauses (ii) through (vii) of subsection (f)(1)(B);
2 and

3 “(3) include an approach to improving high
4 school education to prevent the need for remedial
5 education that includes a sequence of advanced
6 coursework that results in a recognized postsec-
7 ondary credential, as defined in section 3 of the
8 Workforce Innovation and Opportunity Act.

9 “(d) GEOGRAPHIC DIVERSITY.—To the extent prac-
10 ticable, a State shall distribute subgrant funds under this
11 section equitably among geographic areas within the
12 State, including urban and rural communities.

13 “(e) ACTIVITIES TO IMPROVE HIGH SCHOOL EDU-
14 CATION TO PREVENT THE NEED FOR REMEDIAL EDU-
15 CATION.—Each eligible entity that receives a subgrant
16 under this section shall use a portion of such subgrant
17 funds to develop and implement programs and activities
18 that improve high school education to prevent the need
19 for remedial education at the postsecondary education
20 level and that—

21 “(1) are coordinated with other similar
22 community- and school-based services and programs;

23 “(2) identify high school students on track to
24 require postsecondary remediation, such as by using

1 evidence-based early assessment programs or evi-
 2 dence-based early warning indicator systems; and

3 “(3) shall include programs and activities,
 4 which may include—

5 “(A) advanced coursework;

6 “(B) summer bridge programs;

7 “(C) enhanced advising or counseling ac-
 8 tivities, such as providing course-taking and fi-
 9 nancial aid guidance as early as the middle
 10 grades;

11 “(D) additional support for students with
 12 disabilities, English learners, students who are
 13 in foster care or are aging out of the foster care
 14 system, and homeless children and youths; and

15 “(E) other evidence-based services as de-
 16 scribed by the eligible entity.

17 “(f) ACTIVITIES TO STRENGTHEN REMEDIAL EDU-
 18 CATION AT THE POSTSECONDARY LEVEL.—

19 “(1) IN GENERAL.—Each eligible entity that re-
 20 ceives a subgrant under this section shall use a por-
 21 tion of such subgrant funds to develop and imple-
 22 ment programs and activities that strengthen reme-
 23 dial education at the postsecondary level and that—

24 “(A) are coordinated with other similar
 25 community-based services and programs; and

1 “(B) shall include programs and activities,
2 which may include—

3 “(i) co-requisite courses;

4 “(ii) technology-enhanced diagnostics
5 and delivery of remedial education;

6 “(iii) faculty development to ensure
7 effective instruction;

8 “(iv) practices to teach self-regulated
9 learning and college success skills;

10 “(v) enhanced advising or counseling
11 activities;

12 “(vi) additional supports for students
13 with disabilities, English learners, students
14 who are in foster care or are aging out of
15 the foster care system, and homeless stu-
16 dents; and

17 “(vii) other evidence-based services as
18 described by the eligible entity.

19 “(2) SPECIAL RULE.—An eligible entity that re-
20 ceives a subgrant under this section shall not use the
21 subgrant funds solely for activities described under
22 paragraph (1)(B)(ii).

23 “(g) REPORTING.—Each eligible entity receiving a
24 subgrant under this section shall submit to the State and
25 the Secretary, at the end of each subgrant period, a report

1 that includes information about the activities carried out
2 with the subgrant funds. Such report shall include any
3 other information as the Secretary may reasonably re-
4 quire, including the impact of policies and services pro-
5 vided under this subpart, disaggregated by each group
6 identified under subgroup of students, on the number and
7 percentage of students entering, persisting, and com-
8 pleting postsecondary education, including the number
9 and percentage of students with respect to each of the fol-
10 lowing:

11 “(1) Who enroll in remedial coursework.

12 “(2) Who enroll in and complete remedial
13 coursework.

14 “(3) Who enroll in and complete remedial
15 coursework and successfully complete first-year cred-
16 it-bearing coursework not later than 16 months after
17 the date of enrollment in an institution of higher
18 education.

19 **“SEC. 414F. EVALUATION.**

20 “The Secretary, in partnership with the Director of
21 the Institute of Education Sciences, shall contract with a
22 third-party to conduct an independent evaluation not later
23 than September 30, 2026, and preceded by interim re-
24 ports, of the policies and services provided under this sub-
25 part, disaggregated by each group identified under sub-

1 group of students, including the impact of such policies
 2 and services on the number and percentage of students
 3 entering, persisting, and completing postsecondary edu-
 4 cation, including the number and percentage of students
 5 with respect to each of the following:

6 “(1) Who enroll in remedial coursework.

7 “(2) Who enroll in and complete remedial
 8 coursework.

9 “(3) Who enroll in and complete remedial
 10 coursework and successfully complete first-year cred-
 11 it-bearing coursework not later than 16 months after
 12 the date of enrollment in an institution of higher
 13 education.

14 **“SEC. 414G. SUPPLEMENT, NOT SUPPLANT.**

15 “Funds made available under this subpart shall be
 16 used to supplement, and not supplant, non-Federal funds
 17 that would otherwise be used for activities authorized
 18 under this subpart.

19 **“SEC. 414H. MAINTENANCE OF EFFORT.**

20 “(a) MAINTENANCE OF EFFORT REQUIRED.—A
 21 State that receives assistance under this subpart shall pro-
 22 vide—

23 “(1) for public institutions of higher education
 24 in such State for any academic year beginning on or
 25 after July 1, 2020, an amount that is equal to or

1 greater than the average amount provided for non-
 2 capital and non-direct research and development ex-
 3 penses or costs by such State to such institutions of
 4 higher education during the 5 most recent preceding
 5 academic years for which satisfactory data are avail-
 6 able; and

7 “(2) for private institutions of higher education
 8 in such State for any academic year beginning on or
 9 after July 1, 2020, an amount that is equal to or
 10 greater than the average amount provided for stu-
 11 dent financial aid for paying costs associated with
 12 postsecondary education by such State to such insti-
 13 tutions during the 5 most recent preceding academic
 14 years for which satisfactory data are available.

15 “(b) ADJUSTMENTS FOR BIENNIAL APPROPRIA-
 16 TIONS.—The Secretary shall take into consideration any
 17 adjustments to the calculations under subsection (a) that
 18 may be required to accurately reflect funding levels for
 19 postsecondary education in States with biennial appropria-
 20 tion cycles.

21 “(c) WAIVER.—The Secretary may waive the require-
 22 ments of subsection (a) for not more than 2 consecutive
 23 years, if the Secretary determines that such a waiver
 24 would be equitable due to exceptional or uncontrollable cir-
 25 cumstances, such as a natural disaster or a precipitous

1 and unforeseen decline in the financial resources of a State
2 or State educational agency, as appropriate.

3 “(d) VIOLATION OF MAINTENANCE OF EFFORT.—
4 Notwithstanding any other provision of law, the Secretary
5 shall withhold from any State that violates subsection (a)
6 and does not receive a waiver pursuant to subsection (c)
7 any amount that would otherwise be available to the State
8 under this subpart until such State has made significant
9 efforts to correct such violation, as determined by the Sec-
10 retary.

11 **“SEC. 414I. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this subpart such sums as may be necessary for fiscal year
14 2020 and each of the 5 succeeding fiscal years.”.

15 (b) CONFORMING AMENDMENTS.—Title IV of the
16 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)
17 is amended—

18 (1) in section 404A(c)(2)(B), by striking “sub-
19 part 4” and inserting “subpart 5”;

20 (2) in section 404D(e), by striking “subpart 4”
21 and inserting “subpart 5”;

22 (3) in section 480(f)—

23 (A) in paragraph (2), by striking “subpart
24 4” and inserting “subpart 5”; and

1 (B) in paragraph (4), by striking “subpart
2 4” and inserting “subpart 5”;

3 (4) in section 483(a)—

4 (A) in paragraph (1), by striking “subpart
5 4” and inserting “subpart 5”; and

6 (B) in paragraph (6), by striking “subpart
7 4” and inserting “subpart 5”; and

8 (5) in section 487—

9 (A) in subsection (a), by striking “subpart
10 4” and inserting “subpart 5”; and

11 (B) in subsection (d)(1)(F), by striking
12 “subpart 4” and inserting “subpart 5”.

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