

116TH CONGRESS
1ST SESSION

S. 943

To amend the Higher Education Act of 1965 to provide capacity-building assistance to institutions of higher education to examine and address inequities in college student access and success, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Mr. SCHATZ (for himself, Mr. JONES, Mr. BLUMENTHAL, Ms. HARRIS, Ms. KLOBUCHAR, and Mr. WYDEN) 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 provide capacity-building assistance to institutions of higher education to examine and address inequities in college student access and success, 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 Equity Act
5 of 2019”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that institutions of higher
 3 education should examine institutional policies related to
 4 admissions, financial aid, remedial education, support
 5 services, coursework, faculty, and staff that may have dif-
 6 ferential impacts on historically underrepresented stu-
 7 dents.

8 **SEC. 3. EQUITY GRANTS.**

9 Title VII of the Higher Education Act of 1965 (20
 10 U.S.C. 1133 et seq.) is amended by adding at the end
 11 the following:

12 **“PART F—EQUITY GRANTS**

13 **“SEC. 791. EQUITY PLANNING GRANTS.**

14 “(a) AUTHORIZATION.—

15 “(1) IN GENERAL.—The Secretary shall award
 16 planning grants to institutions of higher education
 17 to encourage institutions to conduct equity audits.

18 “(2) DURATION.—A grant award under this
 19 section shall be 2 years in duration.

20 “(3) MINIMUM GRANT AWARD.—A grant award
 21 under this section shall be in an amount that is not
 22 less than \$100,000.

23 “(b) APPLICATIONS.—An institution of higher edu-
 24 cation that desires to receive a planning grant under this
 25 section shall submit an application to the Secretary at
 26 such time, in such form, and containing such information,

1 as the Secretary may require, including not less than the
2 following:

3 “(1) A narrative statement with sufficient detail
4 regarding how the institution intends to conduct the
5 equity audit and that provides examples of certain
6 policies, practices, and trends the institution intends
7 to examine.

8 “(2) A description of all relevant offices and
9 staff who will be involved in implementing the equity
10 audit.

11 “(3) A description of what specific data and
12 outcome measures the institution will examine and
13 for which student populations.

14 “(c) USE OF GRANT FUNDS.—An institution of high-
15 er education that receives a planning grant under this sec-
16 tion to conduct an equity audit shall undertake a thorough
17 internal review of the institution’s policies, practices, and
18 resources to identify areas that might produce gaps in out-
19 comes by gender, race, ethnicity, national origin, income,
20 criminal justice background, military service history, or
21 for first-generation students, students with disabilities,
22 student parents, and transfer students. The equity audit
23 shall examine, with respect to the institution of higher
24 education, the following:

1 “(1) Admissions policies, including the demo-
2 graphics of the State or region where the institution
3 is located, the demographics of communities where
4 the institution recruits, the makeup of students ad-
5 mitted through early admissions, early decision,
6 demonstrated interest, athletic preference admis-
7 sions, and legacy admissions, and the treatment and
8 admission of transfer students and credit transfer
9 policies.

10 “(2) Outreach, communication, and other inter-
11 actions with students who accept admission to the
12 institution to ensure they officially enroll when the
13 school term begins.

14 “(3) The financial aid awarding policies and
15 processes, including presentation of offer letters to
16 students, handling student accounts if funds are de-
17 layed due to verification, and institutional grant aid
18 policies, including the distribution of need-based and
19 non-need-based grants, which students receive insti-
20 tutional support and which students lose institu-
21 tional support and when that occurs.

22 “(4) Access to, and participation in, pre-college
23 and first-year experience offerings, such as orienta-
24 tion and bridge programs.

1 “(5) Educational supports, such as remedial
2 placement and success, academic resource center
3 usage, advisor to student ratios, and how students
4 are differentially affected by satisfactory academic
5 progress policies.

6 “(6) Student support services, including demo-
7 graphics of staff and students served by academic or
8 career advising, child care centers, mentoring pro-
9 grams, and mental health and counseling services.

10 “(7) Access to, and participation in, small aca-
11 demic programs, STEM programs, study abroad,
12 and undergraduate research opportunities.

13 “(8) Diversity among administrators, advisers,
14 faculty overall, adjunct faculty, and teachers of core
15 and introductory-level courses, and the demographics
16 of faculty teaching historically underrepresented stu-
17 dents.

18 “(9) Physical accessibility on the grounds of the
19 institution and programmatic accessibility of campus
20 services, activities, and programs.

21 “(10) Demographics of students hired by em-
22 ployers who recruit on campus or that the institu-
23 tion has partnerships with in work-based programs.

1 “(11) Any other policy, practice, or trend the
2 institution deems relevant to identify areas that
3 might produce gaps in access or outcomes.

4 “(d) REPORTING REQUIREMENT.—An institution of
5 higher education that receives a grant under this section
6 shall submit a report to the Secretary detailing findings
7 of the equity audit not later than 90 days after the date
8 that the grant period ends.

9 **“SEC. 792. EQUITY IMPLEMENTATION GRANTS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) EDUCATIONAL AND RELATED EXPENDI-
12 TURES.—

13 “(A) IN GENERAL.—The term ‘educational
14 and related expenditures’ means, with respect
15 to an institution of higher education for an aca-
16 demic year, the total amount that is equal to
17 the sum of—

18 “(i) the amount expended by the insti-
19 tution of higher education in the academic
20 year for instruction and student services;
21 and

22 “(ii) the amount determined under
23 subparagraph (B) with respect to the insti-
24 tution of higher education for the academic
25 year.

1 “(B) EDUCATION SHARE.—With respect to
2 an institution of higher education for an aca-
3 demic year, the amount determined under this
4 subparagraph is equal to the product of—

5 “(i) the percentage that is equal to—

6 “(I) the amount expended by the
7 institution of higher education in the
8 academic year for instruction and stu-
9 dent services; divided by

10 “(II) the amount expended by
11 the institution of higher education in
12 the academic year for instruction, stu-
13 dent services, research, and public
14 service; and

15 “(ii) the amount expended by the in-
16 stitution of higher education in the aca-
17 demic year for instruction, student serv-
18 ices, and operation maintenance.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means an institution of higher education that
21 has received an equity planning grant under section
22 791.

23 “(3) FULL-TIME EQUIVALENT UNDER-
24 GRADUATE STUDENTS.—The term ‘full-time equiva-
25 lent undergraduate students’ means the sum of the

1 number of undergraduate students enrolled full time
2 at an institution of higher education, plus the full-
3 time equivalent of the number of undergraduate stu-
4 dents enrolled part time (determined on the basis of
5 the quotient of the sum of the credit hours of all
6 part-time students divided by 12) at such institu-
7 tion.

8 “(b) AUTHORIZATION OF GRANTS.—

9 “(1) IN GENERAL.—The Secretary shall award,
10 on a competitive basis, implementation grants to en-
11 able eligible entities to develop and execute an im-
12 provement plan to address the findings of the equity
13 audit.

14 “(2) DETERMINATION OF GRANT SIZE.—The
15 Secretary shall award implementation grants under
16 this section in an amount based on—

17 “(A) the eligible entity’s enrollment size;
18 and

19 “(B) the severity of equity audit findings,
20 including low overall performance outcomes or
21 large performance gaps between groups of stu-
22 dents.

23 “(3) DURATION.—A grant award under this
24 section shall be 5 years in duration.

25 “(c) APPLICATION.—

1 “(1) IN GENERAL.—An eligible entity that de-
2 sires to receive an implementation grant under this
3 section shall submit an application to the Secretary
4 at such time, in such form, and containing such in-
5 formation, as the Secretary may require.

6 “(2) CONTENTS.—Each application submitted
7 under paragraph (1) shall include the following:

8 “(A) Demographic information and data
9 about the eligible entity, including a description
10 of the entity’s mission, history, enrollment size,
11 the student population it serves, and edu-
12 cational and related expenditures.

13 “(B) A description of equity audit find-
14 ings, including the gaps in outcomes identified
15 and for which group of students.

16 “(C) An improvement plan that includes a
17 description of the specific activities the eligible
18 entity will carry out with the funds made avail-
19 able by such grant to address the specific gaps
20 or problems identified by the equity audit.

21 “(D) A description of how the eligible enti-
22 ty will annually monitor and assess its progress
23 in closing achievement gaps.

24 “(E) A description of the level of institu-
25 tional commitment and which institutional lead-

1 ers and offices will be involved in the planning,
2 improvement, and assessment process.

3 “(3) PRIORITY.—An application submitted
4 under paragraph (1) shall receive priority based on
5 the following:

6 “(A) The average educational and related
7 expenditures per full-time equivalent under-
8 graduate student of the eligible entity is low in
9 comparison with the average educational and
10 related expenditures per full-time equivalent un-
11 dergraduate student of institutions that offer
12 similar instruction.

13 “(B) The eligible entity demonstrates low
14 overall performance outcomes or large perform-
15 ance gaps between groups of students and sub-
16 mits additional written statements from select
17 executive-level institutional leaders, including
18 members of any governing board of trustees, to
19 demonstrate their interest and commitment to
20 executing the improvement plan.

21 “(C) The eligible entity has an enrollment
22 of students not less than 30 percent of whom
23 are eligible to receive a Federal Pell Grant.

24 “(d) REPORTING REQUIREMENTS.—

1 “(1) **PROGRESS REPORTS.**—An eligible entity
2 awarded an implementation grant under this section
3 shall submit a report detailing progress on its im-
4 provement plan to the Secretary not later than 3
5 years after being awarded the grant and again not
6 later than 5 years after being awarded the grant.

7 “(2) **FINAL REPORT.**—Not later than 90 days
8 after the date a grant period awarded under this
9 section ends, the Secretary shall submit to Congress
10 a report detailing the grantee’s initial equity audit
11 findings and progress in addressing identified equity
12 gaps.

13 **“SEC. 793. AUTHORIZATION OF APPROPRIATIONS.**

14 “‘There are authorized to be appropriated to carry out
15 this part such sums as may be necessary for fiscal year
16 2019 and each succeeding fiscal year.’”.

17 **SEC. 4. ACCREDITATION.**

18 Section 496(a) of the Higher Education Act of 1965
19 (20 U.S.C. 1099b(a)) is amended—

20 (1) in paragraph (7), by striking “and” after
21 the semicolon;

22 (2) in paragraph (8), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(9) such agency or association shall—

1 “(A) assess findings from an equity audit
2 conducted under section 791 of any institution
3 of higher education the agency or association
4 accredits; and

5 “(B) provide ongoing feedback and tech-
6 nical assistance to help such institutions ad-
7 dress the findings from the equity audit and
8 share best practices from the equity audits.”.

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