

116TH CONGRESS
1ST SESSION

H. R. 3950

To amend the Higher Education Act of 1965 to establish a grant program for the improvement of remedial education programs at institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2019

Mr. NORCROSS (for himself, Mr. MOULTON, Mr. KIM, Mr. COX of California, and Ms. CRAIG) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to establish a grant program for the improvement of remedial education programs at institutions of higher 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 “Remedial Education
5 Improvement Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to—

1 (1) improve remedial education and support
2 students as they move throughout credit and non-
3 credit bearing course work and complete postsec-
4 ondary education;

5 (2) provide funding to improve remedial edu-
6 cation based on five models found to have success on
7 a small scale;

8 (3) through collection of data, reports, and eval-
9 uations, compare within and between models of re-
10 medial education and the impact of such models on
11 postsecondary education completion; and

12 (4) develop strategies to replicate successful
13 models and improve the sustainability of remedial
14 education programs.

15 **SEC. 3. REMEDIAL EDUCATION GRANTS.**

16 Part G of title IV of the Higher Education Act of
17 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
18 after section 486A the following:

19 **“SEC. 486B. REMEDIAL EDUCATION GRANTS.**

20 “(a) GRANTS AUTHORIZED.—

21 “(1) IN GENERAL.—From the funds appro-
22 priated under subsection (k) (and not reserved under
23 subsection (c)(4)), the Secretary, in consultation
24 with the Director of the Institute of Education
25 Sciences, shall award grants, on a competitive basis,

1 to eligible entities to improve remedial education in
2 higher education.

3 “(2) DURATION.—A grant under this section
4 shall be awarded for a period of 5 years.

5 “(3) MINIMUM AWARDS.—The total amount of
6 funds provided under each grant awarded under this
7 section shall not be less than \$500,000.

8 “(b) APPLICATION.—An eligible entity that desires to
9 receive a grant under this section shall submit an applica-
10 tion to the Secretary at such time, in such manner, and
11 accompanied by such information as the Secretary may
12 require, which shall include the following:

13 “(1) A description of how the eligible entity will
14 use the grant funds to develop or improve a remedial
15 education program that includes evidence-based, ef-
16 fective strategies for providing instruction to ensure
17 that students are prepared for courses at the post-
18 secondary level.

19 “(2) An assurance that the eligible entity will
20 use more than two measures (such as a student’s
21 college entrance examination score, grade point aver-
22 age, high school course list, or a placement examina-
23 tion) to identify students in need of remedial edu-
24 cation who may be eligible to participate in the re-

1 medial education program developed or improved
2 under the grant.

3 “(3) A description of how the eligible entity, in
4 developing or improving such a program, will consult
5 with stakeholders, including individuals with exper-
6 tise in remedial education, students enrolled in reme-
7 dial education, and faculty instructors for remedial
8 education.

9 “(4) The eligible entity’s plan for sustaining the
10 program after the grant period has ended.

11 “(5) The eligible entity’s plan for monitoring
12 and evaluating the program, including how the eligi-
13 ble entity will use the data collected under sub-
14 section (h) to continually update and improve the
15 program.

16 “(c) CONSULTATION AND INDEPENDENT EVALUA-
17 TION.—

18 “(1) IN GENERAL.—Before selecting eligible en-
19 tities to receive grants under this section for a fiscal
20 year, the Secretary shall—

21 “(A) ensure that the consultation required
22 under paragraph (3) is carried out; and

23 “(B) consider the results of the consulta-
24 tion in selecting eligible entities to receive such
25 grants.

1 “(2) CONTRACT AUTHORITY.—The Secretary,
2 acting through the Director, shall seek to enter into
3 a contract with an independent evaluator under
4 which the evaluator will provide the consultation and
5 evaluation required under paragraph (3).

6 “(3) CONSULTATION AND INDEPENDENT EVAL-
7 UATION REQUIRED.—The independent evaluator
8 shall carry out the following activities:

9 “(A) CONSULTATION.—For each fiscal
10 year of the grant program under this section,
11 the independent evaluator shall consult with,
12 and provide advice to, the Secretary regarding
13 which eligible entities should receive grants
14 under this section for such fiscal year.

15 “(B) EVALUATION.—Throughout the dura-
16 tion of the grant program under this section,
17 the independent evaluator shall independently
18 evaluate the impact of the remedial education
19 programs funded with the grants, which shall
20 include evaluation of—

21 “(i) the effectiveness of the remedial
22 education programs in increasing course
23 and degree completion at the postsec-
24 ondary level; and

1 “(ii) the outcomes of the remedial
2 education programs within and among
3 models of remedial education described in
4 subsection (d).

5 “(4) RESERVATION.—The Secretary may re-
6 serve not more than 15 percent of the funds appro-
7 priated under subsection (k) for a fiscal year to
8 carry out this subsection for such fiscal year.

9 “(d) USE OF FUNDS.—An eligible entity that receives
10 a grant under this section shall use the grant to develop
11 or improve a remedial education program through one or
12 more of the following models:

13 “(1) ALIGNING COURSE WORK.—Working with
14 a local educational agency or State educational agen-
15 cy that is part of the eligible entity to develop or im-
16 prove programs that provide alignment between high
17 school coursework and postsecondary education, and
18 that may include—

19 “(A) assessments in high school to meas-
20 ure student readiness for courses at the post-
21 secondary level; or

22 “(B) interventions in high school that im-
23 prove student competencies for courses at the
24 postsecondary level.

1 “(2) ACCELERATED COURSE WORK.—Rede-
2 signing or improving remedial education that—

3 “(A) allows students to enroll in more than
4 one sequential remedial education course or
5 training in a semester, or the equivalent;

6 “(B) condenses the time of the remedial
7 education; or

8 “(C) provides shortened, intensive courses
9 or training to improve competencies of students
10 for courses at the postsecondary level.

11 “(3) MODULAR INSTRUCTIONAL METHODS.—
12 Developing or improving remedial education that—

13 “(A) specifically targets the skills that stu-
14 dents need to move forward in courses at the
15 postsecondary level; and

16 “(B) may be used to develop new assess-
17 ments, redesign courses to provide targeted skill
18 instruction, or provide faculty professional de-
19 velopment.

20 “(4) CO-REQUISITE MODEL.—Developing or im-
21 proving remedial education programs that allow a
22 student to enroll in remedial education (which may
23 be provided through a modular instructional meth-
24 od) while also enrolled in a course at the postsec-
25 ondary level.

1 “(5) SYSTEMIC REFORM TO IMPLEMENT COM-
2 PREHENSIVE, INTEGRATED SUPPORT PROGRAMS.—
3 Implementing and improving comprehensive, inte-
4 grated, evidence-based support programs that—

5 “(A) enable students enrolled in remedial
6 education to complete a course of study leading
7 to a recognized educational credential within
8 150 percent of the normal time for completion;
9 and

10 “(B) may include financial supports, aca-
11 demic tutoring or support, and advising that
12 enable students to find success in remedial edu-
13 cation and courses at the postsecondary level.

14 “(e) CONSIDERATIONS.—In awarding grants under
15 this section, the Secretary, in consultation with the Direc-
16 tor, shall—

17 “(1) ensure—

18 “(A) a minimum of 30 eligible entities are
19 awarded grants for each 5-year grant period;

20 “(B) an equitable geographic distribution
21 of such grants, including an equitable distribu-
22 tion between urban and rural areas; and

23 “(C) that grants are used to develop or im-
24 prove remedial education programs—

1 “(i) under each model described in
2 subsection (d) to enable, to the extent
3 practicable, statistical comparisons of the
4 relative effectiveness of the models and the
5 programs within each model; and

6 “(ii) for a range of types and sizes of
7 institutions of higher education; and

8 “(2) give preference to eligible entities that pri-
9 marily serve low-income students.

10 “(f) FISCAL REQUIREMENTS.—

11 “(1) SUPPLEMENT NOT SUPPLANT.—A grant
12 awarded under this section shall be used to supple-
13 ment, not supplant, funds that would otherwise be
14 used to carry out the activities described in this sec-
15 tion.

16 “(2) MATCHING FUNDS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), an eligible entity that receives a
19 grant under this section shall provide, from
20 non-Federal sources, an amount equal to 10
21 percent of the amount of the grant for the cost
22 of activities assisted under the grant.

23 “(B) EXCEPTIONS.—The requirements of
24 subparagraph (A) shall not apply to—

25 “(i) Tribal Colleges or Universities; or

1 “(ii) institutions of higher education
2 located in the Commonwealth of Puerto
3 Rico, Guam, American Samoa, the United
4 States Virgin Islands, the Commonwealth
5 of the Northern Mariana Islands, the Re-
6 public of the Marshall Islands, the Fed-
7 erated States of Micronesia, or the Repub-
8 lic of Palau.

9 “(g) EXPERIMENTAL AUTHORITY.—Notwithstanding
10 any other provision of this title, a student may be eligible
11 to receive loans or grants under this title for up to 2 aca-
12 demic years for enrollment in a remedial education pro-
13 gram under this section.

14 “(h) DATA COLLECTION, REPORTS, EVALUATIONS,
15 AND DISSEMINATION.—

16 “(1) INFORMATION.—

17 “(A) STUDENT-LEVEL DATA.—Each eligi-
18 ble entity that receives a grant under this sec-
19 tion shall provide to the Director and the Sec-
20 retary, on an annual basis for each year of the
21 grant period and for 5 years after such grant
22 period, the student-level data with respect to
23 the students who are or were enrolled in a re-
24 medial education program funded with the
25 grant. The Director and the Secretary shall

1 share such data with the independent evaluator
2 to enable the evaluator, for each such year, to
3 determine the information described in subpara-
4 graph (B) with respect to each such remedial
5 education program.

6 “(B) AGGREGATE STUDENT DATA.—The
7 independent evaluator shall determine, with re-
8 spect to each remedial education program for
9 which an eligible entity provides student-level
10 data under subparagraph (A), the following in-
11 formation:

12 “(i) The number of students who are
13 or were enrolled in such remedial education
14 program.

15 “(ii) The cost of such remedial edu-
16 cation program.

17 “(iii) The amount of grant or loan
18 funds under this title awarded to students
19 for enrollment in such remedial education
20 program.

21 “(iv) The type of remedial education
22 offered under the program.

23 “(v) The length of time students
24 spend in such remedial education program,

1 as measured by semester, trimester, or
2 clock hours.

3 “(vi) The number of students who
4 complete such remedial education program.

5 “(vii) Of the students who complete
6 such remedial education program—

7 “(I) the number and percentage
8 of such students who later enroll in
9 postsecondary-level courses at an in-
10 stitution of higher education;

11 “(II) the number and percentage
12 of such students who receive a recog-
13 nized educational credential from an
14 institution of higher education;

15 “(III) the average length of time
16 required for a student described in
17 subclause (II) to complete the course
18 of study leading to such credential;
19 and

20 “(IV) the number and percentage
21 of students described in subclause (II)
22 who complete the course of study
23 leading to such credential within 150
24 percent of the normal time for com-
25 pletion.

1 “(C) DISAGGREGATION.—The information
2 determined under subparagraph (B) shall be
3 disaggregated by race, gender, socioeconomic
4 status, Federal Pell Grant eligibility status, sta-
5 tus as a first generation college student, vet-
6 eran or active duty status, and disability status.

7 “(2) EVALUATION RESULTS.—Not later than
8 six years after the first grant is awarded under this
9 section, the Director, in consultation with the Sec-
10 retary and using the information determined under
11 paragraph (1), shall submit to the authorizing com-
12 mittees and make available on a publicly accessible
13 website, a report on the results of the multiyear, rig-
14 orous, and independent evaluation of the impact of
15 the remedial education programs carried out by the
16 independent evaluator. The report shall include the
17 results of such evaluation with respect to—

18 “(A) the effectiveness of the remedial edu-
19 cation programs in increasing course and de-
20 gree completion at the postsecondary level; and

21 “(B) the outcomes of the remedial edu-
22 cation programs within and among models of
23 remedial education described in subsection (d).

24 “(3) REPORTS AND DISSEMINATION.—

1 “(A) INITIAL REPORT.—Not later than one
2 year after the first grant is awarded under this
3 section, the Secretary, in consultation with the
4 independent evaluator, shall prepare and submit
5 to the authorizing committees a report on each
6 remedial education program funded under this
7 section.

8 “(B) SUBSEQUENT REPORT.—Not later
9 than five years after the last grant is awarded
10 under this section, the Secretary, in consulta-
11 tion with the independent evaluator, shall pre-
12 pare and submit to the authorizing committees
13 a report that includes—

14 “(i) a review of the activities and pro-
15 gram performance of each remedial edu-
16 cation program funded under this section;
17 and

18 “(ii) guidance and recommendations
19 on how successful remedial education pro-
20 grams (as determined, at a minimum, by
21 the number and percentage of remedial
22 education students who later complete a
23 course of study at an institution of higher
24 education within 150 percent of the normal
25 time for completion) can be replicated.

1 “(C) PUBLIC AVAILABILITY.—The reports
2 submitted under subparagraphs (A) and (B)
3 shall be made available on a publicly accessible
4 website of the Department of Education.

5 “(i) DATA PRIVACY.—

6 “(1) IN GENERAL.—It shall be unlawful for any
7 person who obtains or has access to personally iden-
8 tifiable information in connection with this section to
9 willfully disclose to any person (except as authorized
10 in this Act or any Federal law) such personally iden-
11 tifiable information.

12 “(2) PENALTY.—Any person who violates para-
13 graph (1) shall be fined not more than \$5,000, im-
14 prisoned for not more than 5 years, or both, to-
15 gether with the costs of prosecution.

16 “(3) EMPLOYEE OR OFFICER OF THE UNITED
17 STATES.—If a violation of paragraph (1) is com-
18 mitted by any officer or employee of the United
19 States, the officer or employee shall be dismissed
20 from office or discharged from employment upon
21 conviction for the violation.

22 “(4) SALE OF DATA PROHIBITED.—Data col-
23 lected under this section shall not be sold to any
24 third party by the Director, any postsecondary insti-
25 tution, or any other entity.

1 “(5) LIMITATION ON USE BY OTHER FEDERAL
2 AGENCIES.—The Director shall not allow any other
3 Federal agency to use data collected under this sec-
4 tion for any purpose except as explicitly authorized
5 by this Act.

6 “(6) LAW ENFORCEMENT.—Personally identifi-
7 able information collected under this section shall
8 not be used for any law enforcement activity or any
9 other activity that would result in adverse action
10 against any student, including debt collection activ-
11 ity or enforcement of the immigration laws.

12 “(j) DEFINITIONS.—In this section:

13 “(1) DIRECTOR.—The term ‘Director’ means
14 the Director of the Institute of Education Sciences.

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) an institution of higher education; or

18 “(B) a partnership between an institution
19 of higher education and at least 1 of the fol-
20 lowing:

21 “(i) A local educational agency.

22 “(ii) A State educational agency.

23 “(3) FIRST GENERATION COLLEGE STUDENT.—
24 The term ‘first generation college student’ has the
25 meaning given that term in section 402A(h).

1 “(4) INDEPENDENT EVALUATOR.—The term
2 ‘independent evaluator’ means the independent eval-
3 uator with which the Secretary enters into a con-
4 tract under subsection (c)(2).

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

8 “(6) REMEDIAL EDUCATION.—The term ‘reme-
9 dial education’—

10 “(A) means education (such as courses or
11 training) offered at an institution of higher
12 education that—

13 “(i) is below the postsecondary level;
14 and

15 “(ii) is determined by the institution
16 to be necessary to help students be pre-
17 pared for the pursuit of a first under-
18 graduate baccalaureate degree, associate’s
19 degree, or certificate or, in the case of
20 courses in English language instruction, to
21 be necessary to enable the student to uti-
22 lize already existing knowledge, training, or
23 skills; and

24 “(B) includes developmental education that
25 meets the requirements of subparagraph (A).

1 “(7) TRIBAL COLLEGE OR UNIVERSITY.—The
2 term ‘Tribal College or University’ has the meaning
3 given that term in section 316(b).

4 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$162,500,000 for fiscal year 2020 and each of the 5 suc-
7 ceeding fiscal years.”.

8 **SEC. 4. EXCEPTION TO STUDENT UNIT RECORD BAN.**

9 Section 134(b) of the Higher Education Act of 1965
10 (20 U.S.C. 1015c(b)) is amended—

11 (1) by striking “(1) is necessary” and inserting
12 “(1)(A) is necessary”;

13 (2) by striking “(2) was in” and inserting “(B)
14 was in”;

15 (3) by striking the period at the end and insert-
16 ing “; or”; and

17 (4) by adding at the end the following:

18 “(2) is necessary for the operation of section
19 486B.”.

○