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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To amend the Higher Education Act of 1965 to improve remedial education programs that train students in the competencies needed to succeed in higher education.

IN THE HOUSE OF REPRESENTATIVES

Mr. NORCROSS (for himself, Mr. MOULTON, and Mr. WALZ) introduced the following bill; which was referred to the Committee on

A BILL

To amend the Higher Education Act of 1965 to improve remedial education programs that train students in the competencies needed to succeed in higher education.

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 5 models found to have success on
7 a small scale;

8 (3) through thorough collection of data, reports,
9 and evaluations, compare within and between models
10 of remedial education and their impact on postsec-
11 ondary education completion; and

12 (4) develop strategies for replication of success-
13 ful models and improve 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 (i), the Secretary, in con-
23 sultation with the Director of the Institute of Edu-
24 cation Sciences, shall award grants, on a competitive

1 basis, to eligible entities to improve remedial edu-
2 cation in 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 a 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 2 measures (such as a student’s col-
21 lege 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 (g) to continually update and improve the
15 program.

16 “(c) USE OF FUNDS.—An eligible entity that receives
17 a grant under this section shall use the grant to develop
18 or improve a remedial education program through one or
19 more of the following models:

20 “(1) ALIGNING COURSE WORK.—Working with
21 a local educational agency or State educational agen-
22 cy that is part of the eligible entity to develop or im-
23 prove programs that provide alignment between high
24 school coursework and postsecondary education, and
25 that may include—

1 “(A) assessments in high school to meas-
2 ure student readiness for courses at the post-
3 secondary level; or

4 “(B) interventions in high school that im-
5 prove student competencies for courses at the
6 postsecondary level.

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

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

12 “(B) condenses the time of the remedial
13 education; or

14 “(C) provides shortened, intensive courses
15 or training to improve competencies of students
16 for courses at the postsecondary level.

17 “(3) MODULAR INSTRUCTIONAL METHODS.—
18 Developing or improving remedial education that—

19 “(A) specifically targets the skills that stu-
20 dents needs to move forward in courses at the
21 postsecondary level; and

22 “(B) may be used to develop new assess-
23 ments, redesign courses to provide targeted skill
24 instruction, or provide faculty professional de-
25 velopment.

1 “(4) CO-REQUISITE MODEL.—Developing or im-
2 proving remedial education programs that allow a
3 student to enroll in remedial education (which may
4 be provided through a modular instructional meth-
5 od) while also enrolled in a course at the postsec-
6 ondary level.

7 “(5) SYSTEMIC REFORM TO IMPLEMENT COM-
8 PREHENSIVE, INTEGRATED SUPPORT PROGRAMS.—
9 Implementing and improving comprehensive, inte-
10 grated, evidence-based support programs that—

11 “(A) enable students enrolled in remedial
12 education to reach completion and graduation
13 at an institution of higher education within 150
14 percent of the normal time for completion of, or
15 graduation from, the program of study for
16 which the students are enrolled; and

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

21 “(d) CONSIDERATIONS.—In awarding grants under
22 this section, the Secretary, in consultation with the Direc-
23 tor of the Institute of Education Sciences, shall—

24 “(1) ensure—

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

3 “(B) an equitable geographic distribution
4 of such grants, including an equitable distribu-
5 tion between urban and rural areas;

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

8 “(i) for a range of types and sizes of
9 institutions of higher education; and

10 “(ii) for each of the models described
11 in subsection (c) to ensure statistical com-
12 parisons are possible within and among
13 such models; and

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

16 “(e) FISCAL REQUIREMENTS.—

17 “(1) SUPPLEMENT NOT SUPPLANT.—A grant
18 awarded under this section shall be used to supple-
19 ment, not supplant, funds that would otherwise be
20 used to carry out the activities described in this sec-
21 tion.

22 “(2) MATCHING FUNDS.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), an eligible entity that receives a
25 grant under this section shall provide, from

1 non-Federal sources, an amount equal to 10
2 percent of the amount of the grant for the cost
3 of activities assisted under the grant.

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

6 “(i) Tribal Colleges or Universities; or

7 “(ii) institutions of higher education
8 located in the Commonwealth of Puerto
9 Rico, Guam, American Samoa, the United
10 States Virgin Islands, the Commonwealth
11 of the Northern Mariana Islands, the Re-
12 public of the Marshall Islands, the Fed-
13 erated States of Micronesia, or the Repub-
14 lic of Palau.

15 “(f) EXPERIMENTAL AUTHORITY.—Notwithstanding
16 any other provision of this title, a student may be eligible
17 to receive loans or grants under this title for up to 2 aca-
18 demic years for enrollment in a remedial education pro-
19 gram under this section.

20 “(g) DATA COLLECTION, REPORTS, EVALUATIONS,
21 AND DISSEMINATION.—

22 “(1) INFORMATION.—

23 “(A) STUDENT-LEVEL DATA.—Each eligi-
24 ble entity that receives a grant under this sec-
25 tion shall provide, on an annual basis for each

1 year of the grant period and for 5 years after
2 such grant period, to the Director of the Insti-
3 tute of Education Sciences and the Secretary,
4 the student-level data with respect to the stu-
5 dents who are or were enrolled in a remedial
6 education program funded under the grant to
7 enable the Director, for each such year, to—

8 “(i) determine the information de-
9 scribed in subparagraph (B) with respect
10 to each such remedial education program;
11 and

12 “(ii) submit to the authorizing com-
13 mittees, and make publicly available in an
14 accessible format, such information.

15 “(B) AGGREGATE STUDENT DATA.—The
16 Director shall determine, with respect to each
17 remedial education program for which an eligi-
18 ble entity provides student-level data under sub-
19 paragraph (A), the following information:

20 “(i) The number of students who are
21 or were enrolled in such a remedial edu-
22 cation program.

23 “(ii) The type of remedial education
24 offered under the program.

1 “(iii) The cost of such remedial edu-
2 cation program.

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

5 “(v) The length of time students
6 spend in such remedial education program,
7 as measured by semester, trimester, or
8 clock hours.

9 “(vi) The length of time students who
10 complete such remedial education program
11 take to graduate with an recognized edu-
12 cational credential from an institution of
13 higher education.

14 “(vii) The number of students who
15 enroll in postsecondary-level courses upon
16 completing the remedial education pro-
17 gram.

18 “(viii) The number and percentage of
19 such students who graduate, or are on
20 track to graduate, from an institution of
21 higher education within 150 percent of the
22 normal time for completion of, or gradua-
23 tion from, the program of study for which
24 the students are enrolled.

1 “(ix) The amount of grant or loan
2 funds under this title awarded to students
3 for enrollment in such remedial education
4 program.

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

11 “(2) EVALUATION.—Not later than 6 years
12 after the first grant is awarded under this section,
13 the Director, in consultation with the Secretary and
14 using the information determined under paragraph
15 (1), shall submit to the authorizing committees and
16 make publicly available in an accessible format, the
17 results of a multi-year, rigorous evaluation on the
18 impact of remedial education programs funded
19 under this section that shall include—

20 “(A) the effectiveness of the remedial edu-
21 cation programs in providing the skills nec-
22 essary for students to advance through remedial
23 education and complete courses at the postsec-
24 ondary level;

1 “(B) the quality of outcomes of the reme-
2 dial education programs within and among
3 models of remedial education described in sub-
4 section (c);

5 “(C) the sustainability and replicability of
6 the remedial education programs that dem-
7 onstrate success, as determined by the number
8 and percentage of students who graduate from
9 an institution of higher education within 150
10 percent of the normal time for completion of, or
11 graduation from, the program of study for
12 which the students are enrolled; and

13 “(D) the effectiveness of the authority
14 under subsection (f) in assisting students who
15 complete a remedial education program funded
16 under this section in graduating from an insti-
17 tution of higher education within 150 percent of
18 the normal time for completion of, or gradua-
19 tion from, the program of study for which the
20 students are enrolled.

21 “(3) REPORTS AND DISSEMINATION.—

22 “(A) INITIAL REPORT.—Not later than 1
23 year after the first grant is awarded under this
24 section, the Secretary shall prepare and submit
25 to the authorizing committees, and make avail-

1 able to the public in an accessible format, a re-
2 port on each remedial education program fund-
3 ed under this section.

4 “(B) SUBSEQUENT REPORT.—Not later
5 than 5 years after the last grant is awarded
6 under this section, the Secretary shall prepare
7 and submit to the authorizing committees, and
8 make available to the public in an accessible
9 format, a report that—

10 “(i) reviews the activities and program
11 performance of each remedial education
12 program funded under this section; and

13 “(ii) provides guidance and rec-
14 ommendations on how successful remedial
15 education programs (as determined by the
16 number and percentage of students who
17 graduate from an institution of higher edu-
18 cation within 150 percent of the normal
19 time for completion of, or graduation from,
20 the program of study for which the stu-
21 dents are enrolled) can be replicated.

22 “(h) DATA PRIVACY.—

23 “(1) IN GENERAL.—It shall be unlawful for any
24 person who obtains or has access to personally iden-
25 tifiable information in connection with this section to

1 willfully disclose to any person (except as authorized
2 in this Act or any Federal law) such personally iden-
3 tifiable information.

4 “(2) PENALTY.—Any person who violates para-
5 graph (1) shall be fined not more than \$5,000, im-
6 prisoned not more than 5 years, or both, together
7 with the costs of prosecution.

8 “(3) EMPLOYEE OR OFFICER OF THE UNITED
9 STATES.—If a violation of paragraph (1) is com-
10 mitted by any officer or employee of the United
11 States, the officer or employee shall be dismissed
12 from office or discharged from employment upon
13 conviction for the violation.

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

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

23 “(6) LAW ENFORCEMENT.—Personally identifi-
24 able information collected under this section shall
25 not be used for any law enforcement activity or any

1 other activity that would result in adverse action
2 against any student, including debt collection activ-
3 ity or enforcement of the immigration laws.

4 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$162,500,000 for fiscal years 2018 through 2022.

7 “(j) DEFINITIONS.—In this section:

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

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

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

13 “(B) a partnership between an institution
14 of higher education and at least 1 of the fol-
15 lowing:

16 “(i) A local educational agency.

17 “(ii) A State educational agency.

18 “(3) FIRST-GENERATION COLLEGE STUDENT.—
19 The term ‘first-generation college student’ has the
20 meaning given the term in section 402A(h).

21 “(4) INSTITUTION OF HIGHER EDUCATION.—
22 The term ‘institution of higher education’ has the
23 meaning given such term in section 101.

24 “(5) REMEDIAL EDUCATION.—The term ‘reme-
25 dial education’—

1 “(A) means education (such as courses or
2 training) offered at an institution of higher
3 education that—

4 “(i) is below the postsecondary level;
5 and

6 “(ii) is determined by the institution
7 to be necessary to help students be pre-
8 pared for the pursuit of a first under-
9 graduate baccalaureate degree or certifi-
10 cate or, in the case of courses in English
11 language instruction, to be necessary to
12 enable the student to utilize already exist-
13 ing knowledge, training, or skills; and

14 “(B) includes developmental education that
15 meets the requirements of subparagraph (A).

16 “(6) TRIBAL COLLEGE OR UNIVERSITY.—The
17 term ‘Tribal College or University’ has the meaning
18 given the term in section 316.”.

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

20 Section 134(b) of the Higher Education Act of 1965
21 (20 U.S.C. 1015c(b)) is amended—

22 (1) by striking the following:

23 “(1) is necessary”; and inserting the following:

24 “(1)(A) is necessary”;

25 (2) by striking the following:

1 “(2) was in”; and inserting the following:
2 “(B) was in”;
3 (3) by striking the period at the end and insert-
4 ing “; or”; and
5 (4) by adding at the end the following:
6 “(2) is necessary for the operation of section
7 486B.”.