

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4508
OFFERED BY MR. POLIS OF COLORADO**

Strike sections 101 and 102.

In section 103, strike subsection (e).

In section 103, add at the end the following:

1 (h) DISTANCE EDUCATION.—Section 103 (20 U.S.C.
2 1003) is further amended by adding at the end the fol-
3 lowing:

4 “(28) DISTANCE EDUCATION.—

5 “(A) IN GENERAL.—Except as otherwise
6 provided, the term ‘distance education’ means
7 education that uses one or more of the tech-
8 nologies described in subparagraph (B)—

9 “(i) to deliver instruction to students
10 who are separated from the instructor; and

11 “(ii) to support regular and sub-
12 stantive interaction between the students
13 and the instructor, synchronously or asyn-
14 chronously.

1 “(B) INCLUSIONS.—For the purposes of
2 subparagraph (A), the technologies used may
3 include—

4 “(i) the Internet;

5 “(ii) one-way and two-way trans-
6 missions through open broadcast, closed
7 circuit, cable, microwave, broadband lines,
8 fiber optics, satellite, or wireless commu-
9 nications devices;

10 “(iii) audio conferencing; or

11 “(iv) video cassettes, DVDs, and CD-
12 ROMs, if the cassettes, DVDs, or CD-
13 ROMs are used in a course in conjunction
14 with any of the technologies listed in
15 clauses (i) through (iii).”.

Strike section 426.

Strike section 481(1)(B).

Strike section 481(b)(B) of the Higher Education
Act of 1965, as proposed to be amended by section
481(2) of the bill.

Strike section 485(2)(B).

Strike 490 and insert the following:

1 **SEC. 490. COMPETENCY-BASED EDUCATION DEMONSTRATION**
2 **PROJECTS.**

3 (a) PROJECTS.—Part G of title IV (20 U.S.C. 1088
4 et seq.) is further amended by inserting after section 486A
5 the following:

6 **“SEC. 486B. COMPETENCY-BASED EDUCATION DEMONSTRATION**
7 **PROJECTS.**

8 “(a) DEMONSTRATION PROJECTS AUTHORIZED.—
9 The Secretary shall select, in accordance with subsection
10 (d), eligible entities to voluntarily carry out competency-
11 based education demonstration projects and receive waiv-
12 ers or other flexibility described in subsection (e) to carry
13 out such projects.

14 “(b) APPLICATION.—

15 “(1) IN GENERAL.—Each eligible entity desir-
16 ing to carry out a demonstration project under this
17 section shall submit an application to the Secretary,
18 at such time and in such manner as the Secretary
19 may require.

20 “(2) OUTREACH.—The Secretary shall, prior to
21 any deadline to submit applications under paragraph
22 (1), conduct outreach to historically Black colleges
23 and universities, Hispanic-serving institutions, Na-
24 tive American-serving, nontribal institutions, institu-
25 tions serving students with special needs, and insti-
26 tutions located in rural areas to provide those insti-

1 tutions with information on the opportunity to apply
2 to carry out a demonstration project under this sec-
3 tion.

4 “(3) AMENDMENTS.—

5 “(A) IN GENERAL.—An eligible entity that
6 has been selected to carry out a demonstration
7 project under this section may submit to the
8 Secretary amendments to the eligible entity’s
9 approved application under paragraph (1), at
10 such time and in such manner as the Secretary
11 may require, which the Secretary shall approve
12 or deny within 30 days of receipt.

13 “(B) EXPANDING ENROLLMENT.—Not-
14 withstanding the assurance required with re-
15 spect to maximum enrollment under paragraph
16 (4)(I)—

17 “(i) an eligible entity whose dem-
18 onstration project has been evaluated
19 under subsection (g)(2) not less than twice
20 may submit to the Secretary an amend-
21 ment to the eligible entity’s application
22 under paragraph (1) to increase enrollment
23 in the project to more than 3,000 students,
24 but not more than 5,000 students, and
25 which shall specify—

1 “(I) the proposed maximum en-
2 rollment or annual enrollment growth
3 for the project;

4 “(II) how the eligible entity will
5 successfully carry out the project with
6 such maximum enrollment or enroll-
7 ment growth; and

8 “(III) any other amendments to
9 the eligible entity’s application under
10 paragraph (1) that are related to such
11 maximum enrollment or enrollment
12 growth; and

13 “(ii) the Secretary shall determine
14 whether to approve or deny an amendment
15 submitted under clause (i) for a dem-
16 onstration project based on the project’s
17 evaluations under subsection (g)(2).

18 “(4) CONTENTS.—Each application under para-
19 graph (1) shall include—

20 “(A) a description of each competency-
21 based education program to be offered by the
22 eligible entity under the demonstration project;

23 “(B) a description of the proposed aca-
24 demic delivery, business, and financial models
25 for the demonstration project, including expla-

1 nations of how each competency-based edu-
2 cation program offered under the demonstration
3 project will—

4 “(i) result in the achievement of com-
5 petencies;

6 “(ii) differ from standard credit hour
7 approaches, in whole or in part; and

8 “(iii) result in lower costs or short-
9 ened time to the completion of a recog-
10 nized educational credential;

11 “(C) a description of how each com-
12 petency-based education program offered under
13 the demonstration project will progress a stu-
14 dent toward completion of a recognized edu-
15 cational credential;

16 “(D) a description of the meaningful role
17 of the appropriate faculty of the eligible entity
18 in the development, design, implementation, de-
19 livery, and evaluation of each such competency-
20 based education program;

21 “(E) a description of how each such com-
22 petency-based education program will provide
23 strong post-enrollment earnings and loan repay-
24 ment outcomes;

1 “(F) a description of how the eligible enti-
2 ty will articulate the transcript from a com-
3 petency-based education program offered under
4 the demonstration project to another program
5 at the eligible entity or at another institution of
6 higher education;

7 “(G) a description of the statutory and
8 regulatory requirements described in subsection
9 (e) for which the eligible entity is seeking a
10 waiver or other flexibility, and why such waiver
11 or flexibility is necessary to carry out the dem-
12 onstration project;

13 “(H) a description of how a third-party
14 will assess student learning for each com-
15 petency-based education program offered under
16 the demonstration project;

17 “(I) a description of how the eligible entity
18 will develop and evaluate the competencies and
19 assessments of student knowledge administered
20 as part of the demonstration project, including
21 how such competencies and assessments are
22 aligned with workforce needs;

23 “(J) a description of the proposal for de-
24 termining a student’s Federal student aid eligi-
25 bility under this title for participating in the

1 demonstration project, the award and distribu-
2 tion of such aid, and the safeguards to ensure
3 that students are making satisfactory progress
4 that warrants the disbursement of such aid;

5 “(K) an assurance that the demonstration
6 project will enroll a minimum of 25 students
7 and a maximum of 3,000 students or, in the
8 case of an eligible entity with an application
9 amendment approved under paragraph (3)(B),
10 the maximum enrollment approved under such
11 paragraph;

12 “(L) a description of the population of stu-
13 dents to whom competency-based education
14 under the demonstration project will be offered,
15 including demographic information and prior
16 educational experience, disaggregated by stu-
17 dents who are Federal Pell Grant recipients,
18 students of color, students with disabilities, stu-
19 dents who are veterans or members of the
20 Armed Forces, and first generation college stu-
21 dents, and how such eligible entity will, when
22 appropriate, address the specific needs of each
23 such population of students when carrying out
24 the demonstration project;

1 “(M) an assurance that students partici-
2 pating in the demonstration project will not, on
3 average, be eligible for more Federal assistance
4 under this title than such students would have
5 been eligible for under a traditional program;

6 “(N) the cost of attendance for each com-
7 petency-based education program offered under
8 the demonstration project, disaggregated by
9 each of the applicable costs or allowances de-
10 scribed in paragraphs (1) through (13) of sec-
11 tion 472, and the estimated amount of the cost
12 of attendance of each such program to be cov-
13 ered by need-based grant aid and merit-based
14 grant aid from Federal, State, institutional, and
15 private sources;

16 “(O) an assurance that the eligible entity
17 will identify and disseminate best practices with
18 respect to the demonstration project to other el-
19 igible entities carrying out a demonstration
20 project under this section;

21 “(P) a description of other competency-
22 based education the eligible entity offers or
23 plans to offer outside of the demonstration
24 project;

1 “(Q) an assurance that the eligible entity
2 will use data to—

3 “(i) ensure that each competency-edu-
4 cation program under the demonstration
5 project meets the benchmarks established
6 in accordance with subsection (c)(2)(E);
7 and

8 “(ii) improve each such program;

9 “(R) an assurance that the eligible entity
10 has an agreement with the accrediting agency
11 or association of the eligible entity to establish
12 the standards described in subsection (c); and

13 “(S) such other elements as the Secretary
14 may require.

15 “(c) RECOGNITION BY ACCREDITING AGENCY OR AS-
16 SOCIATION.—To carry out a competency-based education
17 program under a demonstration project under this section,
18 an eligible entity shall ensure that before, on, or after the
19 date of approval of the eligible entity’s application under
20 subsection (b), the accrediting agency or association of the
21 eligible entity will establish the following standards with
22 respect to such competency-based education program:

23 “(1) Standards for determining whether the eli-
24 gible entity or the program requires students to
25 demonstrate competencies that are—

1 “(A) capable of being validly and reliably
2 assessed; and

3 “(B) appropriate in scope and rigor for the
4 award of the relevant recognized educational
5 credential.

6 “(2) Standards for determining whether the eli-
7 gible entity or the program demonstrate—

8 “(A) the administrative capacity and ex-
9 pertise that will ensure—

10 “(i) the validity and reliability of as-
11 sessments of competencies; and

12 “(ii) good practices in assessment and
13 measurement;

14 “(B) sufficient educational content, activi-
15 ties, and resources (including faculty sup-
16 port)—

17 “(i) to enable students to learn or de-
18 velop what is required to demonstrate or
19 attain mastery of competencies; and

20 “(ii) that are consistent with the
21 qualifications of graduates of traditional
22 programs;

23 “(C) that the quality of demonstration of
24 competence is judged at mastery for each com-

1 petency that is assessed for the award of a rec-
2 ognized educational credential;

3 “(D) a standard for the amount of learn-
4 ing that is included in a unit of competency;

5 “(E) reasonable benchmarks for gradua-
6 tion rates and the employment and earnings of
7 graduates, including placements in a field for
8 which the program prepares students, debt-to-
9 earnings ratios, loan repayment rates, and stu-
10 dent satisfaction; and

11 “(F) regular evaluation of whether the pro-
12 gram meets the benchmarks under subpara-
13 graph (E).

14 “(3) Standards for determining when to deny,
15 withdraw, suspend, or terminate the accreditation of
16 the program if the benchmarks under paragraph
17 (2)(E) are not achieved, including standards for pro-
18 viding sufficient opportunity—

19 “(A) for the eligible entity or program to
20 provide a written response regarding the failure
21 to achieve such benchmarks be considered by
22 the agency or association in the manner de-
23 scribed in section 496(a)(6)(B); and

24 “(B) for the eligible entity or program to
25 appeal any adverse action under this subpara-

1 graph before an appeals panel that meets the
2 requirements of section 496(a)(6)(C).

3 “(d) SELECTION.—

4 “(1) IN GENERAL.—Not later than 9 months
5 after the date of enactment of this section, the Sec-
6 retary shall select not more than 100 eligible entities
7 to carry out a demonstration project under this sec-
8 tion under which at least 1 competency-based edu-
9 cation program is offered.

10 “(2) CONSIDERATIONS.—In selecting eligible
11 entities under paragraph (1), the Secretary shall—

12 “(A) consider the number and quality of
13 applications received;

14 “(B) consider an eligible entity’s—

15 “(i) ability to successfully execute the
16 demonstration project as described in the
17 eligible entity’s application under sub-
18 section (b);

19 “(ii) commitment and ability to effec-
20 tively finance the demonstration project;

21 “(iii) ability to provide administrative
22 capability and the expertise to evaluate
23 student progress based on measures other
24 than credit hours or clock hours;

1 “(iv) history of compliance with the
2 requirements of this Act;

3 “(v) commitment to work with the Di-
4 rector of the Institute of Education
5 Sciences and the Secretary to evaluate the
6 demonstration project and the impact of
7 the demonstration project under subsection
8 (g)(2); and

9 “(vi) commitment and ability to as-
10 sess student learning through a third-
11 party;

12 “(C) ensure the selection of a diverse
13 group of eligible entities with respect to size,
14 mission, student population, and geographic
15 distribution;

16 “(D) not limit the types of programs of
17 study or courses of study approved for partici-
18 pation in a demonstration project; and

19 “(E) not select an eligible entity that has
20 had, for 1 of the preceding 2 fiscal years, a co-
21 hort default rate (defined in section 435(m))
22 that is 30 percent or greater.

23 “(e) WAIVERS AND OTHER FLEXIBILITY.—

1 “(1) IN GENERAL.—With respect to any eligible
2 entity selected to carry out a demonstration project
3 under this section, the Secretary may—

4 “(A) waive any requirements of the provi-
5 sions of law (including any regulations promul-
6 gated under such provisions) listed in para-
7 graph (2) for which the eligible entity has pro-
8 vided a reason for waiving under subsection
9 (b)(4)(F); or

10 “(B) provide other flexibility, but not
11 waive, any requirements of the provisions of law
12 (including any regulations promulgated under
13 such provisions) listed in paragraph (3) for
14 which the eligible entity has provided a reason
15 for such flexibility under subsection (b)(4)(F).

16 “(2) PROVISIONS ELIGIBLE FOR WAIVERS.—
17 The Secretary may waive subparagraphs (A) and
18 (B) of section 102(a)(3) under paragraph (1)(A).

19 “(3) PROVISIONS ELIGIBLE FOR FLEXI-
20 BILITY.—The Secretary may provide the flexibility
21 described in paragraph (1)(B) with respect to the re-
22 quirements under provisions in title I, part F of this
23 title, or this part, that inhibit the operation of a
24 competency-based education program, relating to the
25 following:

1 “(A) Documenting attendance.

2 “(B) Weekly academic activity.

3 “(C) Minimum weeks of instructional time.

4 “(D) Requirements for credit hour or clock
5 hour equivalencies.

6 “(E) Requirements for substantive inter-
7 action with faculty.

8 “(F) Definitions of the terms ‘academic
9 year’, ‘full-time student’, ‘term’ (including
10 ‘standard term’, ‘non-term’, and ‘non-standard
11 term’), ‘satisfactory academic progress’, ‘edu-
12 cational activity’, ‘project of study’, and ‘pay-
13 ment period’.

14 “(G) Methods of disbursing student finan-
15 cial aid by institutions of higher education se-
16 lected, as of the date of enactment of this sec-
17 tion, as experimental sites under section
18 487A(b)(3) to carry out competency-based edu-
19 cation programs.

20 “(f) NOTIFICATION.—Not later than 9 months after
21 the date of enactment of this section, the Secretary shall
22 make available to the authorizing committees and the pub-
23 lic a list of eligible entities selected to carry out a dem-
24 onstration project under this section, which shall include
25 for each such eligible entity—

1 “(1) the specific waiver or other flexibility from
2 statutory or regulatory requirements offered under
3 subsection (e); and

4 “(2) a description of the competency-based edu-
5 cation programs to be offered under the project.

6 “(g) INFORMATION AND EVALUATION.—

7 “(1) INFORMATION.—

8 “(A) STUDENT-LEVEL DATA.—Each eligi-
9 ble entity that carries out a demonstration
10 project under this section shall provide to the
11 Director of the Institute of Education Sciences
12 the student-level data for the students enrolled
13 in a program described in subparagraph
14 (C)(i)(I), the student-level data for the students
15 enrolled in a program described in subpara-
16 graph (C)(i)(II), and the student-level data for
17 students enrolled in a program described in
18 subparagraph (C)(i)(III) to enable the Direc-
19 tor—

20 “(i) to determine the aggregate infor-
21 mation described in subparagraph (B) with
22 respect to each such program; and

23 “(ii) to the extent practicable, to com-
24 pare the programs using a rigorous evalua-
25 tion, such as propensity score matching.

1 “(B) AGGREGATE INFORMATION.—For
2 purposes of the evaluation under paragraph (2),
3 the Director shall use the student-level data
4 provided under subparagraph (A) by an eligible
5 entity to determine the following information
6 with respect to each program described in sub-
7 paragraph (C)(i) offered at such eligible entity:

8 “(i) The average number of credit
9 hours students earned prior to enrollment
10 in the program, if applicable.

11 “(ii) The number and percentage of
12 students enrolled in a competency-based
13 program that are also enrolled in programs
14 of study or courses of study offered in
15 credit hours or clock hours, disaggregated
16 by student status as a first-year, second-
17 year, third-year, fourth-year, or other stu-
18 dent.

19 “(iii) The average period of time be-
20 tween the enrollment of a student in the
21 program and the first assessment of stu-
22 dent knowledge of such student.

23 “(iv) The average time to 25 percent,
24 50 percent, 75 percent, 100 percent, 150

1 percent, and 200 percent completion of a
2 recognized educational credential.

3 “(v) The percentage of assessments of
4 student knowledge that students passed on
5 the first attempt during the period of en-
6 rollment in the program.

7 “(vi) The percentage of assessments
8 of student knowledge that students passed
9 on the second attempt and the average pe-
10 riod of time between the first and second
11 attempts during the period of enrollment
12 in the program.

13 “(vii) The average number of com-
14 petencies a student acquired while enrolled
15 in a program and the period of time during
16 which the student acquired such com-
17 petencies.

18 “(viii) The number and percentage of
19 students completing the program who find
20 employment, disaggregated by number and
21 percentage of such students finding em-
22 ployment in a field related to the program.

23 “(ix) The median student earnings 1,
24 3, and 4 years after graduating from the
25 program, if available.

1 “(x) Such other information as the
2 Director may reasonably require.

3 “(C) DISAGGREGATION.—The information
4 determined under subparagraph (B) shall be
5 disaggregated as follows, provided that the
6 disaggregation of the information does not iden-
7 tify any individual student:

8 “(i) For each eligible entity that car-
9 ries out a demonstration project under this
10 section, disaggregation by—

11 “(I) the students enrolled in each
12 competency-based education program
13 under the project;

14 “(II) the students enrolled in
15 each competency-based education pro-
16 gram not being carried out under the
17 project; and

18 “(III) the students enrolled in a
19 program not described in subclause
20 (I) or (II).

21 “(ii) For each group of students de-
22 scribed in clause (i), disaggregation by age,
23 race, gender, disability status, students
24 who are Veterans or service members, first

1 generation college students, and status as
2 a recipient of a Federal Pell Grant.

3 “(D) COUNCIL.—The Director shall pro-
4 vide to Competency-Based Education Council
5 any information described in subparagraph (A)
6 or (B) (other than personally identifiable infor-
7 mation) that may be necessary for the Council
8 to carry out its duties under section 494F(e) of
9 the PROSPER Act.

10 “(2) EVALUATION.—

11 “(A) IN GENERAL.—The Director, in con-
12 sultation with the Secretary and using the in-
13 formation determined under paragraph (1),
14 shall annually evaluate each eligible entity car-
15 rying out a demonstration project under this
16 section. Each evaluation shall be disaggregated
17 in accordance with subparagraph (B) and in-
18 clude—

19 “(i) the extent to which the eligible
20 entity has met the elements of its applica-
21 tion under subsection (b)(4);

22 “(ii) whether the demonstration
23 project led to reduced cost or time to com-
24 pletion of a recognized educational creden-

1 tial, and the amount of cost or time re-
2 duced for such completion;

3 “(iii) obstacles related to student fi-
4 nancial assistance for competency-based
5 education;

6 “(iv) the extent to which statutory or
7 regulatory requirements not waived or for
8 which flexibility is not provided under sub-
9 section (e) presented difficulties or unin-
10 tended consequences for students or eligi-
11 ble entities;

12 “(v) a description of the waivers or
13 flexibility provided under subsection (e)
14 that were most beneficial to students or el-
15 igible entities, and an explanation of such
16 benefits;

17 “(vi) the percentage of students who
18 received each of the following—

19 “(I) a grant under this title;

20 “(II) a loan under this title;

21 “(III) a State grant;

22 “(IV) a State loan;

23 “(V) an institutional grant;

24 “(VI) an institutional loan; and

25 “(VII) a private loan;

1 “(vii) total cost and net cost to the
2 student of the program;

3 “(viii) the average outstanding bal-
4 ance of principal and interest on loans
5 made under this title that students have
6 upon graduation;

7 “(ix) the 3-year cohort default rate;

8 “(x) the 1- and 3-year repayment rate
9 of loans made under this title;

10 “(xi) the median student earnings, 1
11 3, and 4 years after graduation;

12 “(xii) enrollment data, disaggregated
13 by—

14 “(I) enrollment status, retention
15 rates, credit accumulation, and com-
16 pletion rates for—

17 “(II) first-time, full-time stu-
18 dents;

19 “(III) first-time, part-time stu-
20 dents;

21 “(IV) nonfirst-time, full-time stu-
22 dents;

23 “(V) nonfirst-time, part-time stu-
24 dents;

1 “(VI) eligibility for Federal Pell
2 grants;

3 “(VII) race and ethnicity; and

4 “(VIII) transfer rates;

5 “(xiii) a description of the assess-
6 ments of student knowledge and the cor-
7 responding competencies;

8 “(xiv) a description of the role of fac-
9 ulty and faculty involvement; and

10 “(xv) outcomes of the assessments of
11 student knowledge.

12 “(B) DISAGGREGATION.—The data col-
13 lected under clauses (vi) through (xii) shall be
14 disaggregated by each group of students de-
15 scribed in paragraph (1)(C)(i).

16 “(3) ANNUAL REPORT.—The Director, in con-
17 sultation with the Secretary, shall annually provide
18 to the authorizing committees a report on—

19 “(A) the evaluations required under para-
20 graph (2);

21 “(B) the number and types of students re-
22 ceiving assistance under this title for com-
23 petency-based education programs offered
24 under projects under this section;

1 “(D) any proposed statutory or regulatory
2 changes designed to support and enhance the
3 expansion of competency-based education pro-
4 grams, which may be independent of or com-
5 bined with traditional credit hour or clock hour
6 projects;

7 “(E) the most effective means of delivering
8 competency-based education programs through
9 projects under this section; and

10 “(F) the appropriate level and distribution
11 methodology of Federal assistance under this
12 title for students enrolled in a competency-
13 based education program.

14 “(h) COORDINATION.—An eligible entity or the Di-
15 rector shall consult with the Secretary of Education or the
16 Secretary of the Treasury to obtain the employment, earn-
17 ings, and loan information that may be necessary for pur-
18 poses of subsection (c)(2)(F) or subsection (g), respec-
19 tively.

20 “(i) OVERSIGHT.—In carrying out this section, the
21 Secretary shall, on a continuing basis—

22 “(1) assure compliance of eligible entities with
23 the requirements of this title (other than the provi-
24 sions of law and regulations that are waived under
25 subsection (e));

1 “(2) provide technical assistance;

2 “(3) monitor fluctuations in the student popu-
3 lation enrolled in the eligible entities carrying out
4 the demonstration projects under this section;

5 “(4) consult with appropriate accrediting agen-
6 cies or associations and appropriate State regulatory
7 authorities for additional ways of improving the de-
8 livery of competency-based education programs; and

9 “(5) collect and disseminate to eligible entities
10 carrying out a demonstration project under this sec-
11 tion, best practices with respect to such projects.

12 “(j) DATA PRIVACY.—

13 “(1) IN GENERAL.—It shall be unlawful for any
14 person who obtains or has access to personally iden-
15 tifiable information in connection with this section to
16 willfully disclose to any person (except as authorized
17 in this Act or any Federal law) such personally iden-
18 tifiable information.

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

23 “(3) EMPLOYEE OR OFFICER OF THE UNITED
24 STATES.—If a violation of paragraph (1) is com-
25 mitted by any officer or employee of the United

1 States, the officer or employee shall be dismissed
2 from office or discharged from employment upon
3 conviction for the violation.

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

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

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

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$5,000,000 to carry out
21 this section.

22 “(l) DEFINITIONS.—For the purpose of this section:

23 “(1) COMPETENCY-BASED EDUCATION PRO-
24 GRAM.—The term ‘competency-based education pro-
25 gram’ means a program that provides competency-

1 based education for which the accrediting agency or
2 association of the institution of higher education of-
3 fering such program has established or will establish
4 the standards described in subsection (c) and, in ac-
5 cordance with such standards—

6 “(A) measures academic progress and at-
7 tainment by the assessment of student learning
8 in lieu of, or in addition to, credit or clock
9 hours;

10 “(B) measures and assesses such academic
11 progress and attainment in terms of a student’s
12 mastery of competencies by identifying what
13 students know and the skills mastered through
14 rigorous assessment;

15 “(C) determines and reports to the Sec-
16 retary the number of credit or clock hours that
17 would be needed for the attainment of a similar
18 level of knowledge, skills, and characteristics in
19 a standard credit or clock hour program;

20 “(D) provides the educational content, ac-
21 tivities, support, and resources necessary to en-
22 able students to attain the knowledge, skills,
23 and characteristics that are required to dem-
24 onstrate mastery of such competencies, includ-
25 ing—

1 “(i) ready access to academic assist-
2 ance from faculty who meet the standards
3 of the agency or association for providing
4 instruction in the subject area; and

5 “(ii) a system for monitoring a stu-
6 dent’s engagement and progress in each
7 competency, in which faculty are respon-
8 sible for providing proactive academic as-
9 sistance, when needed, on the basis of such
10 monitoring; and

11 “(E) upon a student’s demonstration or
12 mastery of a set of competencies identified and
13 required by the institution, leads to or results
14 in the awarding of a recognized educational cre-
15 dential.

16 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means an institution of higher education, which
18 may be an institution of higher education that offers
19 a dual or concurrent enrollment program.

20 “(3) INSTITUTION OF HIGHER EDUCATION.—
21 The term ‘institution of higher education’ has the
22 meaning given the term in section 102, except that
23 such term does not include institutions described in
24 section 102(a)(1)(C).

1 “(4) DUAL OR CONCURRENT ENROLLMENT
2 PROGRAM.—The term ‘dual or concurrent enrollment
3 program’ has the meaning given the term in section
4 8101 of the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 7801).

6 “(5) DIRECTOR.—The term ‘Director’ means
7 the Director of the Institute of Education Sciences.

8 “(6) FIRST GENERATION COLLEGE STUDENT.—
9 The term ‘first generation college student’ has the
10 meaning given the term in section 402A(h)(3).”.

11 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or the amendments made by this section shall be con-
13 strued to alter the authority of the Secretary of Education
14 to establish experimental sites under any other provision
15 of law.

 Insert after section 494E, the following:

16 **SEC. 494F. COMPETENCY-BASED EDUCATION COUNCIL.**

17 (a) ESTABLISHMENT OF A COMMITTEE ON COM-
18 PETENCY-BASED EDUCATION.—Not later than 6 months
19 after the date of enactment of this Act, there shall be es-
20 tablished the Competency-Based Education Council (re-
21 ferred to in this section as the “Council”).

22 (b) MEMBERSHIP.—

23 (1) COMPOSITION.—The Council shall be com-
24 posed of—

1 (A) 3 individuals appointed by the Sec-
2 retary of Education;

3 (B) 2 individuals appointed by the Director
4 of the Consumer Financial Protection Bureau;

5 (C) not less than 8 and not more than 13
6 individuals appointed by the Comptroller Gen-
7 eral of the United States, representing—

8 (i) experts in competency-based edu-
9 cation;

10 (ii) faculty members in competency-
11 based education programs;

12 (iii) administrators at institutions that
13 offer competency-based education pro-
14 grams;

15 (iii) individuals currently enrolled in
16 or graduated from a competency-based
17 education program;

18 (iv) accrediting agencies or associa-
19 tions that recognize competency-based edu-
20 cation programs; and

21 (v) experts from the State education
22 agency;

23 (D) 4 members appointed by—

24 (i) the majority leader of the Senate;

25 (ii) the minority leader of the Senate;

1 (iii) the Speaker of the House of Rep-
2 resentatives; and

3 (iv) the minority leader of the House
4 of Representatives.

5 (E) CHAIRPERSON.—The Council shall se-
6 lect a Chairperson from among its members.

7 (F) VACANCIES.—Any vacancy in the
8 Council shall not affect the powers of the Coun-
9 cil and shall be filled in the same manner as an
10 initial appointment.

11 (c) MEETINGS.—The Council shall hold, at the call
12 of the Chairperson, not less than 6 meetings before com-
13 pleting the study required under subsection (e) and the
14 report required under subsection (f).

15 (d) PERSONNEL MATTERS.—

16 (1) COMPENSATION OF MEMBERS.—Each mem-
17 ber of the Council shall serve without compensation
18 in addition to any such compensation received for
19 the member's service as an officer or employee of the
20 United States, if applicable.

21 (2) TRAVEL EXPENSES.—The members of the
22 Council shall be allowed travel expenses, including
23 per diem in lieu of subsistence, at rates authorized
24 for employees of agencies under subchapter 1 of
25 chapter 57 of title 5, United States Code, while

1 away from their homes or regular places of business
2 in the performance of services for the Council.

3 (e) DUTIES OF THE COUNCIL.—

4 (1) STUDY.—The Council shall conduct a study
5 on the ongoing innovation and development of com-
6 petency-based education programs.

7 (2) RECOMMENDATIONS.—Based on the find-
8 ings of the study under paragraph (1), the Council
9 shall develop recommendations for the authorization
10 of competency-based education under the Higher
11 Education Act of 1965, including recommendations
12 that—

13 (A) provide or update standard definitions,
14 if needed, for relevant terms, including—

15 (i) competency-based education; and
16 (ii) competency-based education pro-
17 gram;

18 (B) address—

19 (i) the amount of learning in a com-
20 petency unit;

21 (ii) the transfer of competency-based
22 education credits to other institutions or
23 programs;

24 (iii) the minimum amount of time in
25 an academic year for competency-based

1 education programs, for financial aid pur-
2 poses;

3 (iv) considerations for accreditation
4 agencies before recognizing competency-
5 based education programs;

6 (v) address the role of faculty and fac-
7 ulty involvement in competency-based edu-
8 cation programs; and

9 (vi) additional resources that may be
10 needed for adequate oversight of com-
11 petency-based education programs.

12 (f) REPORT.—Not later than 6 years after the date
13 of enactment of this Act, the Council shall prepare and
14 submit a report to the Secretary of Education and to Con-
15 gress containing the findings of the study under sub-
16 section (e)(1) and the recommendations developed under
17 subsection (e)(2).

Strike section 496(4)(A)(ii).

Strike section 496(8).

