

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4508
OFFERED BY MR. NORCROSS OF NEW JERSEY**

Strike sections 101 and 102.

After section 123, insert the following:

1 **SEC. 124. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**
2 **TEM.**

3 Section 134 (20 U.S.C. 1015c) is repealed.

After section 704, insert the following

4 **SEC. 705. REMEDIAL EDUCATION IMPROVEMENT GRANT**
5 **PROGRAM.**

6 Title VII (20 U.S.C. 1133 et seq.) is further amended
7 by adding at the end the following:

8 **“PART D—REMEDIAL EDUCATION IMPROVEMENT**
9 **GRANT PROGRAM**

10 **“SEC. 760. GRANTS AUTHORIZED.**

11 “(a) IN GENERAL.—From the funds appropriated
12 under section 768, the Secretary, in consultation with the
13 Director of the Institute of Education Sciences, shall
14 award grants, on a competitive basis, to eligible entities
15 to improve remedial education in higher education.

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

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

6 **“SEC. 761. APPLICATION.**

7 “ An eligible entity that desires to receive a grant
8 under this part shall submit an application to the Sec-
9 retary at such time, in such manner, and accompanied by
10 such information as the Secretary may require, which shall
11 include the following:

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

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

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

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

9 “(5) The eligible entity’s plan for monitoring
10 and evaluating the program, including how the eligi-
11 ble entity will use the data collected under section
12 766 to continually update and improve the program.

13 **“SEC. 762. USE OF FUNDS.**

14 “An eligible entity that receives a grant under this
15 part shall use the grant to develop or improve a remedial
16 education program through one or more of the following
17 models:

18 “(1) **ALIGNING COURSE WORK.**—Working with
19 a local educational agency or State educational agen-
20 cy that is part of the eligible entity to develop or im-
21 prove programs that provide alignment between high
22 school coursework and postsecondary education, and
23 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 **“SEC. 763. CONSIDERATIONS.**

22 “‘In awarding grants under this part, the Secretary,
23 in consultation with the Director of the Institute of Edu-
24 cation Sciences, shall—

25 “(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 **“SEC. 764. FISCAL REQUIREMENTS.**

17 “(a) SUPPLEMENT NOT SUPPLANT.—A grant award-
18 ed under this section shall be used to supplement, not sup-
19 plant, funds that would otherwise be used to carry out
20 the activities described in this section.

21 “(b) MATCHING FUNDS.—

22 “(1) IN GENERAL.—Subject to subparagraph
23 (B), an eligible entity that receives a grant under
24 this section shall provide, from non-Federal sources,
25 an amount equal to 10 percent of the amount of the

1 grant for the cost of activities assisted under the
2 grant.

3 “(2) EXCEPTIONS.—The requirements of sub-
4 paragraph (A) shall not apply to—

5 “(A) Tribal Colleges or Universities; or

6 “(B) institutions of higher education lo-
7 cated in the Commonwealth of Puerto Rico,
8 Guam, American Samoa, the United States Vir-
9 gin Islands, the Commonwealth of the Northern
10 Mariana Islands, the Republic of the Marshall
11 Islands, the Federated States of Micronesia, or
12 the Republic of Palau.

13 **“SEC. 765. EXPERIMENTAL AUTHORITY.**

14 “Notwithstanding any other provision of this title, a
15 student may be eligible to receive loans or grants under
16 this title for up to 2 academic years for enrollment in a
17 remedial education program under this section.

18 **“SEC. 766. DATA COLLECTION, REPORTS, EVALUATIONS,
19 AND DISSEMINATION.**

20 “(a) INFORMATION.—

21 “(1) STUDENT-LEVEL DATA.—Each eligible en-
22 tity that receives a grant under this section shall
23 provide, on an annual basis for each year of the
24 grant period and for 5 years after such grant period,
25 to the Director of the Institute of Education

1 Sciences and the Secretary, the student-level data
2 with respect to the students who are or were en-
3 rolled in a remedial education program funded under
4 the grant to enable the Director, for each such year,
5 to—

6 “(A) determine the information described
7 in subparagraph (B) with respect to each such
8 remedial education program; and

9 “(B) submit to the authorizing committees,
10 and make publicly available in an accessible for-
11 mat, such information.

12 “(2) AGGREGATE STUDENT DATA.—The Direc-
13 tor shall determine, with respect to each remedial
14 education program for which an eligible entity pro-
15 vides student-level data under subparagraph (A), the
16 following information:

17 “(A) The number of students who are or
18 were enrolled in such a remedial education pro-
19 gram.

20 “(B) The type of remedial education of-
21 fered under the program.

22 “(C) The cost of such remedial education
23 program.

24 “(D) The number of students who com-
25 plete such remedial education program.

1 “(E) The length of time students spend in
2 such remedial education program, as measured
3 by semester, trimester, or clock hours.

4 “(F) The length of time students who com-
5 plete such remedial education program take to
6 graduate with an recognized educational creden-
7 tial from an institution of higher education.

8 “(G) The number of students who enroll in
9 postsecondary-level courses upon completing the
10 remedial education program.

11 “(H) The number and percentage of such
12 students who graduate, or are on track to grad-
13 uate, from an institution of higher education
14 within 150 percent of the normal time for com-
15 pletion of, or graduation from, the program of
16 study for which the students are enrolled.

17 “(I) The amount of grant or loan funds
18 under this title awarded to students for enroll-
19 ment in such remedial education program.

20 “(3) DISAGGREGATION.—The information de-
21 termined under subparagraph (B) shall be
22 disaggregated by race, gender, socioeconomic status,
23 Federal Pell Grant eligibility status, status as a
24 first-generation college student, Veteran or active
25 duty status, and disability status.

1 “(b) EVALUATION.—Not later than 6 years after the
2 first grant is awarded under this section, the Director, in
3 consultation with the Secretary and using the information
4 determined under paragraph (1), shall submit to the au-
5 thorizing committees and make publicly available in an ac-
6 cessible format, the results of a multi-year, rigorous eval-
7 uation on the impact of remedial education programs
8 funded under this section that shall include—

9 “(1) the effectiveness of the remedial education
10 programs in providing the skills necessary for stu-
11 dents to advance through remedial education and
12 complete courses at the postsecondary level;

13 “(2) the quality of outcomes of the remedial
14 education programs within and among models of re-
15 medial education described in section 762;

16 “(3) the sustainability and replicability of the
17 remedial education programs that demonstrate suc-
18 cess, as determined by the number and percentage
19 of students who graduate from an institution of
20 higher education within 150 percent of the normal
21 time for completion of, or graduation from, the pro-
22 gram of study for which the students are enrolled;
23 and

24 “(4) the effectiveness of the authority under
25 section 765 in assisting students who complete a re-

1 medial education program funded under this part in
2 graduating from an institution of higher education
3 within 150 percent of the normal time for comple-
4 tion of, or graduation from, the program of study
5 for which the students are enrolled.

6 “(c) REPORTS AND DISSEMINATION.—

7 “(1) INITIAL REPORT.—Not later than 1 year
8 after the first grant is awarded under this part, the
9 Secretary shall prepare and submit to the author-
10 izing committees, and make available to the public
11 in an accessible format, a report on each remedial
12 education program funded under this part.

13 “(2) SUBSEQUENT REPORT.—Not later than 5
14 years after the last grant is awarded under this
15 part, the Secretary shall prepare and submit to the
16 authorizing committees, and make available to the
17 public in an accessible format, a report that—

18 “(A) reviews the activities and program
19 performance of each remedial education pro-
20 gram funded under this part; and

21 “(B) provides guidance and recommenda-
22 tions on how successful remedial education pro-
23 grams (as determined by the number and per-
24 centage of students who graduate from an insti-
25 tution of higher education within 150 percent of

1 the normal time for completion of, or gradua-
2 tion from, the program of study for which the
3 students are enrolled) can be replicated.

4 **“SEC. 767. DATA PRIVACY.**

5 “(a) IN GENERAL.—It shall be unlawful for any per-
6 son who obtains or has access to personally identifiable
7 information in connection with this part to willfully dis-
8 close to any person (except as authorized in this Act or
9 any Federal law) such personally identifiable information.

10 “(b) PENALTY.—Any person who violates paragraph
11 (1) shall be fined not more than \$5,000, imprisoned not
12 more than 5 years, or both, together with the costs of
13 prosecution.

14 “(c) EMPLOYEE OR OFFICER OF THE UNITED
15 STATES.—If a violation of paragraph (1) is committed by
16 any officer or employee of the United States, the officer
17 or employee shall be dismissed from office or discharged
18 from employment upon conviction for the violation.

19 “(d) SALE OF DATA PROHIBITED.—Data collected
20 under this part shall not be sold to any third party by
21 the Director, any postsecondary institution, or any other
22 entity.

23 “(e) LIMITATION ON USE BY OTHER FEDERAL
24 AGENCIES.—The Director shall not allow any other Fed-

1 eral agency to use data collected under this part for any
2 purpose except as explicitly authorized by this Act.

3 “(f) LAW ENFORCEMENT.—Personally identifiable
4 information collected under this part shall not be used for
5 any law enforcement activity or any other activity that
6 would result in adverse action against any student, includ-
7 ing debt collection activity or enforcement of the immigra-
8 tion laws.

9 **“SEC. 768. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—Subject to paragraph (2), there
11 are authorized to be appropriated to carry out this part
12 \$162,500,000 for fiscal year 2019 and each of the 5 suc-
13 ceeding fiscal years.

14 “(b) ADJUSTMENT FOR INFLATION.—

15 “(1) IN GENERAL.—The amount authorized to
16 be appropriated under paragraph (1) for fiscal year
17 2020 and each of the 4 succeeding fiscal years shall
18 be deemed increased by the annual adjustment per-
19 centage.

20 “(2) DEFINITION.—In this paragraph, the term
21 ‘annual adjustment percentage’, as applied to a fis-
22 cal year, means the estimated percentage change in
23 the Consumer Price Index (as determined by the
24 Secretary, using the definition in section 478(f)) for

1 the most recent calendar year ending before the be-
2 ginning of that fiscal year.

3 **“SEC. 769. DEFINITIONS.**

4 “In this part:

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

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

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

10 “(B) a partnership between an institution
11 of higher education and at least 1 of the fol-
12 lowing:

13 “(i) A local educational agency.

14 “(ii) A State educational agency.

15 “(3) FIRST-GENERATION COLLEGE STUDENT.—

16 The term ‘first-generation college student’ has the
17 meaning given the term in section 402A(h).

18 “(4) INSTITUTION OF HIGHER EDUCATION.—

19 The term ‘institution of higher education’ has the
20 meaning given such term in section 101.

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

23 “(A) means education (such as courses or
24 training) offered at an institution of higher
25 education that—

1 “(i) is below the postsecondary level;

2 and

3 “(ii) is determined by the institution

4 to be necessary to help students be pre-

5 pared for the pursuit of a first under-

6 graduate baccalaureate degree or certifi-

7 cate or, in the case of courses in English

8 language instruction, to be necessary to

9 enable the student to utilize already exist-

10 ing knowledge, training, or skills; and

11 “(B) includes developmental education that

12 meets the requirements of subparagraph (A).

13 “(6) TRIBAL COLLEGE OR UNIVERSITY.—The

14 term ‘Tribal College or University’ has the meaning

15 given the term in section 316.”

