

108TH CONGRESS  
2D SESSION

# H. R. 3948

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into postsecondary education.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. FATAH introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into postsecondary 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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “GEAR UP & GO Act”.

6 (b) REFERENCES.—Except as otherwise expressly  
7 provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,  
2 a section or other provision, the reference shall be consid-  
3 ered to be made to a section or other provision of the  
4 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

5 **SEC. 2. CONTINUUM OF SERVICES.**

6 (a) AWARDS.—Section 404A(b)(2)(B) (20 U.S.C.  
7 1070a–21(b)(2)(B)) is amended by inserting after  
8 “through the completion of secondary school” the fol-  
9 lowing: “or through the first year of attendance at a post-  
10 secondary education institution”.

11 (b) COHORT APPROACH.—Section 404B(g)(1)(B)  
12 (20 U.S.C. 1070a–22(g)(1)(B)) is amended by inserting  
13 after “through the 12th grade” the following “or through  
14 the first year of attendance at a postsecondary education  
15 institution to students in the participating grade level”.

16 (c) EARLY INTERVENTION.—

17 (1) USES OF FUNDS.—Section 404D(b)(2) (20  
18 U.S.C. 1070a–24(b)(2)) is amended by inserting  
19 after “through grade 12” the following: “or through  
20 the first year of attendance at a postsecondary edu-  
21 cation institution”.

22 (2) PRIORITY STUDENTS.—Section 404D(c) is  
23 amended by inserting after “through grade 12” the  
24 following “or through the first year of attendance at  
25 a postsecondary education institution”.

1 **SEC. 3. CONTINUING ELIGIBILITY.**

2 Section 404A (20 U.S.C. 1070a–21) is amended by  
3 adding at the end the following new subsection:

4 “(d) CONTINUING ELIGIBILITY.—An eligible entity  
5 shall not cease to be an eligible entity upon the expiration  
6 of any grant under this chapter (including a continuation  
7 award). The Secretary shall require any such entity seek-  
8 ing a new grant to demonstrate the effectiveness of the  
9 prior programs under this chapter in its plan submitted  
10 under section 404C.”.

11 **SEC. 4. FINANCIAL EDUCATION AND COUNSELING.**

12 Section 404D (20 U.S.C. 1070a–24) is amended—

13 (1) in subsection (a)(1)(B)(i), by inserting be-  
14 fore the semicolon at the end the following: “, and  
15 counseling and education regarding financial cost re-  
16 quirements for college”; and

17 (2) in subsection (b)(2)(A)(ii), by striking “ca-  
18 reer mentoring” inserting “career planning and  
19 mentoring, academic counseling, and financial lit-  
20 eracy, education, or counseling pertaining to the  
21 process of going to college”.

22 **SEC. 5. SCHOLARSHIP COMPONENT.**

23 Section 404E(b)(2) (20 U.S.C. 1070a–25(b)(2)) is  
24 amended by inserting after “section 401 for such fiscal  
25 year” the following “, or \$5,800, whichever is less”.

1 **SEC. 6. DUAL/CONCURRENT ENROLLMENT.**

2 (a) AMENDMENT.—Chapter 2 of part A of title IV  
3 is amended—

4 (1) by redesignating section 404G and 404H  
5 (20 U.S.C. 1070a–27) as sections 404H and 404I,  
6 respectively; and

7 (2) by inserting after section 404F the fol-  
8 lowing:

9 **“SEC. 404G. DUAL/CONCURRENT ENROLLMENT.**

10 “(a) PROGRAM AUTHORITY.—The Secretary is au-  
11 thorized to carry out a program to be known as ‘GEAR  
12 UP & GO’, to provide growing opportunities for dual/con-  
13 current enrollment, which shall be designed to provide low-  
14 income high school students participating in GEAR UP  
15 partnerships or State programs the opportunity to enroll  
16 in college courses while still enrolled in high school. In  
17 such program, students shall not be required to apply for  
18 admission to the institution of higher education in order  
19 to participate, and may receive college credit.

20 “(b) STUDENT ELIGIBILITY.—For the purpose of  
21 this chapter, a student shall be eligible if the student is—

22 “(1) is enrolled in GEAR UP partnerships or  
23 State programs;

24 “(2) is enrolled 10th, 11th, or 12th grade; and

25 “(3) has demonstrated academic readiness for  
26 college courses as determined by the applying entity.

1       “(c) PERMISSIBLE SERVICES.—An entity receiving  
2 funding under this chapter may provide services such as—

3           “(1) the offering of core nonremedial college  
4 courses as determined by the postsecondary institu-  
5 tion in which participating students—

6           “(A) receive instruction from a postsec-  
7 ondary institution faculty member at the sec-  
8 ondary site;

9           “(B) take courses from a postsecondary in-  
10 stitution faculty member on-site at the postsec-  
11 ondary institution;

12           “(C) receive college level instruction from  
13 high school faculty who hold the same creden-  
14 tials as postsecondary faculty; and

15           “(D) enroll in an early college high school  
16 in which students may earn college credit  
17 through a coherent course of study leading to  
18 a postsecondary degree.

19           “(2) assistance with the selection of core non-  
20 remedial college courses by students;

21           “(3) tutorial services pertaining to the core  
22 nonremedial college courses in which students are  
23 enrolled; and

24           “(4) purchasing books, supplies, and transpor-  
25 tation.

1       “(d) REQUIREMENTS FOR APPROVAL OF APPLICA-  
2 TIONS.—In approving applications for GEAR UP & GO  
3 under this chapter for any fiscal year, the Secretary  
4 shall—

5           “(1) award funds under this program on an an-  
6 nual basis and determine the average award;

7           “(2) take into consideration whether partici-  
8 pating students in a dual/concurrent enrollment pro-  
9 gram will receive college credit;

10          “(3) require an assurance that an entity apply-  
11 ing for funding under this chapter meet the require-  
12 ments of section 404A(c); and

13          “(4) not approve a plan unless such a plan—

14           “(A) details the criteria used for deter-  
15 mining student academic readiness or qualifica-  
16 tions for participation in the dual/concurrent  
17 enrollment program; and

18           “(B) specifies the methods by which funds  
19 will be spent for carrying out the program.

20       “(e) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
21 dition to the sums authorized by section 404I, there are  
22 authorized to be appropriated to carry out this section  
23 \$50,000,000 for fiscal year 2005 and such sums necessary  
24 for each of the 5 succeeding years.”.

1 (b) CONFORMING AMENDMENTS.—Chapter 2 of part  
2 A of title IV is further amended by striking “section  
3 404H” each place it appears and inserting “section 404I”.

4 **SEC. 7. EVALUATION, REPORT, AND TECHNICAL ASSIST-**  
5 **ANCE.**

6 Section 404H (20 U.S.C. 1070a–27), as redesignated  
7 by section 5(1) of this Act, is amended by adding at the  
8 end the following new subsection:

9 “(e) TECHNICAL ASSISTANCE.—In order to assist  
10 current grantees in strengthening partnerships, leveraging  
11 resources, and sustaining programs, the Secretary shall  
12 award not more than 0.75 percent of the funds appro-  
13 priated under section 404I for a fiscal year to the national  
14 education organization that has served as technical assist-  
15 ance provider for this program.”.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 404I (20 U.S.C. 1070a–28), as redesignated  
18 by section 5(1) of this Act, is amended to read as follows:

19 **“SEC. 404I. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out  
21 this chapter \$500,000,000 for fiscal year 2005 and such  
22 sums as may be necessary for each of the 5 succeeding  
23 fiscal years.”.

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1 is expressed in terms of an amendment to, or repeal of,  
2 a section or other provision, the reference shall be consid-  
3 ered to be made to a section or other provision of the  
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