To establish a demonstration project for competency-based education.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2014

Mr. BENNET (for himself, Mr. ISAKSON, Mrs. HAGAN, Mr. ENZI, Mr. HATCH, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a demonstration project for competency-based 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 “Advancing Compet-
5 ency-Based Education Demonstration Project Act of
6 2014”.

SEC. 2. COMPETENCY-BASED EDUCATION DEMONSTRATION PROJECT.

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

“SEC. 486B. COMPETENCY-BASED EDUCATION DEMONSTRATION PROJECT.

“(a) PURPOSES.—The purposes of this section are—

“(1) to allow a demonstration project that is monitored by the Secretary to explore ways of delivering education and disbursing student financial aid that are based on learning rather than time;

“(2) to potentially lower cost and reduce the time to attainment of high-quality postsecondary degrees and credentials through competency-based education programs; and

“(3) to help determine—

“(A) the specific statutory and regulatory requirements that should be altered to provide greater access to competency-based education programs, which may be independent of, or combined with, traditional credit hour or clock hour programs;

“(B) the most effective means of delivering competency-based education through degree and credential programs; and

VerDate Mar 15 2010 02:29 Jun 27, 2014 Jkt 039200 PO 00000 Frm 00002 Fmt 6652 Sfmt 6201 E:\BILLS\S2513.IS S2513martinez on DSK4TPTVN1PROD with BILLS
“(C) the appropriate level and distribution methodology of Federal assistance for students enrolled in competency-based education.

“(b) DEFINITIONS.—In this section:

“(1) COMPETENCY-BASED EDUCATION.—The term ‘competency-based education’ means an educational process that—

“(A) is characterized by the measurement of learning as opposed to the measurement of instructional and learning time; and

“(B) includes direct measures of learning, which may include projects, papers, examinations, presentations, performances, and portfolios, and direct measures by others of student learning, in place of, or in addition to, using credit hours or clock hours to measure learning.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) An institution of higher education that—

“(i) is eligible to participate in programs under this title; and

“(ii) is not an institution described in subparagraph (A) or (C) of section 102(a)(1).
“(B) A system of institutions described in subparagraph (A).

“(C) A consortium of institutions described in subparagraph (A).

“(c) DEMONSTRATION PROJECT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall carry out a competency-based education demonstration project under which the Secretary selects, in accordance with subsection (e), eligible entities to participate and receive waivers described in paragraph (2), in order to enable the eligible entities to offer competency-based education.

“(2) WAIVERS.—

“(A) IN GENERAL.—The Secretary may waive, for an eligible entity participating in the demonstration project under this section, any requirements, including any regulations promulgated under such provisions, of—

“(i) subsections (a) and (b) of section 481, as such subsections relate to requirements under this Act for a minimum number of weeks of instruction; and

“(ii) section 668.32(a)(1)(iii) of title 34, Code of Federal Regulations, as such
section relates to courses leading to teacher certification.

“(B) ADDITIONAL REQUIREMENTS ELIGIBLE FOR WAIVER.—

“(i) IN GENERAL.—In addition to any waiver authorized under subparagraph (A), the Secretary may waive any requirements described in clause (ii) for an eligible entity participating in the demonstration project under this section that requests such a waiver in the application submitted under subsection (d), if the Secretary determines that the eligible entity has proposed a rational and defensible plan for competency-based education that requires such waiver.

“(ii) DESCRIPTION OF ADDITIONAL REQUIREMENTS.—A requirement described in this clause is any requirement under this part, part F, or title I (including any regulations promulgated under title I) that inhibits the operation of competency-based education, including any requirement that relates to—

“(I) documenting attendance;
“(II) weekly academic activity;

“(III) minimum weeks of instructional time;

“(IV) credit hour or clock hour equivalencies;

“(V) substantive interaction with faculty; and


“(d) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring to participate in the demonstration project under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of the competency-based education to be offered by the eligible entity through the demonstration project, including
the portion of the degree or credential to be
provided by competency-based education and
the amount of time needed for a student par-
ticipating in the competency-based education
program to attain the degree or credential;

“(B) a brief description of the proposed
academic delivery, business, and financial mod-
els to be used by the eligible entity in the
project, including brief explanations of how the
entity’s approach would result in the achieve-
ment and assessment of competencies and how
the approach would differ from standard credit
hour approaches;

“(C) a description of the statutory and
regulatory requirements described in subsection
(e)(2) for which a waiver is sought, and the rea-
sons for which each such waiver is sought;

“(D) a description of the entity’s proposal
for determining a student’s Federal student aid
eligibility under this title and awarding and dis-
tributing such aid, including safeguards to en-
sure that students are making satisfactory
progress that warrants disbursement of such
aid, and an explanation of how the proposal en-
sures that the competency-based education pro-
gram does not require the expenditure of additional Federal funding beyond what the students are otherwise eligible for under this title;

“(E) a description of the students to whom competency-based education will be offered, including an assurance that the eligible entity will include, by the end of the first calendar year, a minimum of 100 and a maximum of 2,000 eligible students as part of the project;

“(F) a description of the goals the entity hopes to achieve through the use of competency-based education;

“(G) a description of how the entity plans to maintain program integrity, and prevent fraud, waste, and abuse, in the student assistance programs under this title;

“(H) an assurance that the entity will fully cooperate with the ongoing evaluations of the demonstration project under subsection (f)(3);

“(I) an assurance that the entity will not require the expenditure of additional Federal funding to implement the project; and

“(J) such other information as the Secretary may require.

“(e) SELECTION.—
“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Advancing Competency-Based Education Demonstration Project Act of 2014, the Secretary shall select not more than 15 eligible entities to participate in the demonstration project under this section.

“(2) CONSIDERATIONS.—In selecting eligible entities to participate in the demonstration project under this section, the Secretary shall—

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

“(B) consider the eligible entity’s—

“(i) demonstrated quality, as measured through outcome-based metrics of student success;

“(ii) ability to successfully execute the project as described;

“(iii) commitment and ability to effectively finance a demonstration site as proposed;

“(iv) demonstrated administrative capability and expertise to evaluate learning based on measures other than credit hours or clock hours;
“(v) commitment to allow random assignment and collection of school records of eligible project applicants, if necessary in order to allow for the evaluation of the impact of the competency-based education programs supported under the project, as described in subsection (f)(2)(B); and

“(vi) commitment to share the defined competencies and metrics for assessment developed for the competency-based education program with the Secretary; and

“(C) ensure the participation of a diverse group of institutions of higher education (including institutions within eligible entities described in subparagraph (B) or (C) of subsection (b)(2)) with respect to size, mission, and geographic distribution of the institutions.

“(3) NOTIFICATION.—Not later than 180 days after the date of enactment of the Advancing Competency-Based Education Demonstration Project Act of 2014, the Secretary shall make available to the authorizing committees and the public a list of the eligible entities selected to participate in the demonstration project under this section. Such list shall include, for each such eligible entity, the specific
statutory and regulatory requirements that the Secretary is waiving for the project and a description of the competency-based education courses to be offered.

“(f) EVALUATIONS AND REPORTS.—

“(1) ELIGIBLE ENTITY REPORT.—Each eligible entity that participates in the demonstration project under this section shall prepare and submit to the Secretary an annual report that includes—

“(A) for each student participating in the competency-based education program offered by the eligible entity—

“(i) the number of postsecondary credit hours the student had earned prior to enrollment in the program;

“(ii) an identification of whether the student is participating in the program and only receiving competency-based education or participating in the program while also taking courses offered in credit or clock hours, and identification of student status as a first-year, second-year, third-year, or fourth-year student;

“(iii) the period of time between the admission of the student in the program
and the first assessment of student learning;

“(iv) the percentage of assessments of student learning that the student passed on the first attempt, during the period of the student’s participation in the program;

“(v) the percentage of assessments of student learning that the student passed on the second attempt, and overall and the average period of time between the student’s first and second attempts, during the period of the student’s participation in the program; and

“(vi) the number of credits that the student acquired through the program and the period of time during which the student acquired such credits;

“(B) the information reported under subparagraph (A) aggregated for the program;

“(C) the rates of retention in the program for participating students, for each 6-month period of the program; and

“(D) such other information as the Secretary may reasonably require.

“(2) EVALUATION.—The Secretary shall—
“(A) acting through the Director of the Institute of Education Sciences—

“(i) develop performance measures, including the measures described in paragraph (1)(A), to be used by eligible entities participating in the demonstration project under this section to ascertain outcome and progress;

“(ii) evaluate the implementation and impact of the activities supported under this section; and

“(iii) identify promising practices regarding competency-based education and disseminate research on such practices;

“(B) annually evaluate the competency-based education program offered by each eligible entity participating in the demonstration project under this section to review—

“(i) the extent to which the eligible entity has met the goals set forth in its application under subsection (d), including the measures of program quality assurance;
“(ii) the number and types of students participating in the competency-based education programs offered, including the progress of participating students toward recognized degrees and credentials and the extent to which participation, post-secondary education retention, postsecondary education completion, employment after graduation, and debt repayment increased or decreased for participating students as compared to the general postsecondary education student population;

“(iii) obstacles related to student financial assistance for competency-based education; and

“(iv) the extent to which statutory or regulatory requirements not waived under the demonstration project present difficulties for students or institutions of higher education.

“(3) ANNUAL REPORTS.—The Secretary shall annually prepare and submit to the authorizing committees a report that includes—
“(A) the evaluations of the competency-based education programs required under paragraph (2);

“(B) the number and types of students receiving assistance under this title who participate in competency-based education programs supported under this section;

“(C) the postsecondary education retention and completion rates of students participating in such programs;

“(D) any statutory changes the Secretary would recommend that are designed to support and enhance the expansion of competency-based education; and

“(E) other such measures as determined by the Secretary.

“(g) OVERSIGHT.—In conducting the demonstration project under this section, the Secretary shall, on a continuing basis—

“(1) ensure that eligible entities participating in the project comply with the requirements of this title (other than the requirements that are waived under subsection (c)(2));

“(2) provide technical assistance;
“(3) monitor fluctuations in the student population enrolled in the participating eligible entities; and

“(4) consult with appropriate accrediting agencies or associations and appropriate State regulatory authorities regarding the project.”.