

117TH CONGRESS
2D SESSION

S. 3639

To direct the Secretary of Education to make grants to support early college high schools and dual or concurrent enrollment programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2022

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Education to make grants to support early college high schools and dual or concurrent enrollment programs, and for other purposes.

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 “Jumpstart on College
5 Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to increase the percentage
8 of students who complete a recognized postsecondary cre-
9 dential within 100 percent of the normal time for the com-

1 pletion of such credential, including low-income students
 2 and students from other populations that are underrep-
 3 resented in higher education.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ESEA TERMS.—The terms “dual or concur-
 7 rent enrollment program”, “early college high
 8 school”, “educational service agency”, “four-year ad-
 9 justed cohort graduation rate”, “local educational
 10 agency”, “secondary school”, and “State” have the
 11 meanings given the terms in section 8101 of the Ele-
 12 mentary and Secondary Education Act of 1965 (20
 13 U.S.C. 7801).

14 (2) ELIGIBLE ENTITY.—The term “eligible enti-
 15 ty” means an institution of higher education in part-
 16 nership with 1 or more local educational agencies
 17 (which may be educational service agencies). Such
 18 partnership may also include other entities, such as
 19 nonprofit organizations or businesses and schools in
 20 juvenile detention centers.

21 (3) INSTITUTION OF HIGHER EDUCATION.—The
 22 term “institution of higher education” has the
 23 meaning given the term in section 101 of the Higher
 24 Education Act of 1965 (20 U.S.C. 1001).

1 (4) LOW-INCOME STUDENT.—The term “low-in-
 2 come student” means a student counted under sec-
 3 tion 1124(c) of the Elementary and Secondary Edu-
 4 cation Act of 1965 (20 U.S.C. 6333(c)).

5 (5) RECOGNIZED POSTSECONDARY CREDEN-
 6 TIAL.—The term “recognized postsecondary creden-
 7 tial” has the meaning given the term in section 3 of
 8 the Workforce Innovation and Opportunity Act (29
 9 U.S.C. 3102).

10 (6) SECRETARY.—The term “Secretary” means
 11 the Secretary of Education.

12 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
 13 **TIONS.**

14 (a) IN GENERAL.—To carry out this Act, there are
 15 authorized to be appropriated \$250,000,000 for fiscal year
 16 2022 and each of the 5 succeeding fiscal years.

17 (b) RESERVATIONS.—From the funds appropriated
 18 under subsection (a) for each fiscal year, the Secretary
 19 shall reserve—

20 (1) 40 percent for grants to eligible entities
 21 under section 5;

22 (2) 55 percent for grants to States under sec-
 23 tion 6; and

24 (3) 5 percent for national activities under sec-
 25 tion 8.

1 **SEC. 5. GRANTS TO ELIGIBLE ENTITIES.**

2 (a) IN GENERAL.—The Secretary shall award grants
3 to eligible entities, on a competitive basis, to assist such
4 entities in establishing or supporting an early college high
5 school or dual or concurrent enrollment program in ac-
6 cordance with this section.

7 (b) DURATION.—Each grant under this section shall
8 be awarded for a period of 6 years.

9 (c) GRANT AMOUNT.—The Secretary shall ensure
10 that the amount of each grant under this section is suffi-
11 cient to enable each grantee to carry out the activities de-
12 scribed in subsection (h), except that a grant under this
13 section may not exceed \$2,000,000. Not more than 15
14 percent of the overall grant total may be used to improve
15 data systems for the purpose of facilitating the execution
16 of the reporting requirement in section 7(a).

17 (d) MATCHING REQUIREMENT.—

18 (1) IN GENERAL.—For each year that an eligi-
19 ble entity receives a grant under this section, the en-
20 tity shall contribute matching funds, in the amounts
21 described in paragraph (2), for the activities sup-
22 ported by the grant.

23 (2) AMOUNTS DESCRIBED.—The amounts de-
24 scribed in this paragraph are—

1 (A) for each of the first and second years
 2 of the grant period, 20 percent of the grant
 3 amount for such year;

4 (B) for each of the third and fourth years
 5 of the grant period, 30 percent of the grant
 6 amount for such year;

7 (C) for the fifth year of the grant period,
 8 40 percent of the grant amount for such year;
 9 and

10 (D) for the sixth year of the grant period,
 11 50 percent of the grant amount for such year.

12 (3) DETERMINATION OF AMOUNT CONTRIB-
 13 UTED.—

14 (A) IN-KIND CONTRIBUTIONS.—The Sec-
 15 retary shall allow an eligible entity to meet the
 16 requirements of this subsection through in-kind
 17 contributions.

18 (B) NON-FEDERAL SOURCES.—Not less
 19 than half of each amount described in para-
 20 graph (2) shall be provided by the eligible entity
 21 from non-Federal sources.

22 (e) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
 23 ty shall use a grant received under this section only to
 24 supplement funds that would, in the absence of such a
 25 grant, be made available from other Federal, State, or

1 local sources for activities supported by the grant, not to
 2 supplant such funds.

3 (f) PRIORITY.—In awarding grants under this sec-
 4 tion, the Secretary shall give priority to eligible entities
 5 that—

6 (1) propose to establish or support an early col-
 7 lege high school or dual or concurrent enrollment
 8 program that will serve a student population of
 9 which not less than 51 percent are low-income stu-
 10 dents;

11 (2) include a local educational agency which
 12 serves a high school that is—

13 (A) identified for comprehensive support
 14 and improvement under section
 15 1111(c)(4)(D)(i) of the Elementary and Sec-
 16 ondary Education Act of 1965 (20 U.S.C.
 17 6311(c)(4)(D)(i)); or

18 (B) implementing a targeted support and
 19 improvement plan as described in section
 20 1111(d)(2) of the Elementary and Secondary
 21 Education Act of 1965 (20 U.S.C. 6311(d)(2));

22 (3) are from States that provide assistance to
 23 early college high schools or dual or concurrent en-
 24 rollment programs, such as assistance to defray the

1 costs of higher education (including costs of tuition,
2 fees, and textbooks); and

3 (4) propose to establish or support an early col-
4 lege high school or dual or concurrent enrollment
5 program that meets quality standards established
6 by—

7 (A) a nationally recognized accrediting
8 agency or association that offers accreditation
9 specifically for such programs; or

10 (B) a State process specifically for the re-
11 view and approval of such programs.

12 (g) EQUITABLE DISTRIBUTION.—The Secretary shall
13 ensure, to the extent practicable, that eligible entities re-
14 ceiving grants under this section—

15 (1) are from a representative cross-section of—

16 (A) urban, suburban, and rural areas; and

17 (B) regions of the United States; and

18 (2) include both 2-year and 4-year institutions
19 of higher education.

20 (h) USES OF FUNDS.—

21 (1) MANDATORY ACTIVITIES.—

22 (A) IN GENERAL.—An eligible entity shall
23 use grant funds received under this section—

24 (i) to support the activities described
25 in its application under subsection (i);

(ii) to create and maintain a coherent system of supports for students, teachers, principals, and faculty under the program, including—

(I) college and career readiness, academic, and social support services for students; and

(II) professional development for secondary school teachers, faculty, and principals, and faculty from the institution of higher education, including—

(aa) joint professional development activities; and

(bb) activities to assist such teachers, faculty, and principals in using effective parent and community engagement strategies and to help ensure the success of students academically at risk of not enrolling in or completing postsecondary education, first-generation college students, and each category of students described in section

1 1111(b)(2)(B)(xi) of the Elemen-
2 tary and Secondary Education
3 Act of 1965 (20 U.S.C.
4 6311(b)(2)(B)(xi));

5 (iii) to carry out liaison activities
6 among the partners that comprise the eli-
7 gible entity pursuant to an agreement or
8 memorandum of understanding docu-
9 menting commitments, resources, roles,
10 and responsibilities of the partners con-
11 sistent with the design of the program;

12 (iv) for outreach programs to ensure
13 that secondary school students and their
14 families, including students academically at
15 risk of not enrolling in or completing post-
16 secondary education, first-generation col-
17 lege students, and each category of stu-
18 dents described in section
19 1111(b)(2)(B)(xi) of the Elementary and
20 Secondary Education Act of 1965 (20
21 U.S.C. 6311(b)(2)(B)(xi)), are—

22 (I) aware of, and recruited into,
23 the early college high school or dual
24 or concurrent enrollment program;
25 and

- 1 (II) assisted with the process of
2 enrolling and succeeding in the early
3 college high school or dual or concu-
4 rent enrollment program, which may
5 include providing academic support;
- 6 (v) to collect, share, and use data (in
7 compliance with section 444 of the General
8 Education Provisions Act (20 U.S.C.
9 1232g)) for program improvement and
10 program evaluation; and
- 11 (vi) to review and strengthen its pro-
12 gram to maximize the potential that stu-
13 dents participating in the program will
14 eventually complete a recognized postsec-
15 ondary credential, including by opti-
16 mizing—
- 17 (I) the curriculum of the pro-
18 gram;
- 19 (II) the use of high-quality as-
20 sessments of student learning, such as
21 performance-based, project-based, or
22 portfolio assessments that measure
23 higher-order thinking skills;
- 24 (III) the sequence of courses of-
25 fered by the program; and

1 (IV) the alignment of academic
2 calendars between the secondary
3 schools and the institution of higher
4 education participating in the pro-
5 gram.

6 (B) NEW PROGRAMS.—In the case of an
7 eligible entity that uses a grant under this sec-
8 tion to establish an early college high school or
9 dual or concurrent enrollment program, the en-
10 tity shall use such funds during the first year
11 of the grant period—

12 (i) to design the curriculum and se-
13 quence of courses in collaboration with, at
14 a minimum—

15 (I) faculty from the institution of
16 higher education;

17 (II) teachers and faculty from
18 the local educational agency; and

19 (III) in the case of a career and
20 technical education program, employ-
21 ers or workforce development entities
22 to ensure that the program is aligned
23 with labor market demand;

24 (ii) to develop and implement an ar-
25 ticulation agreement between the institu-

tion of higher education and the local educational agency that governs how secondary and postsecondary credits will be awarded under the program; and

(iii) to carry out the activities described in subparagraph (A).

(2) ALLOWABLE ACTIVITIES.—An eligible entity may use grant funds received under this section to support the activities described in its application under subsection (i), including by—

(A) purchasing textbooks and equipment that support the program’s curriculum;

(B) pursuant to the assurance provided by the eligible entity under subsection (i)(3)(A), paying tuition and fees for postsecondary courses taken by students under the program;

(C) incorporating work-based learning opportunities (other than by paying wages of students) into the program (which may include partnering with entities that provide such opportunities), including—

(i) internships;

(ii) career-based capstone projects;

(iii) pre-apprenticeships and registered apprenticeships provided by eligible

1 providers of apprenticeship programs de-
2 scribed in section 122(a)(2)(B) of the
3 Workforce Innovation and Opportunity Act
4 (29 U.S.C. 3152(a)(2)(B)); and

5 (iv) work-based learning opportunities
6 provided under chapters 1 and 2 of sub-
7 part 2 of part A of title IV of the Higher
8 Education Act of 1965 (20 U.S.C. 1070a–
9 11 et seq.);

10 (D) providing students with transportation
11 to and from the program;

12 (E) paying costs for—

13 (i) high school teachers to obtain the
14 skills, credentials, or industry certifications
15 necessary to teach for the institution of
16 higher education participating in the pro-
17 gram; or

18 (ii) postsecondary faculty to become
19 certified to teach high school; or

20 (F) providing time during which secondary
21 school teachers and faculty and faculty from an
22 institution of higher education can collaborate,
23 which may include—

24 (i) professional development;

- 1 (ii) the planning of team activities for
2 such teachers and faculty; and
3 (iii) curricular design and student as-
4 sessment.

5 (i) APPLICATION.—

6 (1) IN GENERAL.—To be eligible to receive a
7 grant under this section, an eligible entity shall sub-
8 mit to the Secretary an application at such time, in
9 such manner, and containing such information as
10 the Secretary may require.

11 (2) CONTENTS OF APPLICATION.—The applica-
12 tion under paragraph (1) shall include, at minimum,
13 a description of—

14 (A) the partnership that comprises the eli-
15 gible entity, including documentation of partner
16 commitments, resources and budget, roles, and
17 responsibilities;

18 (B) how the partners that comprise the eli-
19 gible entity will coordinate to carry out the
20 mandatory activities described in subsection
21 (h)(1);

22 (C) the number of students intended to be
23 served by the program and demographic infor-
24 mation relating to such students;

1 (D) how the eligible entity's curriculum
2 and sequence of courses form a program of
3 study leading to a recognized postsecondary cre-
4 dential;

5 (E) how postsecondary credits earned will
6 be transferable to institutions of higher edu-
7 cation within the State, including any applicable
8 statewide transfer agreements and any provi-
9 sions of such agreements that are specific to
10 dual or concurrent enrollment programs;

11 (F) how the eligible entity will conduct
12 outreach to students;

13 (G) how the eligible entity will determine
14 the eligibility of students for postsecondary
15 courses, including an explanation of the mul-
16 tiple factors the entity will take into account to
17 assess the readiness of students for such
18 courses; and

19 (H) the sustainability plan for the early
20 college high school or dual or concurrent enroll-
21 ment program.

22 (3) ASSURANCES.—The application under para-
23 graph (1) shall include assurances from the eligible
24 entity that—

1 (A) students participating in a program
 2 funded with a grant under this section will not
 3 be required to pay tuition or fees for postsec-
 4 ondary courses taken under the program;

5 (B) postsecondary credits earned by stu-
 6 dents under the program will be transcribed
 7 upon completion of the required course work;
 8 and

9 (C) instructors of postsecondary courses
 10 under the program will meet the same stand-
 11 ards applicable to other faculty at the institu-
 12 tion of higher education that is participating in
 13 the program.

14 **SEC. 6. GRANTS TO STATES.**

15 (a) IN GENERAL.—The Secretary shall award grants
 16 to States, on a competitive basis, to assist States in sup-
 17 porting or establishing early college high schools or dual
 18 or concurrent enrollment programs.

19 (b) DURATION.—Each grant under this section shall
 20 be awarded for a period of 6 years.

21 (c) GRANT AMOUNT.—The Secretary shall ensure
 22 that the amount of each grant under this section is suffi-
 23 cient to enable each grantee to carry out the activities de-
 24 scribed in subsection (f), of which not more than 15 per-
 25 cent of the overall grant total may be used to improve data

1 systems for the purpose of facilitating the execution of the
 2 reporting requirement in section 7(a).

3 (d) MATCHING REQUIREMENT.—For each year that
 4 a State receives a grant under this section, the State shall
 5 provide, from non-Federal sources, an amount equal to 50
 6 percent of the amount of the grant received by the State
 7 for such year to carry out the activities supported by the
 8 grant.

9 (e) SUPPLEMENT, NOT SUPPLANT.—A State shall
 10 use a grant received under this section only to supplement
 11 funds that would, in the absence of such grant, be made
 12 available from other Federal, State, or local sources for
 13 activities supported by the grant, not to supplant such
 14 funds.

15 (f) USES OF FUNDS.—

16 (1) MANDATORY ACTIVITIES.—A State shall use
 17 grant funds received under this section to—

18 (A) support the activities described in its
 19 application under subsection (g);

20 (B) plan and implement a statewide strat-
 21 egy for expanding access to early college high
 22 schools and dual or concurrent enrollment pro-
 23 grams for students who are underrepresented in
 24 higher education to raise statewide rates of sec-
 25 ondary school graduation, readiness for postsec-

ondary education, and completion of recognized postsecondary credentials, with a focus on students academically at risk of not enrolling in or completing postsecondary education;

(C) identify any obstacles to such a strategy under State law or policy;

(D) provide technical assistance (either directly or through a knowledgeable intermediary) to early college high schools and dual or concurrent enrollment programs, which may include—

(i) brokering relationships and agreements that forge a strong partnership between elementary and secondary and postsecondary partners; and

(ii) offering statewide training, professional development, and peer learning opportunities for school leaders, instructors, and counselors or advisors;

(E) identify and implement policies that will improve the effectiveness and ensure the quality of early college high schools and dual or concurrent enrollment programs, such as eligibility and access, funding, data and quality assurance, governance, accountability, and alignment policies;

1 (F) update the State's requirements for a
2 student to receive a regular high school diploma
3 to align with the challenging State academic
4 standards and entrance requirements for credit-
5 bearing coursework as described in subpara-
6 graphs (A) and (D) of section 1111(b)(1) of the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6311(b)(1));

9 (G) incorporate indicators regarding stu-
10 dent access to and completion of early college
11 high schools and dual or concurrent enrollment
12 programs into the school quality and student
13 success indicators included in the State system
14 of annual meaningful differentiation as de-
15 scribed under section 1111(c)(4)(B)(v)(I) of the
16 Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 6311(c)(4)(B)(v)(I));

18 (H) disseminate best practices for early
19 college high schools and dual or concurrent en-
20 rollment programs, which may include best
21 practices from programs in the State or other
22 States;

23 (I) facilitate statewide secondary and post-
24 secondary data collection, research and evalua-
25 tion, and reporting to policymakers and other

1 stakeholders, disaggregated for each category of
2 students described in section 1111(b)(2)(B)(xi)
3 of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)); and

5 (J) conduct outreach programs to ensure
6 that secondary school students, their families,
7 and community members are made aware of
8 early college high schools and dual or concur-
9 rent enrollment programs in the State through
10 a new or existing State online website that com-
11 plies with the web accessibility requirements
12 under Federal and State laws that protect indi-
13 viduals with disabilities.

14 (2) ALLOWABLE ACTIVITIES.—A State may use
15 grant funds received under this section to—

16 (A) establish a mechanism to offset the
17 costs of tuition, fees, standardized testing, per-
18 formance assessments, and support services for
19 low-income students and students from under-
20 represented populations enrolled in early college
21 high schools or dual or concurrent enrollment
22 programs;

23 (B) establish formal transfer systems with-
24 in and across State higher education systems,
25 including 2-year and 4-year public and private

1 institutions, to maximize the transferability of
2 college courses;

3 (C) provide incentives to local educational
4 agencies that—

5 (i) assist high school teachers in get-
6 ting the credentials needed to participate
7 in early college high school and dual or
8 concurrent enrollment programs;

9 (ii) encourage the use of instructors
10 from institutions of higher education to
11 teach postsecondary courses in high
12 schools; and

13 (iii) participate in an annual assess-
14 ment of current availability and shortages
15 of high school instructors who are
16 credentialed to teach a dual or concurrent
17 enrollment course, and shortages of these
18 instructors in specific curricular areas; and

19 (D) support initiatives to improve the qual-
20 ity of early college high school and dual or con-
21 current enrollment programs at participating
22 institutions, including by assisting such institu-
23 tions in aligning programs with the quality
24 standards described in section 5(f)(4).

25 (g) STATE APPLICATIONS.—

1 (1) APPLICATION.—To be eligible to receive a
2 grant under this section, a State shall submit to the
3 Secretary an application at such time, in such man-
4 ner, and containing such information as the Sec-
5 retary may require.

6 (2) CONTENTS OF APPLICATION.—The applica-
7 tion under paragraph (1) shall include, at minimum,
8 a description of—

9 (A) how the State will carry out the man-
10 datory State activities described in subsection
11 (f)(1);

12 (B) how the State will ensure that any
13 programs funded with a grant under this sec-
14 tion are coordinated with programs under—

15 (i) the Carl D. Perkins Career and
16 Technical Education Act of 2006 (20
17 U.S.C. 2301 et seq.);

18 (ii) the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3101 et seq.);

20 (iii) the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 6301 et
22 seq.); and

23 (iv) the Individuals with Disabilities
24 Education Act (20 U.S.C. 1400 et seq.);

1 (C) how the State intends to use grant
 2 funds to address achievement gaps for each cat-
 3 egory of students described in section
 4 1111(b)(2)(B)(xi) of the Elementary and Sec-
 5 ondary Education Act of 1965 (20 U.S.C.
 6 6311(b)(2)(B)(xi));

7 (D) how the State will access and leverage
 8 additional resources necessary to sustain early
 9 college high schools and dual or concurrent en-
 10 rollment programs;

11 (E) how the State will identify and elimi-
 12 nate barriers to implementing effective early
 13 college high schools and dual or concurrent en-
 14 rollment programs after the grant expires, in-
 15 cluding by engaging businesses and nonprofit
 16 organizations; and

17 (F) such other information as the Sec-
 18 retary determines to be appropriate.

19 **SEC. 7. REPORTING AND OVERSIGHT.**

20 (a) IN GENERAL.—Not less frequently than once an-
 21 nually, each State and eligible entity that receives a grant
 22 under this Act shall submit to the Secretary a report on
 23 the progress of the State or eligible entity in carrying out
 24 the programs supported by such grant.

1 (b) FORM OF REPORT.—The report under subsection
 2 (a) shall be submitted to the Secretary at such time, in
 3 such manner, and containing such information as the Sec-
 4 retary may require. The Secretary shall issue uniform
 5 guidelines describing the information that shall be re-
 6 ported by grantees under such subsection.

7 (c) CONTENTS OF REPORT.—

8 (1) IN GENERAL.—The report under subsection
 9 (a) shall include, at minimum, the following:

10 (A) The number of students enrolled in the
 11 early college high school or dual or concurrent
 12 enrollment program.

13 (B) The number and percentage of stu-
 14 dents enrolled in the early college high school or
 15 dual or concurrent enrollment program who
 16 earn a recognized postsecondary credential con-
 17 currently with a high school diploma.

18 (C) The number of postsecondary credits
 19 earned by eligible students while enrolled in the
 20 early college high school or dual or concurrent
 21 enrollment program that may be applied toward
 22 a recognized postsecondary credential.

23 (D) The number and percentage of stu-
 24 dents who earn a high school diploma.

1 (E) The number and percentage of grad-
 2 uates who enroll in postsecondary education.

3 (2) CATEGORIES OF STUDENTS.—The informa-
 4 tion described in each of subparagraphs (A) through
 5 (E) of paragraph (1) shall be disaggregated for each
 6 category of students described in section
 7 1111(b)(2)(B)(xi) of the Elementary and Secondary
 8 Education Act of 1965 (20 U.S.C.
 9 6311(b)(2)(B)(xi)).

10 **SEC. 8. NATIONAL ACTIVITIES.**

11 (a) REPORTING BY SECRETARY.—Not less frequently
 12 than once annually, the Secretary shall submit to Con-
 13 gress a report that includes—

14 (1) an analysis of the information received from
 15 States and eligible entities under section 7;

16 (2) an identification of best practices for car-
 17 rying out programs supported by grants under this
 18 Act; and

19 (3) the results of the evaluation under sub-
 20 section (b).

21 (b) NATIONAL EVALUATION.—Not later than 6
 22 months after the date of the enactment of this Act, the
 23 Secretary shall seek to enter into a contract with an inde-
 24 pendent entity to perform an evaluation of the grants
 25 awarded under this Act. Such evaluation shall apply rig-

1 orous procedures to obtain valid and reliable data con-
 2 cerning student outcomes by social and academic charac-
 3 teristics and monitor the progress of students from sec-
 4 ondary school to and through postsecondary education.

5 (c) TECHNICAL ASSISTANCE.—The Secretary shall
 6 provide technical assistance to States and eligible entities
 7 concerning best practices and quality improvement pro-
 8 grams in early college high schools and dual or concurrent
 9 enrollment programs and shall disseminate such best prac-
 10 tices among eligible entities, States, and local educational
 11 agencies.

12 (d) ADMINISTRATIVE COSTS.—From amounts re-
 13 served to carry out this section under section 4(b)(3), the
 14 Secretary may reserve such sums as may be necessary for
 15 the direct administrative costs of carrying out the Sec-
 16 retary’s responsibilities under this Act.

17 **SEC. 9. RULES OF CONSTRUCTION.**

18 (a) EMPLOYEES.—Nothing in this Act shall be con-
 19 strued to alter or otherwise affect the rights, remedies,
 20 and procedures afforded to the employees of local edu-
 21 cational agencies (including schools) or institutions of
 22 higher education under Federal, State, or local laws (in-
 23 cluding applicable regulations or court orders) or under
 24 the terms of collective bargaining agreements, memoranda

1 of understanding, or other agreements between such em-
2 ployees and their employers.

3 (b) GRADUATION RATE.—A student who graduates
4 from an early college high school supported by a grant
5 under section 5 within 100 percent of the normal time
6 for completion described in the eligible entity's application
7 under such section shall be counted in the four-year ad-
8 justed cohort graduation rate for such high school.

○