

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

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-
10 pletion of such credential, including low-income students

1 and students from other populations that are underrep-
2 resented in higher education.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
6 ty” means an institution of higher education in part-
7 nership with one or more local educational agencies
8 (which may be an educational service agency). Such
9 partnership may also include other entities such as
10 nonprofit organizations or businesses.

11 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
12 term “institution of higher education” has the
13 meaning given the term in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001).

15 (3) **ESEA TERMS.**—The terms “dual or concur-
16 rent enrollment program”, “early college high
17 school”, “educational service agency”, “four-year ad-
18 justed cohort graduation rate”, “local educational
19 agency”, “secondary school”, and “State” have the
20 meanings given the terms in section 8101 of the Ele-
21 mentary and Secondary Education Act of 1965 (20
22 U.S.C. 7801).

23 (4) **LOW-INCOME STUDENT.**—The term “low-in-
24 come student” means a student counted under sec-

1 tion 1124(c) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6333(e)).

3 (5) **RECOGNIZED POSTSECONDARY CREDEN-**
4 **TIAL.**—The term “recognized postsecondary creden-

5 tial” has the meaning given the term in section 3 of
6 the Workforce Innovation and Opportunity Act (29
7 U.S.C. 3102).

8 (6) **SECRETARY.**—The term “Secretary” means
9 the Secretary of Education.

10 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
11 **TIONS.**

12 (a) **IN GENERAL.**—To carry out this Act, there are
13 authorized to be appropriated \$250,000,000 for fiscal year
14 2020 and each of the 5 succeeding fiscal years.

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

18 (1) not less than 40 percent for grants to eligi-
19 ble entities under section 5;

20 (2) not less than 55 percent for grants to
21 States under section 6; and

22 (3) not less than 5 percent for national activi-
23 ties under section 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.

14 (d) MATCHING REQUIREMENT.—

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

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

22 (A) for each of the first and second years
23 of the grant period, 20 percent of the grant
24 amount;

1 (B) for each of the third and fourth years
2 of the grant period, 30 percent of the grant
3 amount;

4 (C) for the fifth year of the grant period,
5 40 percent of the grant amount; and

6 (D) for the sixth year of the grant period,
7 50 percent of the grant amount.

8 (3) DETERMINATION OF AMOUNT CONTRIB-
9 UTED.—

10 (A) IN-KIND CONTRIBUTIONS.—The Sec-
11 retary shall allow an eligible entity to meet the
12 requirements of this subsection through in-kind
13 contributions.

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

18 (e) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
19 ty shall use a grant received under this section only to
20 supplement funds that would, in the absence of such a
21 grant, be made available from other Federal, State, or
22 local sources for activities supported by the grant, not to
23 supplant such funds.

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

4 (1) propose to establish or support an early col-
5 lege high school or other dual or concurrent enroll-
6 ment program that will serve a student population
7 of which not less than 51 percent are low-income
8 students;

9 (2) include a local educational agency that
10 serves a high school that is—

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

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

20 (3) are from States that provide assistance to
21 early college high schools or other dual enrollment
22 programs, such as assistance to defray the costs of
23 higher education (including costs of tuition, fees,
24 and textbooks); and

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

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

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

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

13 (1) are from a representative cross section of—

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

15 (B) regions of the United States; and

16 (2) include both 2-year and 4-year institutions
17 of higher education.

18 (h) **USES OF FUNDS.**—

19 (1) **MANDATORY ACTIVITIES.**—

20 (A) **IN GENERAL.**—An eligible entity shall
21 use grant funds received under this section—

22 (i) to support the activities described
23 in its application under subsection (i);

24 (ii) to create and maintain a coherent
25 system of supports for students, teachers,

1 principals, and faculty under the program,
2 including—

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

6 (II) professional development for
7 teachers, faculty, and principals from
8 the secondary schools and faculty
9 from the institution of higher edu-
10 cation, including—

11 (aa) joint professional devel-
12 opment activities; and

13 (bb) activities to assist such
14 teachers, faculty, and principals
15 in using effective parent and
16 community engagement strate-
17 gies and to help ensure the suc-
18 cess of—

19 (AA) students academi-
20 cally at risk of not enrolling
21 in or completing postsec-
22 ondary education;

23 (BB) first-generation
24 college students; and

1 (CC) students described
2 in section 1111(b)(2)(B)(xi)
3 of the Elementary and Sec-
4 ondary Education Act of
5 1965 (20 U.S.C.
6 6311(b)(2)(B)(xi));

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

14 (iv) for outreach programs to ensure
15 that secondary school students and their
16 families, including students academically at
17 risk of not enrolling in or completing post-
18 secondary education, first-generation col-
19 lege students, and students described in
20 section 1111(b)(2)(B)(xi) of the Elemen-
21 tary and Secondary Education Act of 1965
22 (20 U.S.C. 6311(b)(2)(B)(xi)), are—

23 (I) aware of, and recruited into,
24 the early college high school or dual

1 or concurrent enrollment program;
2 and

3 (II) assisted with the process of
4 enrolling and succeeding in the early
5 college high school or program, which
6 may include providing academic sup-
7 port;

8 (v) to collect, share, and use data (in
9 compliance with section 444 of the General
10 Education Provisions Act (20 U.S.C.
11 1232g)) for program improvement and
12 program evaluation; and

13 (vi) to review and strengthen its pro-
14 gram to maximize the potential that stu-
15 dents participating in the program will
16 eventually complete a recognized postsec-
17 ondary credential, including by opti-
18 mizing—

19 (I) the curriculum of the pro-
20 gram;

21 (II) the use of high-quality as-
22 sessments of student learning, such as
23 performance-based, project-based, or
24 portfolio assessments that measure
25 higher-order thinking skills;

1 (III) the sequence of courses of-
2 fered by the program; and

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

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

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

17 (I) faculty from the institution of
18 higher education;

19 (II) teachers and faculty from
20 the local educational agency; and

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

1 (ii) to develop and implement an ar-
2 tication agreement between the institu-
3 tion of higher education and the local edu-
4 cational agency that governs how sec-
5 ondary and postsecondary credits will be
6 awarded under the program; and

7 (iii) to carry out the activities de-
8 scribed in subparagraph (A).

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

13 (A) purchasing textbooks and equipment
14 that support the curriculum of the program;

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

19 (C) incorporating work-based learning op-
20 portunities into the program (which may in-
21 clude partnering with entities that provide such
22 opportunities), including—

23 (i) internships;

24 (ii) career-based capstone projects;

1 (iii) pre-apprenticeships and appren-
2 ticeships provided by eligible providers of
3 apprenticeship programs described in sec-
4 tion 122(a)(2)(B) of the Workforce Inno-
5 vation and Opportunity Act (29 U.S.C.
6 3152(a)(2)(B)); and

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

12 (D) providing students with transportation
13 to and from the program;

14 (E) paying costs for—

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

20 (ii) postsecondary faculty to become
21 certified to teach high school; or

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

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

6 (i) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a

8 grant under this section, an eligible entity shall sub-

9 mit to the Secretary an application at such time, in

10 such manner, and containing such information as

11 the Secretary may require.

12 (2) CONTENTS OF APPLICATION.—The applica-

13 tion under paragraph (1) shall include, at minimum,

14 a description of—

15 (A) the partnership that comprises the eli-

16 gible entity, including documentation of partner

17 commitments, resources and budget, roles, and

18 responsibilities;

19 (B) how the partners that comprise the eli-

20 gible entity will coordinate to carry out the

21 mandatory activities described in subsection

22 (h)(1);

23 (C) the number of students intended to be

24 served by the program and demographic infor-

25 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—

8 (i) any applicable statewide transfer
9 agreements; and

10 (ii) any provisions of such agreements
11 that are specific to dual or concurrent en-
12 rollment programs;

13 (F) how the eligible entity will ensure that
14 students understand how credits earned by such
15 students will transfer;

16 (G) outreach programs to provide sec-
17 ondary school students, especially those in mid-
18 dle grades, and their parents, teachers, school
19 counselors, and principals information about,
20 and academic preparation for, the early college
21 high school or other dual enrollment program;

22 (H) how the eligible entity will determine
23 the eligibility of students for postsecondary
24 courses, including an explanation of the mul-
25 tiple factors the entity will take into account to

1 assess the readiness of students for such
2 courses; and

3 (I) the sustainability plan for the early col-
4 lege high school or other dual or concurrent en-
5 rollment program.

6 (3) ASSURANCES.—The application under para-
7 graph (1) shall include assurances from the eligible
8 entity that—

9 (A) students participating in a program
10 funded with a grant under this section will not
11 be required to pay tuition or fees for postsec-
12 ondary courses taken under the program;

13 (B) postsecondary credits earned by stu-
14 dents under the program will be transcribed
15 upon completion of the required course work;
16 and

17 (C) instructors of postsecondary courses
18 under the program will meet the same stand-
19 ards applicable to other faculty at the institu-
20 tion of higher education that is participating in
21 the program.

22 **SEC. 6. GRANTS TO STATES.**

23 (a) IN GENERAL.—The Secretary shall award grants
24 to States, on a competitive basis, to assist States in sup-

1 porting or establishing early college high schools or dual
2 or concurrent enrollment programs.

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

5 (c) GRANT AMOUNT.—The Secretary shall ensure
6 that the amount of each grant under this section is suffi-
7 cient to enable each grantee to carry out the activities de-
8 scribed in subsection (f).

9 (d) MATCHING REQUIREMENT.—For each year that
10 a State receives a grant under this section, the State shall
11 provide, from non-Federal sources, an amount equal to 50
12 percent of the amount of the grant received by the State
13 for such year to carry out the activities supported by the
14 grant.

15 (e) SUPPLEMENT, NOT SUPPLANT.—A State shall
16 use a grant received under this section only to supplement
17 funds that would, in the absence of such grant, be made
18 available from other Federal, State, or local sources for
19 activities supported by the grant, not to supplant such
20 funds.

21 (f) USES OF FUNDS.—

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

24 (A) support the activities described in its
25 application under subsection (g);

1 (B) plan and implement a statewide strat-
2 egy for expanding access to early college high
3 schools and dual or concurrent enrollment pro-
4 grams for students who are underrepresented in
5 higher education to raise statewide rates of sec-
6 ondary school graduation, readiness for postsec-
7 ondary education, and completion of recognized
8 postsecondary credentials, with a focus on stu-
9 dents academically at risk of not enrolling in or
10 completing postsecondary education;

11 (C) identify any obstacles to such a strat-
12 egy under State law or policy;

13 (D) provide technical assistance (either di-
14 rectly or through a knowledgeable intermediary)
15 to early college high schools and other dual or
16 concurrent enrollment programs, which may in-
17 clude—

18 (i) brokering relationships and agree-
19 ments that forge a strong partnership be-
20 tween elementary and secondary and post-
21 secondary partners; and

22 (ii) offering statewide training, profes-
23 sional development, and peer learning op-
24 portunities for school leaders, instructors,
25 and counselors or advisors;

1 (E) identify and implement policies that
2 will improve the effectiveness and ensure the
3 quality of early college high schools and dual or
4 concurrent enrollment programs, such as eligi-
5 bility and access, funding, data and quality as-
6 surance, governance, accountability, and align-
7 ment policies;

8 (F) update the State's requirements for a
9 student to receive a regular high school diploma
10 to align with the challenging State academic
11 standards and entrance requirements for credit-
12 bearing coursework as described in subpara-
13 graphs (A) and (D) of section 1111(b)(1) of the
14 Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6311(b)(1));

16 (G) incorporate indicators regarding stu-
17 dent access to and completion of early college
18 high schools and dual or concurrent enrollment
19 programs into the school quality and student
20 success indicators included in the State system
21 of annual meaningful differentiation as de-
22 scribed under section 1111(c)(4)(B)(v)(I) of the
23 Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 6311(c)(4)(B)(v)(I));

1 (H) disseminate best practices for early
2 college high schools and dual or concurrent en-
3 rollment programs, which may include best
4 practices from programs in the State or other
5 States;

6 (I) facilitate statewide secondary and post-
7 secondary data collection, research and evalua-
8 tion, and reporting to policymakers and other
9 stakeholders; and

10 (J) conduct outreach programs to ensure
11 that secondary school students, their families,
12 and community members are aware of early col-
13 lege high schools and dual enrollment programs
14 in the State.

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

17 (A) establish a mechanism to offset the
18 costs of tuition, fees, and support services for
19 low-income students enrolled in early college
20 high schools or dual or concurrent enrollment
21 programs;

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

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

3 (C) provide incentives to school districts
4 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; and

9 (ii) encourage the use of college in-
10 structors to teach college courses in high
11 schools; and

12 (D) support initiatives to improve the qual-
13 ity of early college high school and dual or con-
14 current enrollment programs at participating
15 institutions, including by assisting such institu-
16 tions in aligning programs with the quality
17 standards described in section 5(f)(3).

18 (g) STATE APPLICATIONS.—

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

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

4 (A) how the State will carry out the man-
5 datory State activities described subsection
6 (f)(1);

7 (B) how the State will ensure that any
8 programs funded with a grant under this sec-
9 tion are coordinated with programs under—

10 (i) the Carl D. Perkins Career and
11 Technical Education Act of 2006 (20
12 U.S.C. 2301 et seq.);

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

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

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

20 (C) how the State intends to use grant
21 funds to address achievement gaps for each cat-
22 egory of students described in section
23 1111(b)(2)(B)(xi) of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C.
25 6311(b)(2)(B)(xi)) as identified by the State in

1 its accountability system under section 1111(c)
2 of the Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. 6311(c));

4 (D) how the State will access and leverage
5 additional resources necessary to sustain early
6 college high schools or other dual or concurrent
7 enrollment programs;

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

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

16 **SEC. 7. REPORTING AND OVERSIGHT.**

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

22 (b) FORM OF REPORT.—The report under subsection
23 (a) shall be submitted to the Secretary at such time, in
24 such manner, and containing such information as the Sec-
25 retary may require. The Secretary shall issue uniform

1 guidelines describing the information that shall be re-
2 ported by grantees under such subsection.

3 (c) CONTENTS OF REPORT.—

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

6 (A) The number of students enrolled in the
7 early college high school or dual or concurrent
8 enrollment program.

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

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

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

21 (E) The total number and percentage of
22 eligible students who enroll in and subsequently
23 complete the early college high school or dual or
24 concurrent enrollment program.

1 (F) The number and percentage of grad-
2 uates who enroll in postsecondary education, in
3 military service, and in employment.

4 (2) CATEGORIES OF STUDENTS.—The informa-
5 tion described in each of subparagraphs (A) through
6 (F) of paragraph (1) shall be set forth separately for
7 each category of students described in section
8 1111(b)(2)(B)(xi) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C.
10 6311(b)(2)(B)(xi)).

11 **SEC. 8. NATIONAL ACTIVITIES.**

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

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

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

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

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

1 awarded under this Act. Such evaluation shall apply rig-
2 orous procedures to obtain valid and reliable data con-
3 cerning student outcomes by social and academic charac-
4 teristics and monitor the progress of students from sec-
5 ondary school to and through postsecondary education.

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

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

18 **SEC. 9. RULES OF CONSTRUCTION.**

19 (a) EMPLOYEES.—Nothing in this Act shall be con-
20 strued to alter or otherwise affect the rights, remedies,
21 and procedures afforded to the employees of local edu-
22 cational agencies (including schools) or institutions of
23 higher education under Federal, State, or local laws (in-
24 cluding applicable regulations or court orders) or under
25 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.