

Issue Paper

Proposed Regulatory Language Team IV – TRIO

Origin: HEOA Sec. 403(a)

Issue: **Number of Applications: Branch Campuses and Different Populations**

Statutory cites: HEA Sec. 402A(c)(5); 402A(h)(1)and (2)

Regulatory cites: Definitions in 34 CFR 643.7 (TS); 644.7 (EOC); 645.6 (UB); 646.7 (SSS); 647.7 (McNair)

SSS: 34 CFR 646, Subpart B – How Does One Apply for an Award? Section 646.10; (How many applications for a Student Support Services award may an eligible applicant submit?)

Amend/revise 34 CFR 642, Subpart B – What Kinds of Projects Does the Secretary Assist Under This Program? (TRIO Training) and Subpart B of 34 CFR 643 (TS); 644 (EOC); 647 (McNair) and Subpart C of 34 CFR 645 (UB); – Assurances to include a new section entitled “How many applications may an eligible applicant submit?”

Background: Entities applying for grants under most of the TRIO Programs have traditionally been permitted to apply for multiple grants under each program. However, except for the Student Support Services program, the regulations for these programs do not specifically address this issue. For Talent Search (TS), Upward Bound (UB), and Educational Opportunity Centers (EOC) the practice has been that an eligible entity could apply for more than one grant provided each application proposed to serve students in different target schools (TS and UB) or a different target area (EOC). Also, in UB an entity could apply for grants under each of the three project types (Regular Upward Bound, Upward Bound Math-Science (UBMS) and Veterans Upward Bound (VUB)).

For the TRIO Training program, the Application Notice for the competition stipulates the number of applications an entity can submit (e.g., one application per program priority).

In the SSS program the regulations provide that an applicant could submit more than one grant application as long as each application proposed a project that served a different campus or a different population of participants as those terms were defined in 34 CFR 646.7

Summary of issue: The HEOA establishes new requirements for the submission of more than one application by an eligible entity by adding definitions for a "different campus" of an institution of higher education and a "different population". The statute defines "different population" as a population "separate and distinct from other populations" or that "has distinct needs for specialized services". These changes apply to all of the TRIO programs.

Issue Paper

Proposed Regulatory Language Team IV – TRIO

Origin:	HEOA Sec. 403(a)
Issue:	Definitions
Statutory cites:	HEA Sec. 402A, 402B, 402C, 402D, and 402F
Regulatory cites:	34 CFR 643.7 (TS); 644.7 (EOC); 645.6 (UB); 646.7 (SSS); 647.7 (McNair)

Summary of issue: The HEOA created new definitions for some terms and uses other new terms that may need to be defined through regulations. New terms with a clear statutory definition will need to be reflected at appropriate places in the regulations. Some of the other terms that are new to TRIO may be defined in other parts of the HEOA or other program regulations. There are also terms that the Department needs to define through the regulations. The regulations need to be amended to add or change the terms and definitions.

Terms added by the HEOA that are new to the TRIO programs include:

- "homeless children and youth" (as defined in section 725 of the McKinney-Vento Homeless Assistance Act) (All programs);
- "students in foster care" (All programs);
- "regular secondary school diploma" (Talent Search and Upward Bound);
- "rigorous secondary school program of study" (see 34 CFR §691.16) (Talent Search and Upward Bound);
- "connections to services" (Talent Search);
- "financial literacy and economic literacy" (All programs);
- "groups traditionally underrepresented in postsecondary education" (All programs);
- "disconnected students" (All programs); and
- "students who have a high risk of academic failure" (Upward Bound).

Terms with new or revised definitions included in the HEOA:

- "different campus" (All programs);
- "different population" (All programs);
- "veteran eligibility" (All programs); and
- "groups underrepresented in graduate education"(McNair).

Terms not currently defined in regulations:

- "scholarly and research activities" (McNair);
- "summer internships" (McNair);
- "youths with potential for education at the postsecondary level" (Talent Search); and
- "individual with disabilities" (defined in SSS regulations but not in TS, UB, or EOC

regulations)

Note: Definitions specific to the Talent Search program will be addressed during the discussion of the HEOA changes to the goals and purposes of the Talent Search program.

Issue Paper

Proposed Regulatory Language Team IV – TRIO

- Origin:** HEOA Sec. 403(a)
- Issue:** HEOA changes the current Talent Search (TS) required and permissible services
- Statutory cites:** HEA Sec. 402A and 402B
- Regulatory cites:** 34 CFR 643.4 (Services); 643.7 (Definitions); 643.21 (Selection Criteria) 643.22 (Prior Experience Criteria); 643.32 (Other Requirements)

Summary of issue: The HEOA made fundamental changes to the goals and purpose of the Talent Search program. These statutory changes seem to require Talent Search projects to provide more intensive academic interventions as reflected by the changes to the lists of required and permissible Talent Search services and the new program outcome criteria added by the HEOA. The list of Talent Search services and the outcome criteria are now similar to those of the Upward Bound program. The Department needs to determine how these changes to the Talent Search program should be implemented through regulations and what distinctions are or should be made between the Upward Bound and Talent Search programs.

Issue Paper

Proposed Regulatory Language Team IV – TRIO

Origin: HEOA Sec. 403(a)

Issue: Outcome Criteria

Statutory cites: HEA Sec. 402A(c)(2)(A); 402A(f); and 402H(a)(1)(C)

Regulatory cites: 34 CFR 642.32 (TRIO Training); 643.22 (TS); 644.22 (EOC); 645.32 (UB); 646.22 (SSS); 647.22 (McNair)

Summary of issue: The HEOA establishes specific outcome criteria to be used to determine a grantee's prior experience (PE) points and for the purpose of reporting annually to the Congress on program performance. The HEOA does not stipulate the distribution of the PE points among the new outcome criteria for each program. The HEOA does not establish specific outcome criteria for TRIO Training. The Training regulations have not been updated to reflect the current practice of awarding 15 PE points.

Note: The new outcome criteria for the Talent Search program will be addressed during the discussion of the HEOA changes to the goals and purposes of the Talent Search program.

Issue Paper

**Proposed Regulatory Language
Team IV – TRIO**

Origin: HEOA Sec. 403(a)

Issue: Foster Care and Homeless Youth

Statutory cites: HEA Sec. 402A

Regulatory cites: To be determined

Summary of issue: A new provision added by the HEOA identifies new groups of students that projects can serve, including foster care youth and homeless children and youth. The HEOA clarifies that specific services for foster care and homeless youth are permissible and directs the Secretary, as appropriate, to require applicants for funds under the TRIO Programs to make available services to these youth.

Issue Paper

Proposed Regulatory Language Team IV – TRIO

Origin: HEOA Sec. 403(a)

Issue: Required and Permissible Services

Statutory cites: HEA Sec. 402A, 402B, 402C, 402D, 403E, 402F, and 402G

Regulatory cites: 34 CFR 642.10 and 642.34 (Training); 643.4 (TS); 644.4 (EOC); 645.11, 645.13, and 645.14 (UB); 646.4 (SSS); 647.4 (McNair)

Summary of issue: The HEOA amends the statutory provisions for the TRIO programs providing services to pre-college and college students (Upward Bound, Talent Search, Student Support Services, and McNair). The HEA now lists certain services that projects must provide to participants and optional activities that programs may offer to students. Prior to the new law, except for the Upward Bound statute that required projects funded for two or more years to provide instruction in core subjects, projects could choose from a number of permissible activities/services.

Note: The changes to the Talent Search program required and permissible services will be addressed during the discussion of the HEOA changes to the goals and purposes of the Talent Search program.

**Issue Paper
Proposed Regulatory Language
Team IV – TRIO**

Origin: HEOA Sec. 403(a)

Issue: Updates to TRIO Regulations

Statutory cites: HEA Sec. 402A, 402B, 402C, 402D, 403E, 402F, and 402G

Regulatory cites: 34 CFR 642 (Training); 643 (TS); 644 (EOC); 645 (UB); 646 (SSS); 647 (McNair)

Summary of issue: The TRIO program regulations need to be modified to reflect changes made by the HEOA and established administrative practices.

Needed changes include the following:

- updating the selection criteria related to "Objectives" (All programs);
- adding to SSS selection criteria a criterion on the applicant's effort to provide sufficient financial aid to meet the student's full need and to maintain the load burden of each student at a manageable level;
- adding (or revising) the existing McNair selection criteria to include the "Award Considerations" from the HEA;
- updating the allowable and unallowable cost sections of the SSS regulations to address Grant Aid and temporary housing for homeless and foster care youth; and
- considering revisions to the regulations on minimum number of participants to be served by TS, EOC, and UB, UBMS, and VUB projects.

Many sections of the TRIO Training regulations need to be updated or revised to reflect current law and practice.

Issue Paper

Proposed Regulatory Language Team IV – TRIO

Origin:	HEOA Sec. 403(a)
Issue:	Review Process for Unsuccessful TRIO Applicants
Statutory cites:	HEA Sec. 402A
Regulatory cites:	34 CFR 642 (Training); 643 (TS); 644 (EOC);; 646 (SSS); 647 (McNair) Subpart C – How Does the Secretary Make a Grant? 34 CFR 645 (UB) Subpart D -- How Does the Secretary Make a Grant?

Summary of issue: The HEOA has established a process for unsuccessful applicants to request a review of the scoring or processing of their applications. Applicants that have evidence that their scores were affected by a specific administrative, technical, or scoring error may request a review by the Secretary. If the Secretary determines that a technical or administrative error was made, the Secretary will arrange for the application to be reconsidered in the peer review process. If the Secretary determines that a scoring error was made, the Secretary may adjust the prior experience points or final score of the application as appropriate. If the Secretary determines that there was an error in the peer review process, the Secretary will refer the application to a second review panel of experienced readers who participated in the field reading but did not read the application in question. The new score from the secondary review would be used instead of the original score. Applications with revised scores in the fundable range will be funded to the extent feasible based on the availability of appropriations.