Issue Paper
Proposed Regulatory Language
Team IV – TRIO

Origin: **HEOA Sec. 403(a)**

Issue: **Definitions**

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

Regulatory cites: **34 CFR 642.6 (Training); 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. Some of the terms that are new to TRIO may be defined in other parts of the HEA or other program regulations. New terms with a clear statutory or regulatory definition will be incorporated in the regulations with a reference to the applicable statute or regulation, as appropriate. 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.

Updated information since March 25-27, 2009 meeting: Negotiators reached tentative agreement on the language for the following definitions:

- o Different campus (all programs);
- o Different population (all programs);
- o Financial and economic literacy (all programs)
- o Foster care youth (all programs);
- o Homeless children and youth (all programs);
- o Institution of higher education (all programs);
- o Veteran (all programs);
- o Individual who has a high risk for academic failure (regular UB participant);
- o Regular school diploma (UB and TS);
- o Rigorous secondary school program of study (UB and TS); and
- o Research or scholarly activities (McNair).

The negotiators did not reach agreement on the language for the following definitions.

- o Individual with disabilities (all programs);
- o Veteran who has a high risk for academic failure; and
- o Groups underrepresented in graduate education (McNair).

The Department revised the definition of an individual with disabilities for all programs and has added a definition of a veteran who has a high risk of academic failure. For the McNair program, the Department proposes a revised definition of a summer internship

that has not previously been presented to the negotiators. The Department did not change its proposed revision to the definition of groups underrepresented in graduate education. For consistency across programs, the Department has added the definitions for a low-income individual and a first-generation college student to the Student Support Services regulations. The definitions for "different campus" and "different population" are included in the issue paper on this topic.

Change:

Definition changes that apply to all TRIO Programs:

§642.6 (b)(Training); §643.7(b)(TS); §644.7(b) (EOC); §645.6(b)(UB); §646.7 (b)[old (c)] (SSS); §647.7 (b) (McNair); Other definitions.

   (b) The following definitions apply to this part:

   Financial and economic literacy programming means programs that teach, through project services or connections to education or counseling services, TRIO participants and their families about personal financial decision-making. Subjects covered in financial and economic literacy programming include, but are not limited to—

   (1)   Personal/family budget planning;

   (2)   Understanding credit building principles to meet long-term and short-term goals (e.g., loan to debt ratio, credit scoring, negative impacts on credit scores);

   (3)   Cost planning for postsecondary education (e.g., spending, saving, personal budgeting);

(4)   College cost of attendance (e.g., public vs.

private, tuition vs. fees, personal costs);

(5)   Scholarship, gran t and loan education (e.g.,

searches, application processes, and variances between

private and government loans); and

(6)   Assistance in completing the Free Application for

Federal Student Aid (FAFSA).

Foster care youth means youth in foster care, youth who

have left foster care after age 13, and youth who have aged

out of foster care.

Homeless children and youth means persons defined in

section 725 of the McKinney-Vento Homeless Assistance Act

(42 U.S.C. 11434(a)).

Institution of higher education means an educational

institution as defined in sections 481, 1201(a) and 1204

101 and 102 of the HEA.

Veteran means a person who--

(a) Served on active duty as a member of the Armed

Forces of the United States for a period of more than 180

days and was discharged or released under conditions other

than dishonorable;

(b) Served on active duty as a member of the Armed

Forces of the United States and was discharged or released

because of a service connected disability;

(c) Was a member of a reserve component of the Armed

Forces of the United States and was called to active duty

for a period of more than 30 days; or

(d) Was a member of a reserve component of the Armed

Forces of the United States who served on active duty in

support of a contingency operation (as that term is defined

in section 101(a)(13) of title 10, United States Code) on

or after September 11, 2001.

The new definition for a veteran replaces the definition in

34 C.F.R. §§**643.7(b), 644.7(b) and 645.6(b); Other**

definitions:

~~Veteran means a person who served on active duty as a~~
~~member of the Armed Forces of the United States--~~
~~(1) For a period of more than 180 days, any part of~~
~~which occurred after January 31, 1955, and who was~~
~~discharged or released from active duty under conditions~~
~~other than dishonorable; or~~
~~(2) After January 31, 1955, and who was discharged or~~
~~released from active duty because of a service-connected~~
~~disability.~~

**Definition that applies to §§643.7(b) (TS); §644.7(b)
(EOC); §645.6(b) (UB); §647.7(b) (McNair); Other
definitions.**

Individual with disabilities means a person who has a diagnosed physical or mental impairment that substantially limits that person's ability to participate in the educational experiences and opportunities offered by the project.

Definition change that applies to §646.7(b) [old (c)] (SSS):

Individual with disabilities means a person who has a diagnosed physical or mental impairment that substantially limits that person's ability to participate in the educational experiences and opportunities offered by the ~~grantee institution~~ project.

Definition changes that will be made to §643.7(b) Talent Search and §645.6(b) Upward Bound:
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Regular secondary school diploma means a level attained by individuals who meet or exceed the coursework and performance standards for high school completion established by the individual's State.

Rigorous secondary school program of study means a program of study as defined in 34 CFR 691.16.

Additional definitions that apply to 642.6(b) Training:

Sec. 642.~~5~~ 6 What definitions apply? ~~Definitions that to the Training Program.~~

Federal TRIO Programs means those programs authorized under Section 402A of the Act: the Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers, and Ronald E. McNair Postbaccalaureate Achievement Programs.

Individual with disabilities means a person who has a diagnosed physical or mental impairment that substantially limits that person's ability to participate in the educational experiences and opportunities offered by the Federal TRIO Programs.

Leadership personnel means project directors, coordinators, and other individuals directly involved with the supervision and direction of projects funded under the Federal TRIO Programs.

Additional definitions that apply to 645.6(b) (Upward Bound)
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Individual who has a high risk for academic failure (regular Upward Bound participant) means an individual who—

(1) Has not achieved at the proficient level on State assessments in reading or language arts;

(2) Has not achieved at the proficient level on State assessments in math;

(3) Has not completed pre-algebra, algebra, or geometry; or

(4) Has a grade point average of 2.5 or less (on a 4.0 scale) for the most recent school year for which grade point averages are available.

Veteran who has a high risk for academic failure means a veteran who –

(1) Has been out of high school or dropped out of a program of postsecondary education for five or more years; or

(2) Has scored on standardized tests below the level needed for admission to a program of postsecondary education.

Potential first-generation college student means--

* * * * *

(2) A student who~~, prior to the age of 18,~~ regularly reside~~d~~s with and receive~~d~~s support from only one natural or adoptive parent and whose supporting parent did not receive a baccalaureate degree.

Delete all text under §646.7(a) of the Student Support Services regulations; change (b) Definitions in EDGAR to (a) and add the following definitions to new §646.7(b) (current §646.7 (c)) Student Support Services regulations:

(a~~) *Definitions in the Act.* The following terms used in this part are defined in sections 402(A)(g), 481, or 1201(a) of the Higher Education Act (HEA) of 1965, as amended:~~

First generation college student

Institution of higher education

Low-income individual

(b) (a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

* * *

(b) Other definitions.

First generation college student means--

(1) A student neither of whose natural or adoptive parents received a baccalaureate degree; or

(2) A student who, prior to the age of 18, regularly resided with and received support from only one parent and whose supporting parent did not receive a baccalaureate degree.

(3) An individual who, prior to the age of 18, did not regularly reside with or receive support from a natural or an adoptive parent.

Low-income individual means an individual whose family's taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participated in the project. The poverty level amount is determined by using criteria of poverty established by the Bureau of the Census of the U.S. Department of Commerce.

Changes to definitions that apply to 647.7(b)(McNair)
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Graduate center means an ~~educational~~ institution of
higher education as defined in sections ~~481, 1201(a), and
1204~~ 101 and 102 of the HEA; and that--

(1) Provides instruction in one or more programs
leading to a doctoral degree;

(2) Maintains specialized library collections;

(3) Employs scholars engaged in research that relates
to the subject areas of the center; and

(4) Provides outreach and consultative services on a
national, regional or local basis.

Groups underrepresented in graduate education. The
following ethnic and racial groups are currently
underrepresented in graduate education: Black (non-
Hispanic), Hispanic, American Indian, Alaskan Native (as
defined in section 7306 of the Elementary and Secondary
Education Act of 1965, as amended (ESEA)), Native Hawaiians
(as defined in section 7207 of the ESEA), and Native
American Pacific Islanders (as defined in section 320 of
the HEA).

Research or scholarly activity means an educational
activity that is more rigorous than is typically available

9

to undergraduates in a classroom setting, that is definitive in its start and end dates, contains appropriate benchmarks for completion of various components, and is conducted under the guidance of an appropriate faculty member with experience in the relevant discipline.

~~Summer~~ McNair internship means an educational experience in which a participant~~s~~, under the guidance and direction of experienced faculty researchers, ~~are~~ is provided an opportunity to engage in research or other scholarly activities and for which the participant receives the legislated stipend of up to $2,800.

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 642.6 (Training); 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? (Training) and
                   Subpart B of 34 CFR 643 (TS); part 644 (EOC); part 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 Notice Inviting Applications 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 would serve 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 any other population" or that "has distinct needs for specialized services". These changes apply to all of the TRIO programs.

Updated information since March 25-27, 2009 meeting: Negotiators reached tentative agreement on the definitions for a different campus and a different population (which are statutory). They also reached tentative agreement regarding the language below regarding how many applications a grantee may submit under each of the TRIO programs. For the Student Support Services program, the negotiators reached tentative agreement on the provision that the Secretary will designate for each grant competition the different populations for which an eligible entity may submit a separate application in the <u>Federal Register</u> Notice Inviting Applications. The Department has moved this provision from the definition of different populations in §646.7 of the regulations to §646.10(b).

Tentative Agreement: Yes

Change:

<u>**The following definition applies to: §642.5(b) Training; §643.7(b) Talent Search; §644.7(b) EOC; §645.6(b) Upward Bound; §646.7(b) [old (c)] Student Support Services; §647.7(b) McNair; Other definitions.**</u>

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<u>Different campus means a site of an institution of</u>

<u>higher education that—</u>

<u>(1) Is geographically apart from the main campus of the</u>

<u>institution;</u>

<u>(2) Is permanent in nature; and</u>

<u>(3) Offers courses in educational programs leading to a</u>

<u>degree, certificate, or other recognized educational</u>

<u>credential.</u>

<u>**The following definition applies to: §642.6(b) Training; §643.7(b) Talent Search; §644.7(b) EOC; §645.6(b) Upward Bound; 646.7(b) [old (c)] Student Support Services; §647.7**</u>

(b) McNair; Other definitions.

Different population means a group of individuals that an eligible entity desires to serve through an application for a grant under the Federal TRIO programs and that—

(1) Is separate and distinct from any other population that the entity has applied for a grant to serve; or

(2) While sharing some of the same needs as another population that the eligible entity has applied for a grant to serve, has distinct needs for specialized services.

The new definitions for different campus and different population replace the definitions for different campus and different population of participants respectively in §646.7 (b) [old (c)] of the Student Support Services regulations.

Different Campus ~~means an institutional site that is geographically apart from and independent of the main campus of the institution. The Secretary considers a location of an institution to be independent of the main campus if the location—~~

~~(1) Is permanent in nature;~~

~~(2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;~~

~~(3) Has its own faculty and administrative or supervisory organization; and~~

~~(4) Has its own budgetary and hiring authority.~~

Different population of participants ~~means a group of—~~

~~(1) Low-income, first-generation college students; or~~

(2) Disabled students.

The following change applies to §642.7 Training:

§642.7 How many applications may an eligible applicant submit?

    An applicant may submit more than one application for grants as long as each describes a project that addresses different absolute priorities.

The following change applies to §643.10 Talent Search:

Subpart B Assurances— How Does One Apply for an Award?

§643.10 How many applications may an eligible applicant submit?

    An applicant may submit more than one application for (name of program) grants as long as each application describes a project that serves different target areas or schools.

The following change applies to §644.10 Educational Opportunities Centers:

    An applicant may submit more than one application for Educational Opportunity Center grants as long as each application describes a project that serves different target areas.

The following change applies to §647.10 McNair:

An applicant may submit more than one application for

McNair grants as long as each application describes a

project that serves different campuses.

The following change applies to §645.20(a) Upward Bound:

Sec. 645.20 How many applications for an Upward Bound
award may an eligible applicant submit?

(a)~~The Secretary accepts more than~~ An applicant may

submit more than one application from an eligible entity so

long as ~~an additional~~ each application describes a project

that serves different target areas or schools.

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The following change applies: to SSS:

Subpart B – How Does One Apply for an Award?

Sec. 646.10 How many applications may an eligible

applicant submit and for what different populations may an

eligible application be submitted?

(a) An eligible applicant may submit more than one

application so long as each application describes a project

that serves a different campus, or a different population

of participants that cannot readily be served by a single

project.

(b) For each grant competition, the Secretary

designates in the Federal Register notice inviting

applications the different populations for which an

eligible entity may submit a separate application.

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.

 Updated information since March 25-28, 2009 meeting: Negotiators reached tentative agreement on the definitions for foster care youth and homeless children and youth.

Tentative Agreement: Yes

Change:

The following definitions also apply to this part:
§642.6(b) (Training); §643.7(b) (TS); §644.7(b) (EOC);
§645.6(b) (UB); §646.7(b) (SSS); §647.7(b) (McNair); Other
definitions.
* * * * *

    Foster care youth means youth in foster care, youth who

have left foster care after age 13, and youth who have aged

out of foster care.

    Homeless children and youth means persons defined in

section 725 of the McKinney-Vento Homeless Assistance Act

(42 U.S.C. 11434(a)).

<div align="center">**Issue Paper**</div>

<div align="center">**Proposed Regulatory Language**
Team IV--TRIO</div>

Origin: **HEOA Sec. 403(a) and (h)**

Issue: **Outcome Criteria**

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

Regulatory cites: 34 CFR 642.32 (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 the Training program. The Training regulations have not been updated to reflect the current practice of awarding 15 PE points.

Updated information since March 25-27, 2009 meeting:

At the March meeting, the Department provided the negotiators with draft proposed regulatory language related to the process for awarding PE points, changes to the PE criteria to incorporate the new HEOA requirements, and the proposed distribution of the fifteen PE points among the PE criteria for all the TRIO programs. The negotiators suggested some clarifications to the regulatory language and reached tentative agreement on the distribution of the maximum number of the PE points that may be earned for each criterion.

The Department solicited comments as to how the Secretary should adjust the PE scores for a grantee that failed to serve the approved number of participants during the project year. The negotiators were divided on this issue; some wanted the impact of not serving the approved number to be limited to losing PE points for the one criterion related to serving the approved number of participants; others expressed concerns about not considering the number of participants served for other PE criteria that are dependent on the total number served (e.g., retention of participants).

In response to this issue, the Department proposes three additional changes to the draft proposed PE regulations for all programs. They are:

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(1) The Secretary awards no PE points for a given year to an applicant that does not serve at least 90 percent of the total number of participants to be served in that year under the approved application.

(2) For the "number of participants" criterion, for a given year the Secretary awards no PE points if the applicant did not serve the total number of participants to be served under the approved application in that year.

(3) For any PE criterion related to serving the approved number of participants (e.g. academic improvement and secondary school retention and graduation for UB), the Secretary uses the approved number to be served or the actual number served, if greater than the approved number to be served, as the denominator for calculating whether the applicant has met its approved objectives.

For PE criteria that measure outcomes for a subset of the eligible participants (e.g., postsecondary enrollment for EOC) or criteria that measure the success of a cohort of students first served in a previous project year (e.g., postsecondary completion in UB), no adjustments will be made to the denominator used to calculate PE points for a grantee that did not serve its approved number of participants in the project year. The Department believes that the proposal to establish a threshold of serving at least 90 percent of the approved number is sufficient to ensuring a fair and equitable awarding of PE points based on the grantee's performance.

In reviewing the PE sections of the draft proposed regulations, the Department noted some differences in the formatting and regulatory language used among the regulations for the six programs. For consistency and clarity, the Department has further revised the draft proposed regulations to better standardize the regulatory language and the format for the PE criteria. (e.g., use same language for number of participant criterion; put number of participants as the first PE criterion for all programs, etc.). The Department has also tried to clarify some of the PE criteria with regard to how each of the criteria would be measured (e.g., for the UB postsecondary enrollment criterion, we inserted "the percentage of current and prior-year participants with an expected high school graduation date in the project year").

The negotiators were also divided on the "practicability" and burden on grantees of long-term tracking of participants (e.g., through completion of a postsecondary degree), particularly for the Talent Search projects.

Consistent with the requirements of the HEOA, existing PE criteria, and recent practice, the Department has made no substantive changes to the postsecondary (or graduate school) completion criteria for the Student Support Services and McNair programs.

For the Upward Bound programs, grantees have been tracking participants through completion of postsecondary degrees. However, for the FY 2007 Upward Bound competitions, for the standard objectives to be used in assessing prior experience, the Department interpreted the existing PE criteria on "success" in education beyond high

school to be persistence into the second year of postsecondary education. The new statutory outcome criteria for Upward Bound in the HEOA include a requirement that grantees track postsecondary completion "to the extent practicable." Based on past practice, the relatively small number of students served each year by an Upward Bound project, and the availability of a variety of databases and other means for tracking a participant's postsecondary progress, the Department believes that tracking participants through completion of postsecondary degrees is practicable.

However, for the Talent Search (TS) program, the Department has changed the PE criterion for postsecondary completion to include only those individuals that participated in the project's rigorous secondary school program of study. Because many participants receive limited services, the Department does not believe it would be "practicable" to require TS projects to track the postsecondary completion of all individuals served.

Change:

Talent Search Program

Subpart C--How Does the Secretary Make a Grant?

§643.20 How does the Secretary decide which new grants to make?

* * * * *

(a)* * *

(2)* * *

(ii) The maximum total score for all the criteria in §643.22 is 15 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the prior experience of an applicant for each of the three project years that the Secretary designates in the Federal Register notice inviting applications and the other published application materials for the competition.

(iv) An applicant may earn up to fifteen prior experience points for each of the designated project years for which annual performance report data are available.

(v) The final prior experience score is the average of the scores for the three project years assessed.

(3) The Secretary awards additional points equal to 10 percent of the application's score under paragraphs (a)(1) and (2) of this section to an application for a project in

~~Guam, the Virgin Islands, American Samoa, the Trust~~

~~Territory of the Pacific Islands (Palau), or the Northern~~

~~Mariana Islands if the applicant meets the requirements of~~

~~subparts A, B, and D of this part.~~

(b)   The Secretary makes new grants in rank order on

the basis of the applications' total scores under

paragraphs (a)(1) ~~through (3)~~ and (a)(2) of this section.

* * * * *

(d)   The Secretary ~~may decline to~~ does not make a new

grant to an applicant if the applicant's prior project~~that~~

~~carried out a project that~~ involved the fraudulent use of

program funds ~~under section 402A(c)(2)(B) of the HEA~~.

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§643.22   How does the Secretary evaluate prior experience?

(a)   In the case of an application described in

§643.20(a)(2)(i), the Secretary—

(1)   Evaluates the applicant's performance under its

expiring Talent Search project;

(2)   Uses the approved project objectives for the

applicant's expiring Talent Search grant and the

information the applicant submitted in its annual

performance reports (APRs) to determine the number of prior

experience (PE) points; and

(3)   May adjust a calculated PE score or decide not to award PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE are incorrect.

(b)   The Secretary awards does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the project would serve as agreed upon by the grantee and the Secretary.

(c)   For the criterion specified in paragraph (d)(1) of this section (Number of participants), the Secretary does not award any PE points if the applicant did not serve the approved number of participants.

(d)   For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the applicant's prior experience on the basis of the following outcome criteria:

(1)   (3 points) Number of participants. Whether the applicant provided services to the approved number of participants.

(2) (3 points) Secondary school persistence. Whether the applicant met or exceeded its objective regarding the continued secondary school enrollment of participants.

(3) (3 points) Secondary school graduation (regular secondary school diploma). Whether the applicant met or exceeded its objective regarding the graduation of current and prior participants from secondary school with a regular secondary school diploma in the standard number of years.

(4) (1.5 points) Secondary school graduation (rigorous secondary school program of study). Whether the applicant met or exceeded its objective regarding the percentage of current and prior participants with an expected high school graduation date in the school year who were enrolled in and completed a rigorous secondary school program of study.

(5) (3 points) Postsecondary enrollment. Whether the applicant met or exceeded its objective regarding the percentage of current and prior participants with an expected high school graduation date in the school year who enrolled in an institution of higher education by the fall term immediately following the school year.

(6) (1.5 points) Postsecondary degree attainment. Whether the applicant met or exceeded its objective regarding the attainment of a postsecondary degree within

the number of years specified in the approved objective by individuals that participated in the project's rigorous secondary school program of study.

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Sec. 643.22 How does the Secretary evaluate prior experience?

    (a) In the case of an application described in Sec. 643.20(a)(2)(i), the Secretary reviews information relating to an applicant's performance under its expiring Talent Search project. This information includes performance reports, audit reports, site visit reports, and project evaluation reports.

    (b) The Secretary evaluates the applicant's prior experience in delivering services on the basis of the following criteria:

    (1) (3 points) (i) Whether the applicant provided services to the number of participants required to be served under the approved application; and

    (ii) Whether two-thirds of all participants served were low-income individuals and potential first-generation college students.

(2) (6 points) The extent to which the applicant met or exceeded its objectives regarding the retention, reentry, and graduation levels of secondary school participants.

(3) (6 points) The extent to which the applicant met or exceeded its objectives regarding the admission or reentry of participants to programs of postsecondary education.

Educational Opportunity Centers Program

Subpart C--How Does the Secretary Make a Grant?

§644.20 How does the Secretary decide which new grants to make?

* * * * *

(a)* * *

(2)* * *

(ii) The maximum total score for all the criteria in §644.22 is 15 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the prior experience of an applicant for each of the three project years that the Secretary designates in the Federal Register notice inviting applications and the other published application materials for the competition.

(iv) An applicant may earn up to fifteen prior experience points for each of the designated project years for which annual performance report data are available.

(v) The final prior experience score is the average of the scores for the three project years assessed.

~~(3) The Secretary awards additional points equal to 10 percent of the application's score under paragraphs (a) (1) and (2) of this section to an application for a project in Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (Palau), or the Northern Mariana Islands if the applicant meets the requirements of subparts A, B, and D of this part.~~

(b) The Secretary makes new grants in rank order on the basis of the applications' total scores under paragraphs (a)(1)~~through (3)~~ and (a)(2) of this section.
* * * * *

(d) The Secretary ~~may decline to~~ does not make a new grant to an applicant ~~that~~ if the applicant's prior project ~~carried out a project that~~ involved the fraudulent use of program funds ~~under section 402A(c)(2)(B) of the HEA~~.
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§644.22 How does the Secretary evaluate prior experience?

(a) In the case of an application described in §644.20(a)(2)(i), the Secretary--

(1) Evaluates the applicant's performance under its expiring Educational Opportunity Centers project;

(2)   Uses the approved project objectives for the applicant's expiring Educational Opportunity Centers grant and the information the applicant submitted in its annual performance reports (APRs) to determine the number of prior experience (PE) points; and

(3)   May adjust a calculated PE score or decide not to award PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE points are incorrect.

(b)   The Secretary does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the project would serve as agreed upon by the grantee and the Secretary.

(c)   For the criterion specified in paragraph (d)(1) of this section (Number of participants), the Secretary does not award PE points if the applicant did not serve the approved number of participants.

(d)   For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the

applicant's prior experience on the basis of the following outcome criteria:

(1) (3 points) Number of participants. Whether the applicant provided services to the approved number of participants.

(2) (3 points) Regular secondary school diploma. Whether the applicant met or exceeded its approved objective with regard to participants who do not have a secondary school diploma or its equivalent who enroll in programs leading to a regular secondary school diploma or its equivalent.

(3) (6 points) Postsecondary enrollment. Whether the applicant met or exceeded its approved objective with regard to the secondary school graduates who enroll in programs of postsecondary education during the project year by the fall term immediately following the school year.

(4) (1.5 points) Financial aid assistance. Whether the applicant met or exceeded its objective regarding assistance to individuals in completing financial aid applications.

(5) (1.5 points) College admission assistance. Whether the applicant met or exceeded its objective regarding assistance to individuals in completing applications for college admission.

Sec. 644.22 How does the Secretary evaluate prior experience?

(a) In the case of an application described in Sec. 644.20(a)(2)(i), the Secretary reviews information relating to an applicant's performance under its expiring Educational Opportunity Centers project. This information includes performance reports, audit reports, site visit reports, and project evaluation reports.

(b) The Secretary evaluates the applicant's prior experience in delivering services on the basis of the following criteria:

(1) (3 points) (i) Whether the applicant provided services to the required number of participants who resided in the target area; and

(ii) Whether two-thirds of all participants served were low-income individuals and potential first-generation college students.

(2) (6 points) The extent to which the applicant met or exceeded its objectives regarding the provision of assistance to individuals in applying for admission to, or financial aid for, programs of postsecondary education.

(3) (6 points) The extent to which the applicant met or exceeded its objectives regarding the admission or reentry of participants to programs of postsecondary education.

* * * * *

Upward Bound Programs

Subpart D--How Does the Secretary Make a Grant?

§645.30 How does the Secretary decide which grants to
make?

* * * * *

(a)* * *

(2)* * *

(ii) The maximum total score for all the criteria in
§645.32 is 15 points. The maximum score for each criterion
is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the prior experience of
an applicant for each of the three project years that the
Secretary designates in the Federal Register notice
inviting applications and the other published application
materials for the competition.

(iv) An applicant may earn up to fifteen prior
experience points for each of the designated project years
for which annual performance report data are available.

(v) The final prior experience score is the average
of the scores for the three project years assessed.

* * * * *

(d) The Secretary ~~may decline to~~ does not make a new
grant to an applicant ~~that~~ if the applicant's prior project

~~carried out a project that~~ involved the fraudulent use of program funds ~~under section 402A(c)(2)(B) of the HEA~~.

* * * * *

§645.32 How does the Secretary evaluate prior experience?

(a) In the case of an application described in §645.30(a)(2)(i), the Secretary--

(1) Evaluates the applicant's performance under its expiring Upward Bound project;

(2) Uses the approved project objectives for the applicant's expiring Upward Bound grant and the information the applicant submitted in its annual performance reports (APRs) to determine the number of prior experience (PE) points; and

(3) May adjust a calculated PE score or decide not to award any PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE points are incorrect.

(b) The Secretary does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the

project would serve as agreed upon by the grantee and the Secretary.

(c)   For the criteria specified in paragraphs (e)(1)(i) and (e)(2)(i) of this section (Number of participants), the Secretary does not award PE points if the applicant did not serve the approved number of participants.

(d)   The Secretary uses the approved number of participants, or the actual number of participants served in a given year if greater than the approved number of participants, as the denominator for calculating whether the applicant has met its approved objectives related to the following PE criteria:

(1)   Regular Upward Bound and Upward Bound Math and Science Centers PE criteria in paragraph (e)(1)(ii) of this section (Academic improvement) and paragraph (e)(1)(iii) of this section (Secondary school retention and graduation).

(2)   Veterans Upward Bound PE criteria in paragraph (e)(2)(ii) of this section (Academic improvement on standardized test) and paragraph (e)(2)(iii) of this section (Education program retention and completion).

(e)   For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the

33

applicant's PE on the basis of the following outcome
criteria:

(1) Regular Upward Bound and Upward Bound Math and
Science Centers:

(i) (3 points) Number of participants. Whether the
applicant provided services to the approved number of
participants.

(ii) (3 points) Academic Improvement.

(A) Whether the applicant met or exceeded its
approved objective with regard to the percentage of project
participants that improved their school performance during
the school year as measured by grade point average or its
equivalent.

(B) Whether the applicant met or exceeded its
approved objective with regard to the percentage of project
participants that improved their school performance during
the school year as measured by standardized testing,
including required State testing.

(iii) (3 points) Secondary school retention and
graduation. Whether the applicant met or exceeded its
approved objective with regard to the percentage of
participants who returned the next school year or graduated
from secondary school with a regular secondary school
diploma.

(iv) (1.5 points) Rigorous secondary school program of study. Whether the applicant met or exceeded its approved objective with regard to the percentage of current and prior participants with an expected high school graduation date in the school year who were enrolled in and completed a rigorous secondary school program of study.

(v) (3 points) Postsecondary enrollment. Whether the applicant met or exceeded its approved objective with regard to the percentage of current and prior participants with an expected high school graduation date in the school year who enrolled in a program of postsecondary education by the fall term immediately following the school year.

(vi) (1.5 points) Postsecondary completion. Whether the applicant met or exceeded its approved objective with regard to the percentage of participants who enroll in and attain a postsecondary degree within the number of years specified in the approved objective.

(2) Veterans Upward Bound.

(i) (3 points) Number of participants. Whether the applicant provided services to the approved number of participants.

(ii) (3 points) Academic improvement on standardized test. Whether the applicant met or exceeded its approved objective with regard to the percentage of participants who

improved their academic performance during the project year as measured by a standardized test taken by participants before and after receiving services from the project.

(iii) (3 points) Education program retention and completion. Whether the applicant met or exceeded its approved objective with regard to the percentage of participants who remain enrolled in or completed their Veterans Upward Bound educational program during the project year.

(iv) (3 points) Postsecondary enrollment. Whether the applicant met or exceeded its approved objective with regard to the percentage of participants who enrolled in an institution of higher education during the project year or by the fall term immediately following the project year.

(v) (3 points) Postsecondary completion. Whether the applicant met or exceeded its approved objective with regard to the percentage of participants who enroll in an institution of higher education and attain a postsecondary degree within the number of years specified in the approved objective.

§ 645.32 How does the Secretary evaluate prior experience?

(a) In the case of an application described in §645.30(a)(2), the Secretary reviews information relating to an applicant's performance under its expiring Upward Bound grant. This information includes information derived from annual performance reports, audit reports, site visit reports, project evaluation reports, and any other verifiable information submitted by the applicant.

(b) The Secretary evaluates the applicant's prior experience in delivering services on the basis of the following criteria:

(1) (3 points) Whether the applicant serves the number of participants agreed to under the approved application;

(2) (3 points) The extent to which project participants have demonstrated improvement in academic skills and competencies as measured by standardized achievement tests and grade point averages;

(3) (3 points) The extent to which project participants continue to participate in the Upward Bound Program until they complete their secondary education program;

(4) The extent to which participants who complete the

project, or were scheduled to complete the project,

undertake programs of postsecondary education; and

(5) (3 points) The extent to which participants who

complete the project, or were scheduled to complete the

project, succeed in education beyond high school, including

the extent to which they graduate from postsecondary

education programs.

* * * * *

Student Support Services Program

Subpart C--How Does the Secretary Make a Grant?

§646.20 How does the Secretary decide which new grants to

make?

* * * * *

(a) * * *

(2) * * *

(ii) The maximum total score for all the criteria in

§646.22 is 15 points. The maximum score for each criterion

is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the prior experience of

an applicant for each of the three project years that the

Secretary designates in the Federal Register notice

inviting applications and the other published application

materials for the competition.

(iv) An applicant may earn up to fifteen prior

experience points for each of the designated project years

for which annual performance report data are available.

(v) The final prior experience score is the average

of the scores for the three project years assessed.

* * * * *

(d) The Secretary ~~may decline to~~ does not make a new

grant to an applicant ~~that~~ if the applicant's prior

project~~ed out a project that~~ involved the fraudulent use of

program funds ~~under section 402A(c)(2)(B) of the HEA~~.

§646.22 How does the Secretary evaluate prior experience?

(a) In the case of an application described in

§646.20(a)(2)(i), the Secretary—

(1) Evaluates the applicant's performance under its

expiring Student Support Services project;

(2) Uses the approved project objectives for the

applicant's expiring Student Support Services grant and the

information the applicant submitted in its annual

performance reports (APRs) to determine the number of prior

experience (PE) points; and

39

(3)   May adjust a calculated PE score or decide not to award PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE points are incorrect.

(b)   The Secretary does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the project would serve as agreed upon by the grantee and the Secretary.

(c)   For the criterion specified in paragraph (e)(1) of this section (Number of participants), the Secretary does not award PE points if the applicant did not serve the approved number of participants.

(d)   The Secretary uses the approved number of participants, or the actual number of participants served in a given year if greater than the approved number of participants, as the denominator for calculating whether the applicant has met its approved objectives related to paragraph (e)(2) of this section (Postsecondary retention) and paragraph (e)(3) of this section (Good academic standing).

(e) For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the applicant's prior experience on the basis of the following outcome criteria:

(1) (3 points) Number of participants. Whether the applicant provided services to the approved number of participants.

(2) (4 points) Postsecondary retention. Whether the applicant met or exceeded its objective regarding the percentage of all participants served who continue to be enrolled in a program of postsecondary education from one academic year to the beginning of the next academic year or who complete a program of postsecondary education at the grantee institution during the academic year or transfer from a two-year institution to a four-year institution during the academic year.

(3) (4 points) Good academic standing. Whether the applicant met or exceeded its objective regarding the percentage of all participants served who are in good academic standing at the grantee institution.

(4) (4 points) Degree completion (for an applicant institution of higher education offering a baccalaureate degree). Whether the applicant met or exceeded its objective regarding the percentage of participants

receiving a baccalaureate degree at the grantee institution
within the specified number of years.

(5) Degree completion and transfer (for an applicant
institution of higher education that does not offer a
baccalaureate degree). Whether the applicant met or
exceeded its objectives regarding the percentage of
participants who--

(i) (2 points) Complete a degree or certificate
within the number of years specified in the approved
objective; and

(ii) (2 points) Transfer within the number of years
specified in the approved objective to institutions of
higher education that offer baccalaureate degrees.

§ 646.22   *How does the Secretary evaluate prior
experience?*

(a) In the case of an application described in
§646.20(a)(2)(i), the Secretary reviews information
relating to an applicant's performance under its expiring
Student Support Services project. This information may come
from performance reports, site visit reports, project
evaluation reports, and any other verifiable information
submitted by the applicant.

(b) The Secretary evaluates the applicant's prior experience in achieving the goals of the Student Support Services Program on the basis of the following criteria:

(1) (4 points) The extent to which project participants persisted toward completion of the academic programs in which they were enrolled.

(2) (4 points) The extent to which project participants met academic performance levels required to stay in good academic standing at the grantee institution.

(3) (4 points) (i) For four-year institutions, the extent to which project participants graduated; and

(ii) For two-year institutions, the extent to which project participants either graduated or transferred to four-year institutions.

(4) (3 points) The extent to which the applicant has met the administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

* * * * *

McNair Program

Subpart C--How Does the Secretary Make a Grant?

§647.20 How does the Secretary decide which new grants to make?

* * * * *

(a) * * *

(2) * * *

(ii) The maximum total score for all the criteria in §647.22 is fifteen (15) points. The maximum score for each criterion is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the prior experience of an applicant for each of the three project years that the Secretary designates in the Federal Register notice inviting applications and the other published application materials for the competition.

(iv) An applicant may earn up to fifteen prior experience points for each of the designated project years for which annual performance report data are available.

(v) The final prior experience score is the average of the scores for the three project years assessed.

* * * * *

(d) The Secretary ~~may decline to~~ does not make a new grant to an applicant ~~that~~ if the applicant's prior project ~~carriedout a project that~~ involved the fraudulent use of program funds ~~under section 402A(c)(2)(B) of the HEA~~.

§647.22 How does the Secretary evaluate prior experience?

(a) In the case of an applicant described in §647.20(a)(2)(i), the Secretary—

(1) Evaluates an applicant's performance under its expiring McNair project;

(2) Uses the approved project objectives for the applicant's expiring McNair grant and the information the applicant submitted in its annual performance reports (APRs) to determine the number of prior experience (PE) points; and

(3) May adjust a calculated PE score or decide not to award PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE are incorrect.

(b) The Secretary does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the project would serve as agreed upon by the grantee and the Secretary.

(c) For the criteria specified in paragraph (e)(1) of this section (Number of participants), the Secretary does

not awards any PE points if the applicant did not serve the approved number of participants.

(d)   The Secretary uses the approved number of participants, or the actual number of participants served in a given year if greater than the approved number of participants, as the denominator for calculating whether the applicant has met its approved objective related to paragraph (e)(2) of this section (Research and scholarly activities).

(e)   For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the applicant's PE on the basis of the following outcome criteria:

(1)   (3 points) Number of participants. Whether the applicant provided services to the approved number of participants.

(2)   (3 points) Research and scholarly activities. Whether the applicant met or exceeded its objective for providing participants with appropriate research and scholarly activities each academic year.

(3)   (3 points) Graduate school enrollment. Whether the applicant met or exceeded its objective with regard to the acceptance and enrollment in graduate programs of

participants who complete the baccalaureate program during the academic year.

    (4) (3 points) Continued enrollment in graduate school. Whether the applicant met or exceeded its objective with regard to the continued enrollment in graduate school of prior participants.

    (5) (3 points) Doctoral degree attainment. Whether the applicant met or exceeded its objective with regard to the attainment of doctoral level degrees of prior participants in the specified number of years.

Sec. 647.22 How does the Secretary evaluate prior experience?

    (a) The Secretary reviews information relating to an applicant's performance as a grantee under its expiring McNair project. In addition to the application under review, this information may be derived from performance reports, audit reports, site visit reports, and project evaluation reports received by the Secretary during the project period

about to be completed.

    (b) The Secretary evaluates the applicant's performance as a grantee on the basis of the following criteria:

(1) (3 points) Whether the applicant consistently served the number and types of participants the project was funded to serve.

(2) (4 points) Whether the applicant was successful in providing the participants with research and scholarly activities and whether those activities had an impact on project participants.

(3) (8 points) The extent to which the applicant met or exceeded its funded objectives with regard to project participants as demonstrated by the number of participants who--

(i) Attained a baccalaureate degree;

(ii) Enrolled in a postbaccalaureate program; and

(iii) Attained a doctoral level degree.

* * * * *

Training Program

§642.~~30~~20   How the Secretary evaluates an application for a new award.

(a)   The Secretary evaluates an application on the basis of the criteria in §642.~~31~~21.

(1)   The Secretary awards up to ~~100~~ 75 points for these criteria.

* * * * *

(b) In addition, for applicants who are conducting a Training program project that will expire in the fiscal year immediately prior to the fiscal year for which the applicant is applying, the Secretary evaluates the prior experience (PE), as provided in §642.22, of that applicant based on the applicant's performance during the first project year of that expiring Training program grant.

(b) In addition, for applicants that have conducted a Training Program project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary considers the experience of the applicant on the basis of § 642.32

(c) The Secretary selects applications for funding within each specific absolute priority established for the competition in rank order on the basis of the score received by the application in the peer review process.

(d) Within each specific absolute priority, if there are insufficient funds to fund all applications at the next peer reviewer score, the Secretary adds the PE points awarded under §642.22 to the peer reviewer score to determine an adjusted total score for those applications. The Secretary makes awards at the next peer review score to

the applications that have the highest total adjusted
score.

§642.~~32~~22 ~~Prior experience~~. How does the Secretary
evaluate prior experience?

(a)(1) The Secretary evaluate the performance ~~gives~~
~~priority~~ ~~to each applicant that has conducted a Training~~
~~Program project under title IV-A-4 of the Higher Education~~
~~Act within the three fiscal years prior to the fiscal year~~
~~for which the applicant is applying.~~ of each applicant who
is conducting a Training program project that has an
expiring grant in the fiscal year immediately prior to the
fiscal year for which the applicant is applying.

(2) To determine the number of ~~priority points~~ PE
points to be awarded, the Secretary uses the applicant's
approved project objectives for the applicant's expiring
Training grant and the information the applicant submitted
in its annual performance report (APR) ~~each eligible~~
~~applicant, the Secretary considers the applicant's~~ ~~prior~~
~~experience (PE) points to be awarded in service delivery~~ in
accordance with paragraphs (b) and (c) of this section.

(3) The Secretary may adjust a calculated PE score or
decide not to award PE points if other information such as
audit reports, site visit reports, and project evaluation

50

reports indicate the APR data used to calculate PE are

incorrect.

(b)(1) The Secretary may add from one to ~~eight~~15

points to the point score obtained on the basis of the

selection criteria in §642.21, based on the applicant's

success in meeting the administrative requirements and

programmatic objectives of paragraph (c) of this section.

* * * * *

~~(c) The Secretary—based on information contained in one~~

~~or more of the following: Performance reports, audit~~

~~reports, training site visit reports, evaluations by~~

~~participants, project evaluation reports, the previously~~

~~funded application, the negotiated program plan(s), and the~~

~~application under consideration—looks for information that~~

~~shows—~~

(c) The Secretary awards no PE points for a given

year to an applicant that does not serve at least 90

percent of the approved number of participants. For

purposes of this section, the approved number of

participants is the total number of participants the

project would serve as agreed upon by the grantee and the

Secretary.

(d)   For the criterion specified in paragraph (e)(1) of this section (Number of participants), the Secretary awards no PE points if the applicant did not serve the approved number of participants.

(e)   The Secretary evaluates the applicant's PE on the basis of the following criteria:

(1)   (2~~4~~ points) Number of participants. ~~The extent to which the project has served the number and kinds of eligible training participants it was funded to serve;~~ Whether the applicant provided training to the approved number of participants.

(2)   (2~~8~~ points) Training objectives. The extent to which participants assessed the ~~benefited from~~ training as highly useful in the following areas: ~~in areas such as--~~

(i)   Assisting the participants in developing increased qualifications and skills to meet the needs of disadvantaged students.

(ii)   Providing participants with an increased knowledge and understanding of the Federal TRIO programs.

~~(3) (2 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan; and~~

52

(3)   (2̶3 points) Administrative requirements. The extent to which the applicant has met the administrative requirements--including recordkeeping, reporting, and financial accountability--under the terms of the expiring grant.

Proposed Regulatory Language
Team IV – TRIO

Origin: **HEOA Sec. 403(a)**

Issue: **Review Process for Unsuccessful TRIO Applicants**

Statutory cites: **HEA Sec. 402A(c)(8)(C)**

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 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.

Background: Prior to enactment of the HEOA, there was not a formal process for
considering requests submitted by applicants with regard to alleged mishandling of an
application by Department staff, its contractors or the peer reviewer. The practice has
been that upon notification of an alleged administrative or scoring error, TRIO staff
reviewed the calculation of prior experience points or the peer reviewer scoring; if an
error or errors were found, the application score was adjusted accordingly. If the
adjustment resulted in the application scoring within funding range, the applicant was
awarded a grant.

Adjustments in a score, due to either a mathematical or reader error, usually resulted in a
score adjustment of only one or two points. Historically, the adjustments in scores have
led to only one or two applicants receiving awards each competition as a result of the
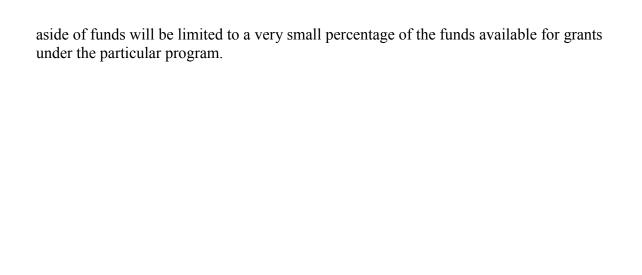errors, which is a fraction of one percent of the applications received.

New HEOA requirements: With the passage of the HEOA, the Department is now required to establish a formal process for reviewing unsuccessful applications. The review process as stated by the HEOA requires modifications to the grant award process that could significantly delay the awarding of grants, since the review of unsuccessful applications should be completed prior to the end of the fiscal year in which the competition is held to avoid any disruption in funding for existing grantees. Thus, the Department would need to notify all applicants of their funding status earlier than normal to allow time for a second review of unsuccessful applications. The HEOA requires the Secretary to "adjust the prior experience or final score of the application appropriately and quickly, so as not to interfere with the timely awarding of grants for the applicable grant competition."

Updated information since March 25-27, 2009 meeting: The negotiators discussed the Department's proposed rule and structure for the review process. The negotiators did not raise any concerns regarding the proposed definitions for technical, administrative or scoring errors. However, many of the non-federal negotiators expressed concerns about the Department's proposal to use a funding band and to set aside of a percentage of program funds for grants that may be awarded after the review of unsuccessful applications in the funding band.   Many of the non-federal negotiators recommended that the Department should commit to obligating all program funds for the competition prior to the review of unsuccessful applications. They suggested that if any additional applicants score within the funding range after the second review, the Department should either transfer funds from one of the other TRIO programs or ask Congress to provide additional funds to support these projects. The non-federal negotiators also requested that the Department lengthen the period for submission of a written request for a second review and to establish processes to ensure that unsuccessful applicants receive prompt notification of the decision on their application so that they can request a review.

The Department proposes to change the draft regulations to allow an applicant 15 calendar days (rather than 7) after it receives notice of its funding status to submit a written request. The Department expects to expedite the notification process so an unsuccessful applicant will have a full 15 days in which to submit a request for a second review.

The Department, however, has retained the proposal to establish a funding band and set aside a percentage of program funds for the second review of unsuccessful applications. The Department believes these processes best meet the goals of the new HEOA application review requirements while ensuring the timely awarding of grants. The Department believes that the approach in the draft regulations would best ensure that program funds are awarded appropriately. Moreover, if a review determines that an applicant should have been funded, that applicant's funding should not be dependent on a speculative increase in the appropriation to fund applicants scoring in the funding range after the second review.

In response to the concern of some of the non-federal negotiators that the second review might negatively impact some applicants, the Department notes that it expects that the set

aside of funds will be limited to a very small percentage of the funds available for grants under the particular program.

This change would be made to all TRIO Program regulations:

§642.24 (Training) §643.24 (TS); §644.24 (EOC); §645.35 (UB); §646.24 (SSS); §647.24 (McNair);

§xxx.xx   What is the review process for unsuccessful applicants?

(a) Technical or Administrative Error for Applications not Reviewed.

(1) An applicant whose grant application was not evaluated during the competition may request that the Secretary review the application if--

(i) The applicant has met all of the application submission requirements included in the Federal Register notice inviting applications for the competition and the application materials; and

(ii) The applicant provides evidence demonstrating that the Department or an agent of the Department made a technical or administrative error in the processing of the submitted application.

(2) A technical or administrative error in the processing of an application includes--

(i) A problem with the system for the electronic submission of applications that was not addressed in

accordance with the procedures included in the Federal Register notice inviting applications for the competition;

(ii) An error in determining an applicant's eligibility for funding consideration includes, but is not limited to--

(A) An incorrect conclusion that the application was submitted by an ineligible applicant;

(B) An incorrect conclusion that the application exceeded the published page limit;

(C) An incorrect conclusion that the applicant requested funding greater than the published maximum award; or

(D) An incorrect conclusion that the application was missing critical sections of the application; and

(iii) Any other mishandling of the application that resulted in an otherwise eligible application not being reviewed during the competition.

(3)(i) If the Secretary determines that the Department or the Department's agent made a technical or administrative error, the Secretary will have the application evaluated and scored.

(ii) If the total score assigned the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary will fund the application prior to the re-ranking

of applications based on the second peer review of applications described in paragraph (c).

(b) Administrative or Scoring Error for Applications that were Reviewed.

(1) An applicant that was not selected for funding during a competition may request that the Secretary conduct a second review of the application if--

(i) The applicant provides evidence demonstrating that the Department, an agent of the Department, or a peer reviewer made an administrative or scoring error in the review of its application; and

(ii) The final score assigned to the application is within the funding band described in paragraph (d).

(2) An administrative error relates to either the prior experience points or the scores assigned to the application by the peer reviewers--

(i) For prior experience points, an administrative error includes mathematical errors made by the Department or the Department's agent in the calculation of the prior experience points or a failure to correctly add the earned prior experience points to the peer reviewer score.

(ii) For the peer review score, an administrative error is applying the wrong peer reviewer scores to an application.

(3)(i) A scoring error relates only to the peer review process and includes errors caused by a reviewer who, in assigning points--

(A) Uses criteria not required by the applicable law or program regulations, the Federal Register notice inviting applications, the published application materials, or guidance provided to the peer reviewers by the Secretary; or

(B) Does not consider relevant information included in the appropriate section of the application.

(ii) The term "scoring error" does not include—-

(A) A peer reviewer's appropriate use of his or her professional judgment in evaluating and scoring an application;

(B) Any situation in which the applicant did not include information needed to evaluate its response to a specific selection criterion in the appropriate section of the application as stipulated in the Federal Register notice inviting applications or the published application materials for the competition; or

(C) Any error by the applicant.

(c) Procedures for the Second Review.

(1) To ensure the timely awarding of grants under the competition, the Secretary sets aside a percentage of the

funds allotted for the competition to be awarded after the second review is completed.

(2) After the competition, the Secretary makes new awards in rank order as described in ____.__ based on the available funds for the competition minus the funds set aside for the second review.

(3) After the Secretary issues a notification of grant award to successful applicants, the Secretary notifies each unsuccessful applicant in writing as to the status of its application and the funding band for the second review and provides copies of the peer reviewers' evaluations of the applicant's application and the applicant's prior experience score, if applicable.

(4) An applicant, that was not selected for funding following the competition as described in paragraph (c)(2) and whose application received a score within the funding band as described in paragraph (d), may request a second review if the applicant demonstrates that the Department, the Department's agent, or a peer reviewer made an administrative or scoring error as discussed in paragraph (b).

(5) An applicant whose application was not funded after the first review as described in paragraph (c)(2) and whose application received a score within the funding band as

described in paragraph (d)) has fifteen (15) calendar days

after receiving notification that its application was not

funded in which to submit a written request for a second

review in accordance with the instructions and due date

provided in the Secretary's written notification.

(6) An applicant's written request for a second review

must be received by the Department or submitted

electronically to a designated e-mail or Web address by the

due date and time established by the Secretary.

(7) If the Secretary determines that the Department or

the Department's agent made an administrative error that

relates to the prior experience points awarded, as

described in paragraph (b)(2)(i) of this section, the

Secretary adjusts the applicant's prior experience score to

reflect the correct number of prior experience points. If

the adjusted score assigned to the application would have

resulted in funding of the application during the

competition and the program has funds available, the

Secretary funds the application prior to the re-ranking of

applications based on the second peer review of

applications described in paragraph(c)(9).

(8) If the Secretary determines that the Department,

the Department's agent or the peer reviewer made an

administrative error that relates to the peer reviewers'

score(s), as described in paragraph (b)(2)(ii) of this section, the Secretary adjusts the applicant's peer reviewers' score(s) to correct the error. If the adjusted score assigned to the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary funds the application prior to the re-ranking of applications based on the second peer review of applications described in paragraph(c)(9).

(9) If the Secretary determines that a peer reviewer made a scoring error, as described in paragraph (b)(3) of this section, the Secretary convenes a second panel of peer reviewers in accordance with the requirements in section 402A(c)(8)(C)(iv)(III) of the HEA.

(10) The average of the peer reviewers' scores from the second peer review are used in the second ranking of applications. The average score obtained from the second peer review panel is the final peer reviewer score for the application and will be used even if the second review results in a lower score for the application than that obtained in the initial review.

(11) For applications in the funding band, the Secretary funds these applications in rank order based on

adjusted scores and the available funds that have been set aside for the second review of applications.

(d) Process for Establishing a Funding Band. (1) For each competition, the Secretary establishes a funding band for the second review of applications.

(2) The Secretary establishes the funding band for each competition based on the program funds the Secretary has set aside for the second review of applications.

(3) The funding band is composed of those applications --

(i) with a rank-order score before the second review that is below the lowest score of applications funded after the first review; and

(ii) that would be funded if the Secretary had 150% of the funds that were set aside for the second review of applications for the competition.

(e) Second Review of Applications Scoring Below the Funding Band.

(1) After the end of the competition, the Secretary considers a request for a second review from an applicant whose rank-order score was below the established funding band as described in paragraph (d), if the applicant provides evidence of an administrative or scoring error as described paragraphs (a) and (b).

(2) If the adjusted total score assigned to the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary funds the application.

(f) Final Decision. The Secretary's determination of whether the applicant has met the requirements for a review and the Secretary's decision on re-scoring of an application are final and not subject to further appeal or challenge.

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 and staff (Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers, McNair, and Training). The HEA now lists certain services that projects must provide to participants and optional activities that programs may offer to students for the Upward Bound, Talent Search, Student Support Services, and McNair programs. 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 under these programs could choose from a number of permissible activities and services.

Updated information since March 25-28, 2009 meeting: Negotiators reached tentative agreement on conforming changes related to the required and permissible services.

Tentative Agreement: Yes

Change:

The following changes apply to TRIO Training:

Subpart B--What Types of Projects And Activities Does the

Secretary Assist Under This Program?

§642.10 What types of projects does the Secretary assist?

     The Secretary assists projects that train the

leadership personnel and staff of projects funded under the

Federal TRIO Programs to enable them to more effectively operate those projects.

~~Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?~~
~~§642.10 Activities the Secretary assists under the Training Program~~

~~(a) A Training Program project trains the staff and leadership personnel of Federal TRIO Program projects to enable them to more effectively operate those projects.~~

~~(b) A Training Program project may include conferences, internships, seminars, workshops, and the publication of manuals designed to improve the operations of Federal TRIO Program projects.~~

~~(c) Each year, one or more Training Program projects must provide training for new project directors.~~

~~(d) Each year, one or more Training Program projects must offer training covering the following topics:~~

~~(1) The legislative and regulatory requirements for operating Federal TRIO Programs.~~

~~(2) Assisting students to obtain adequate student financial assistance from programs authorized under Title IV of the Act, as well as from other sources.~~

~~(3) The design and operation of model Federal TRIO Program projects.~~

~~(b) A Training Program project may include conferences, internships, seminars, workshops, and the publication of manuals designed to improve the operations of Federal TRIO Program projects.~~

§642.11 What activities does the Secretary assist?

(a) Each year, one or more Training Program projects must provide training for new project directors.

(b) Each year, one or more Training Program projects must offer training covering the following topics:

(1) The statutory and regulatory requirements for operating projects funded under the Federal TRIO Programs.

(2) Assisting students to receive adequate financial aid from programs authorized or assisted under title IV of the HEA and from other programs.

(3) The design and operation of model programs for projects funded under the Federal TRIO Programs.

(4) The use of appropriate educational technology in the operation of projects funded under the Federal TRIO Programs.

(5) Strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths, students in foster care, or other disconnected students.

§642.12 What activities may a project conduct?

A Training Program project may include on-site training, on-line training, conferences, internships, seminars, workshops, and the publication of manuals

designed to improve the operations of Federal TRIO Program
projects.

The following changes apply to Talent Search:

§643.4--What Services Does a Project Provide?

   (a) A Talent Search project must provide the following
services:

   (1) Connecting participants to high quality academic
tutoring services to enable participants to complete
secondary or postsecondary courses.

   (2) Advice and assistance in secondary school course
selection and, if applicable, initial postsecondary course
selection.

   (3) Assistance in preparing for college entrance
examinations and completing college admission applications.

   (4)(i) Information on the full range of Federal student
financial aid programs and benefits (including Federal Pell
Grant awards and loan forgiveness) and resources for
locating public and private scholarships; and

   (ii) Assistance in completing financial aid
applications, including the Free Application for Federal
Student Aid described in section 483(a) of the HEA.

   (5) Guidance on and assistance in —-

   (i) Secondary school reentry;

(ii) Alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

(iii) Entry into general educational development (GED) programs; or

(iv) Postsecondary education.

(6) Connecting participants to education or counseling services designed to improve the financial literacy and economic literacy of participants or the participants' parents, including financial planning for postsecondary education.

(b) A Talent Search project may provide the following permissible services:

(1) Academic tutoring, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects.

(2) Personal and career counseling or activities.

(3) Information and activities designed to acquaint youth with the range of career options available to the youth.

(4) Exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth.

(5) Workshops and counseling for families of participants served.

(6) Mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of these persons.

(7) Programs and activities as described in this section that are specially designed for participants who are limited English proficient, participants from groups that are traditionally underrepresented in postsecondary education, participants with disabilities, participants who are homeless children and youths, participants in or who are aging out of foster care, or other disconnected participants.

§ 643.4 What services may a project provide?
A Talent Search project may provide the following services:
(a) Academic advice and assistance in secondary school and college course selection.
(b) Assistance in completing college admission and financial aid applications.
(c) Assistance in preparing for college entrance examinations.
(d) Guidance on secondary school reentry or entry to other programs leading to a secondary school diploma or its equivalent.
(e) Personal and career counseling.
(f) Tutorial services.
(g) Exposure to college campuses as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth.

(h) Workshops and counseling for parents of students served.

(i) Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of these persons.

(j) Activities described in paragraphs (a) through (i) of this section that are specifically designed for students of limited English proficiency.

(k) Other activities designed to meet the purposes of the Talent Search program stated in § 643.1, including activities to meet the specific educational needs of individuals in grades six through eight.

The following changes apply to EOC:

§644.4 What services may a project provide?

An Educational Opportunity Centers project may provide the following services:

(a) Public information campaigns designed to inform the community about opportunities for postsecondary education and training.

(b) Academic advice and assistance in course selection.

(c) Assistance in completing college admission and financial aid applications.

(d) Assistance in preparing for college entrance examinations.

(e) Education or counseling services designed to improve the financial literacy and economic literacy of participants.

(fe) Guidance on secondary school reentry or entry to a general educational development (GED) program or other

alternative education program for secondary school

dropouts.

(g~~f~~) Individualized ~~P~~personal, career, and academic

counseling.

(h~~g~~) Tutorial services.

(i~~h~~) Career workshops and counseling.

(j~~i~~) Mentoring programs involving elementary or

secondary school teachers, faculty members at institutions

of higher education, students, or any combination of these

persons.

(k~~j~~) Programs and activities described in paragraphs

(a) through (j~~i~~) of this section that are ~~specifically~~

specially designed for participants who are limited English

proficiency, participants from groups that are

traditionally underrepresented in postsecondary education,

participants with disabilities, participants who are

homeless children and youths, participants in or who are

aging out of foster care, or other disconnected

participants.

(l~~k~~) Other activities designed to meet the purposes of

the Educational Opportunity Centers program stated in

§644.1.

~~§ 644.4   What services may a project provide?~~
~~An Educational Opportunity Centers project may provide the~~
~~following services:~~

73

(a) Public information campaigns designed to inform the community about opportunities for postsecondary education and training.

(b) Academic advice and assistance in course selection.

(c) Assistance in completing college admission and financial aid applications.

(d) Assistance in preparing for college entrance examinations.

(e) Guidance on secondary school reentry or entry to a General Educational Development (GED) program or other alternative education program for secondary school dropouts.

(f) Personal counseling.

(g) Tutorial services.

(h) Career workshops and counseling.

(i) Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of these persons.

(j) Activities described in paragraphs (a) through (i) of this section that are specifically designed for students of limited English proficiency.

(k) Other activities designed to meet the purposes of the Educational Opportunity Centers program stated in §644.1.

The following changes apply to Upward Bound:

§645.11   What services do all Upward Bound projects provide?

    (a) Any project assisted under this part must provide--

    (1) Academic tutoring to enable students to complete secondary or postsecondary courses, which may include

74

instruction in reading, writing, study skills, mathematics, science, and other subjects.

    (2) Advice and assistance in secondary and postsecondary course selection.

    (3) Assistance in preparing for college entrance examinations and completing college admission applications.

    (4)(i)Information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

    (ii)Assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(e) of the HEA.

    (5) Guidance on and assistance in --

    (i) Secondary school reentry;

    (ii) Alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

    (iii) Entry into general educational development (GED) programs; or

    (iv) Postsecondary education.

    (6) Education or counseling services designed to improve the financial literacy and economic literacy of

students or the students' parents, including financial

planning for postsecondary education.

(b) Any project that has received funds under this part

for at least two years must include as part of its core

curriculum in the next and succeeding years, instruction

in--

(1) Mathematics through pre-calculus;

(2) Laboratory science;

(3) Foreign language;

(4) Composition; and

(5) Literature.

§645.11 What services do all Upward Bound projects provide?

(a) An Upward Bound project that has received funds under this part for at least two years shall include as part of its core curriculum, instruction in—

(1) Mathematics through pre-calculus;

(2) Laboratory science;

(3) Foreign language;

(4) Composition; and

(5) Literature.

(b) All Upward Bound projects may provide such services as—

(1) Instruction in subjects other than those listed in §645.11(a) that are necessary for success in education beyond high school;

(2) Personal counseling;

(3) Academic advice and assistance in secondary school course selection;

(4) Tutorial services;

(5) Exposure to cultural events, academic programs, and other educational activities not usually available to disadvantaged youths;

(6) Activities designed to acquaint youths participating in the project with the range of career options available to them;

(7) Instruction designed to prepare youths participating in the project for careers in which persons from disadvantaged backgrounds are particularly underrepresented;

(8) Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of these persons and other professional individuals; and

(9) Programs and activities such as those described in paragraphs (b)(1) through (b)(8) of this section that are specifically designed for individuals with limited proficiency in English.

§645.12 What services may Upward Bound projects provide?

(a) Any project assisted under this part may provide such services as--

(1) Exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth.

(2) Information, activities, and instruction designed to acquaint youth participating in the project with the range of career options available to the youth.

(3) On-campus residential programs.

(4) Mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of these persons.

(5) Work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree.

(6) Special services, including mathematics and science preparation to enable veterans to make the transition to postsecondary education.

(7) Programs and activities as described in §645.11 or paragraphs (a)(1) through (a)(6) of this section that are specially designed for participants who are limited English proficient, participants from groups that are traditionally underrepresented in postsecondary education, participants with disabilities, participants who are homeless children and youths, participants in or who are aging out of foster care, or other disconnected participants.

§645.~~12~~ 13 How are regular Upward Bound projects organized?

* * * * *

§645.14 What additional services do Upward Bound Math and Science Centers provide and how are they organized?

* * * * *

§645.15 ~~14~~ What additional services do Veterans Upward

Bound projects provide?

In addition to the services that must be provided under

§645.11 ~~§645.11(a)~~ and may be provided under §645.12,

~~§645.11(b)~~a Veterans Upward Bound project must--

* * * * *

    (d) Provide special services, including mathematics

and science preparation, to enable veterans to make the

transition to postsecondary education.

§645.14 What additional services do Veterans Upward Bound projects provide?

~~In addition to the services that must be provided under §645.11(a) and may be provided under §645.11(b), a Veterans Upward Bound project must—~~

~~(a) Provide intensive basic skills development in those academic subjects required for successful completion of a high school equivalency program and for admission to postsecondary education programs;~~

~~(b) Provide short-term remedial or refresher courses for veterans who are high school graduates but who have delayed pursuing postsecondary education. If the grantee is an institution of higher education, these courses shall not duplicate courses otherwise available to veterans at the institution; and~~

~~(c) Assist veterans in securing support services from other locally available resources such as the Veterans Administration, State veterans agencies, veterans associations, and other State and local agencies that serve veterans.~~

The following changes apply to SSS:

§646.4 What activities and services does a project provide?

(a) A Student Support Services project must provide the following services:

(1) Academic tutoring, directly or through other services provided by the institution, to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects.

(2) Advice and assistance in postsecondary course selection.

(3)(i) Information on both the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

(ii) Assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(e) of the HEA.

(4) Education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education.

(5) Activities designed to assist students participating in the project in applying for admission to, and obtaining financial assistance for enrollment in, graduate and professional programs.

(6) Activities designed to assist students enrolled in two-year institutions of higher education in applying for admission to, and obtaining financial assistance for enrollment in, a four-year program of postsecondary education.

(b) A Student Support Services project ~~assisted under this section~~ may provide the following services: ~~such as~~

(1) Individualized counseling for personal, career, and academic matters provided by assigned counselors.

(2) Information, activities, and instruction designed to acquaint students participating in the project with the range of career options available to the students.

(3) Exposure to cultural events and academic programs not usually available to disadvantaged students.

(4) Mentoring programs involving faculty or upper class students, or a combination thereof.

(5) Securing temporary housing during breaks in the academic year for --

(i) Students who are homeless children and or were formerly homeless children and youths; and

81

(ii) Foster care youths.

(6) Programs and activities as described in §646.4 or paragraphs (1) through (4) of this section that are specially designed for participants who are limited English proficient, participants from groups that are traditionally underrepresented in postsecondary education, participants with disabilities, participants who are homeless children and youths, participants in or who are aging out of foster care, or other disconnected participants.

~~§646.4 What activities and services may a project provide?~~

~~A Student Support Services project may provide services such as:~~

~~(a) Instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond secondary school.~~

~~(b) Personal counseling.~~

~~(c) Academic advice and assistance in course selection.~~

~~(d) Tutorial services and counseling and peer counseling.~~

~~(e) Exposure to cultural events and academic programs not usually available to disadvantaged students.~~

~~(f) Activities designed to acquaint students participating in the project with the range of career options available.~~

~~(g) Activities designed to secure admission and financial assistance for enrollment in graduate and professional programs.~~

~~(h) Activities designed to assist students currently enrolled in two-year institutions in securing admission and~~

financial assistance for enrollment in a four-year program
of postsecondary education.

(i) Mentoring programs involving faculty or upper class
students, or any combination of faculty members and upper
class students.

(j) Programs and activities as described in paragraphs (a)
through (i) of this section that are specifically designed
for students of limited English proficiency.

(k) Other activities designed to meet the purposes of the
Student Support Services Program stated in §646.1.

The following changes apply to McNair:

§647.4 What activities and services does a project provide?

 (a) A McNair project must provide the following

services and activities:

 (1) Opportunities for research or other scholarly

activities at the grantee institution or at graduate

centers that are designed to provide students with

effective preparation for doctoral study.

 (2) Summer internships.

 (3) Seminars and other educational activities designed

to prepare students for doctoral study.

 (4) Tutoring.

 (5) Academic counseling.

 (6) Assistance to students in securing admission to and

financial assistance for enrollment in graduate programs.

 (b) A McNair project may provide the following services

and activities:

(1) Education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education.

(2) Mentoring programs involving faculty members at institutions of higher education, graduate students, or a combination of faculty members and graduate students.

(3) Exposure to cultural events and academic programs not usually available to disadvantaged students.

§ 647.4 What activities and services may a project provide?

A McNair project may provide the following services and activities:

(a) Opportunities for research or other scholarly activities at the grantee institution or at graduate centers that are designed to provide participants with effective preparation for doctoral study.

(b) Summer internships.

(c) Seminars and other educational activities designed to prepare participants for doctoral study.

(d) Tutoring.

(e) Academic counseling.

(f) Assistance to participants in securing admission to and financial assistance for enrollment in graduate programs.

(g) Mentoring programs involving faculty members or students at institutions of higher education, or any combination of faculty members and students.

(h) Exposure to cultural events and academic programs not usually available to project participants.

Proposed Regulatory Language
Team IV – TRIO

Origin: **HEOA Sec. 403(a) and (b)**

Issue: **HEOA changes the current Talent Search (TS) program**

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.

Updated information since March 25-27, 2009 meeting:

The Department prepared draft proposed regulations for the Talent Search program for discussion at the February meeting and held a follow-up conference call on April 8, 2009 with some of the nonfederal negotiators. The purpose of the conference call was to further discuss changes to the selection criteria related to Need for the project and allowable and unallowable costs. The Department and the non-federal negotiators discussed including as an allowable cost the payment of tuition for courses that are part of a rigorous secondary school program of study if the courses were not available at the secondary school the participant attended. However, due to legal and policy issues, this provision is not included in the proposed regulations for the Talent Search program.

Proposed changes to the Talent Search program that are discussed in other issue papers are not repeated in this paper (e.g., services, definitions, outcome (prior experience criteria, other requirements, and some conforming changes). This paper includes changes to the following sections of the Talent Search regulations:

- Section 643.1 What is the Talent Search program?
- Section 643.3 Who is eligible to participate in a project?

- Section 643.11 What assurances must an applicant submit?
- Section 643.21 What selection criteria does the Secretary use?
    - (a) Need for the project;
    - (b) Objectives;
    - (c) Plan of Operation; and
    - (d)(2) Applicant and community support
- Section 643.23 How does the Secretary set the amount of a grant?
- Sections 643.30 What are allowable costs?
- What other requirements must a grantee meet? (Recordkeeping)

Change:

~~Sec.~~§643.1   What is the Talent Search program?

* * * * *

(b) Publicize the availability of*, and facilitate the application for,* student financial assistance for persons who seek to pursue postsecondary education; and

(c) Encourage persons who have not completed education programs at the secondary or postsecondary level~~,but who have the ability to do so,~~ to *enter or* reenter *and complete* those programs.

Change to Eligibility Requirements for a Participant (TS)

* * * * *

~~Sec.~~§643.3   Who is eligible to participate in a project?

(a) * * *

(3)(i) Is enrolled in or has dropped out of any grade from six through 12, or has graduated from secondary school~~, has potential for a program of postsecondary~~

86

education, and needs one or more of the services provided by the project in order to undertake such a program;; or

(ii) Has undertaken, but is not presently enrolled in, a program of postsecondary education, has the ability to complete such a program, and needs one or more of the services provided by the project to reenter such a program.

(b) An individual is eligible to participate in Talent Search's rigorous secondary school program of study, if the individual meets the requirements of paragraph(a)(1)of this section, is accepted into the Talent Search program by the end of the first term of the tenth grade, is enrolled or preparing to enroll in a rigorous secondary school program of study as defined by his or her State of residence, and is designated as enrolled in a rigorous secondary school program of study on reports submitted by the grantee to the Secretary.

(b)(c) A veteran as defined in Sec.§643.67(b), regardless of age, is eligible to participate in a Talent Search project if he or she satisfies the eligibility requirements in paragraph (a) of this section other than the age requirement in paragraph (a)(2).

* * * * *

Changes to Assurances (TS)

87

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~~Sec.~~§643.*11* What assurances must an applicant submit?

* * * * *

An applicant ~~shall~~ <u>must</u> submit, as part of its application, assurances that --

(a) At least two-thirds of the individuals it serves under its proposed Talent Search project<u>, and at least two-thirds of the subset of participants selected for the rigorous academic component,</u> will be low-income individuals who are potential first-generation college students;

* * * * *

(c) The project will be located in a setting or settings accessible to the individuals proposed to be served by the project; ~~and~~

(d) If the applicant is an institution of higher education, it will not use the project as a part of its recruitment program<u>; and</u>

<u>(</u>e) <u>Individuals who are receiving services from a Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) project (34 CFR part 694), a Regular Upward Bound or Upward Bound Math and Science Centers project (34 CFR part 645), or other programs serving similar populations will not receive the same services under the proposed project.</u>

* * * * *

Changes to Selection Criteria, Need for the Project:

~~Sec.~~§643.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application for a new grant:

(a) Need for the project (24 points). The Secretary evaluates the need for a Talent Search project in the proposed target area on the basis of the extent to which the application contains clear evidence of the following:

(1) (6 points) A high number or high percentage of the following:

(i) Low-income families residing in the target area; or

(ii) Students attending the target schools who are eligible for free or reduced priced lunch as described in sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act.

(2) (2 points) Low rates of high school persistence among individuals in the target schools as evidenced by the annual student persistence rates in the proposed target schools for the most recent year for which data are available.

(3) (4 points) Low rates of students in the target schools graduating high school with a regular secondary school diploma in the standard number of years for the most recent year for which data are available.

(4) (6 points) Low postsecondary enrollment and completion rates among individuals in the target area and schools as evidenced by –

(i) Low rates of enrollment in programs of postsecondary education by graduates of the target schools in the most recent year in which data are available; and

(ii) A high number or high percentage of individuals residing in the target area with education completion levels below the baccalaureate degree level.

(5) (2 points) The extent to which the target schools do not offer their students the courses or academic support to complete a rigorous secondary school program of study.

(6) (4 points) Other indicators of need for a Talent Search project, including a high ratio of students to school counselors in the target schools and the presence of unaddressed academic or socio-economic problems of eligible individuals, including foster care youth and homeless children and youth, in the target schools or the target area.

Sec. 643.21 What selection criteria does the Secretary use?

    The Secretary uses the following criteria to evaluate an application for a new grant:

    (a) Need for the project (24 points). The Secretary evaluates the need for a Talent Search project in the proposed target area on the basis of the extent to which the application contains clear evidence of the following:

    (1) A high number or percentage, or both, of low-income families residing in the target area;

    (2) A high number or percentage, or both, of individuals residing in the target area with education completion levels below the baccalaureate level;

    (3) A high student dropout rate in the proposed target schools in the preceding three years;

    (4) A low rate of enrollment in programs of postsecondary education by graduates of the target schools in the preceding three years;

    (5) A high ratio of students to school counselors in the target schools; and

    (6) Other indicators of need for a Talent Search project, including the presence of unaddressed academic or socio-economic problems of students in the target schools or the target area.

* * * * *
Changes to Selection Criteria, Objectives:

§643.21 What selection criteria does the Secretary use?

(b) Objectives (8 points). The Secretary evaluates the quality of the applicant's ~~proposed project~~ objectives and proposed targets (percentages) in the following areas on the basis of the extent to which they are both ambitious, as related to the data on Need provided under paragraph (a) of this section, and attainable, given the project's plan of operation, budget, and other resources--

(1) (2 points) Secondary school persistence.

(2) (2 points) Secondary school graduation (regular secondary school diploma).

(3) (1 point) Secondary school graduation (rigorous secondary school program of study).

(4) (2 points) Postsecondary education enrollment.

(5) (1 point) Postsecondary degree attainment.

~~(1) Include both process and outcome objectives relating to each of the purposes of the Talent Search program stated in Sec. 643.1;~~

~~(2) Address the needs of the target area;~~

~~(3) Are clearly described, specific, and measurable; and~~

~~(4) Are ambitious but attainable within each budget period and the project period given the project budget and~~

Changes to Selection Criteria, Plan of Operation:

§643.21   What selection criteria does the Secretary use?

(c) * * *

(1) (~~4~~3 points) The plan to inform the residents, schools, and community organizations in the target area of the <u>purpose,</u> ~~goals,~~ objectives, and services of the project and the eligibility requirements for participation in the project~~-~~.

(2) (~~4~~3 points) The plan to identify and select eligible <u>project</u> participants<u>, including the project's plan and criteria for selecting individuals who would benefit from a rigorous secondary school program of study</u>~~.~~ ~~and ensure their participation without regard to race, color, national origin, gender, or disability;~~

(3) (~~2~~10 points) The plan <u>for providing the services described in §643.4 as appropriate based on the project's</u> ~~to~~ assess<u>ment of</u> each participant's need for Services ~~provided by the project;~~.

(4) (~~12~~6 points) <u>For those students in need of services to complete a rigorous secondary school program of</u>

93

study, the project's ~~The~~ plan to provide services

sufficient to enable the ~~that meet~~ participants~~'~~ to

succeed. ~~needs and achieve the objectives of the project;~~

~~and~~

     (5) (~~8~~6 points) The plan, including timelines,

personnel and other resources, ~~including the project's~~

~~organizational structure and the time committed to the~~

~~project by the project director and other personnel,~~ to

ensure the proper and efficient administration of the

project, including the project's organizational structure;

the time commitment of key project staff; financial,

personnel and records management; and where appropriate,

coordination with other programs for disadvantaged youth~~;~~.

~~and~~

     (6) (2 points) The plan to follow participants through

postsecondary entrance and completion.

* * * * *

**Changes to Selection Criteria, Applicant and community
support:**

§643.21 What selection criteria does the Secretary use?

     (d) * * *

(2) (8 points) Resources secured through written

commitments from institutions of higher education,

secondary schools, community organizations, and others.

§643.23 How does the Secretary set the amount of a grant?

* * * * *

(b) If the circumstances described in section 402A(b)(3) of the HEA exist, the Secretary uses the available funds to set the amount of the grant at the lesser of--

(1) $~~180~~200,000; or

* * * * *

Change to Allowable:

* * * * *

~~Sec.~~§643.30 What are allowable costs?

The cost principles that apply to the Talent Search program are in ~~34 CFR part~~, §74.27, 75.530 and 80.22, as applicable. Allowable costs include the following if they are reasonably related to the objectives of the project:

(a) Transportation, meals, and, if necessary, lodging for participants and project staff for--

(1) Visits to postsecondary educational institutions ~~to obtain to obtain information relating to the admission of participants to those institutions~~;

* * *

(3) Field trips *for participants* to observe and meet with persons who are employed in various career fields ~~in the target area~~ and who can act as role models for participants; and

(4) Transportation to institutions of higher education, secondary schools not attended by the participants, or other locations at which the participant receives instruction that is part of a rigorous secondary school program of study.

(b) Purchase of testing materials *and test preparation programs for participants;*

(c) * * *

(2) The fee is paid by the grantee to a third party on behalf of a participant~~;~~ .

(d) In-service training of project staff;

(e) * * *

(2) The rented space is not owned by the grantee; and

(f)   Purchase, lease, or rental of computer hardware, software, and other equipment and supplies that support the delivery of services to participants, including technology used by participants in a rigorous secondary school program of study.

~~(f) Purchase of computer hardware, computer software, or other equipment for student development, project~~

96

administration, and recordkeeping, if the applicant
demonstrates to the Secretary's satisfaction that the
equipment is required to meet the objectives of the project
more economically or efficiently.

(g) Purchase, lease, or rental of computer equipment
and software needed for project administration and
recordkeeping.

Sec.§643.32 What other requirements must a grantee meet?

* * * * *

(c)(b)Recordkeeping. For each participant, a grantee
shall maintain a record of--

* * *

(3) The services that are provided to the participant;

(4) The specific educational progress made by the
participant as a result of the services; and.

*(5) A list of courses taken by participants identified
by the project as enrolled or preparing to enroll in a
rigorous secondary school program of study as defined in 34
CFR 643.7.*

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 financial need and maintain the loan burden of each
student at a manageable level;
--Amending the existing McNair selection criteria to include the "Award Considerations"
from the HEOA;
--Updating the allowable and unallowable cost sections of the SSS regulations to address
grant aid and temporary housing for homeless children and youth 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.

 Updated information since March 25-27, 2009 meeting: Negotiators reached tentative
                    agreement on the language for the following:
- o Revisions to the selection criteria related to "objectives" for all programs;
- o Changes to the applicant and community support selection criteria for Talent
     Search, EOC, and Upward Bound programs;
- o With minor edits, revisions to the plan of operation section of the Talent Search
     regulations (included in the Talent Search issue paper);
- o No changes to the plan of operation criteria for the UB, EOC, SSS and McNair;
- o Conforming changes to the SSS allowable and unallowable costs to address grant
     aid and temporary housing for homeless children and youth and foster care youth;
- o Elimination of the regulatory requirement of a minimum numbers of participants

to be served in Talent Search, EOC, and Upward Bound programs. Instead, the
number of participants a project is expected to serve each year of the grant cycle
would be addressed through the notice inviting applications for the competition;
o   Updates to list of other regulations applicable to the TRIO programs; and
o   Updates to the Training program regulations to reflect the amendments to HEA
and current practice regarding the "Need for the project" selection criteria, the
process for ranking applications by priority, the use of prior experience points in
the ranking of applications for funding, and the number of prior experience points
an applicant can earn.

Following the March meeting, the Department held a follow-up conference call on April
8, 2009 with some of the non-Federal negotiators to further discuss changes to the
selection criteria and the other requirements of a grantee related to the project director.

Change:

Change to Eligibility Requirements for a Grant
§643.2 (TS); §644.2 (EOC); §645.2 (UB)

§64_.2   Who is eligible for a grant?

The following entities are eligible for a grant to

carry out a (insert program name) project:

(a)   An institution of higher education~~;~~.

(b)   A public or private agency or organization~~.~~,

including a community-based organization with experience in

serving disadvantaged youth.

(c)   A secondary school.

(d)   A combination of the types of institutions,

agencies, and organizations described in paragraphs (a),

(b), and (c) of this section.

~~(d) A secondary school, under exceptional~~

~~circumstances such as if no institution, agency, or~~

~~organization described in paragraphs (a) and (b) of this~~

~~section is capable of carrying out an Educational~~

~~Opportunity Centers project in the target area to be served~~

~~by the proposed project.~~

Changes to Assurances (UB)

* * * * *

§645.21 What assurances must an applicant include in an

application?

      (a) An applicant for Regular Upward Bound must assure

the Secretary that--

      (1) Not less than two-thirds of the project's

participants will be low-income individuals who are

potential first generation college students;

      (2) The remaining participants will be ~~either~~ low-

income individuals, potential first generation college

students, or students who have a high risk for academic

failure;

      (3) No student will be denied participation in a

project because the student would enter the project after

the 9th grade; and

      (4) Individuals who are receiving services from

Gaining Early Awareness and Readiness for Undergraduate

Programs (GEAR UP) under 34 CFR part 694, Upward Bound Math

and Science Centers under 34 CFR part 645, Veterans Upward Bound under 34 CFR part 645, Talent Search under 34 CFR part 643, Educational Opportunity Centers under 34 CFR part 644, or other programs serving similar populations will not receive the same services under the proposed Regular Upward Bound project.

(b) An applicant for Upward Bound Math and Science Centers must assure the Secretary that--

(1) Not less than two-thirds of the project's participants will be low-income individuals who are potential first generation college students;

(2) The remaining participants will be either low-income individuals or potential first generation college students; and

(3) Individuals who are receiving services from Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) under 34 CFR part 694, Veterans Upward Bound under 34 CFR part 645, Talent Search under 34 CFR part 643, Educational Opportunity Centers under 34 CFR part 644, or other programs serving similar populations will not receive the same services under the proposed project.

(c) An applicant for Veterans Upward Bound must assure the Secretary that--

(1)   Not less than two-thirds of the project's participants will be low-income individuals who are potential first generation college students; and

(2)   The remaining participants will be low-income individuals, potential first generation college students, or veterans who have a high risk for academic failure;

(3)   Individuals who are receiving services from Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) under 34 CFR part 694, Upward Bound Math and Science Centers under 34 CFR part 645, Talent Search under 34 CFR part 643, Educational Opportunity Centers under 34 CFR part 644, or other programs serving similar populations will not receive the same services under the proposed Upward Bound Math and Science Centers project.

* * * * *

Changes to Assurances (SSS)

§646.11 What assurances must an applicant include in an application?

(a) ~~At least~~ An applicant must assure the Secretary ~~shall assure in its application~~ that--

(1)   Not less than two-thirds of the project participants ~~students it will serve in its Student Support Services project~~ will be--

102

(i)   Low-income individuals who are first generation college students; or

(ii) Individuals with disabilities;

(2) The remaining participants ~~students it will serve~~ will be low-income individuals, first generation college students, or individuals with disabilities; and

(3) Not less than one-third of the individuals with disabilities served <u>also</u> will be low—income individuals. ~~and~~

~~(d) Each student participating in the project will be offered sufficient financial assistance to meet that student's full financial need.~~

<u>(b)   The applicant must describe in the application its efforts, and where applicable, past history, in--</u>

(1) Providing sufficient financial assistance to meet the full financial need of each student in the project; and

<u>(2)   Maintaining the loan burden of each student in the project at a manageable level.</u>

* * * * *

Change to Selection Criteria, Objectives
<u>§</u>644.21 (EOC); <u>§</u>645.31 (UB); <u>§</u>646.21 (SSS); <u>§</u>647.21(McNair)

Change to Selection Criteria, Objectives (TS) (refer to issue on Talent Search):

* * * * *
Change to Selection Criteria, Objectives (EOC):
* * * * *

§644.21 What selection criteria does the Secretary use?

* * * * *

(b) Objectives (8 points). The Secretary evaluates the quality of the applicant's ~~proposed project~~objectives and proposed targets (percentages) in the following areas on the basis of the extent to which they are both ambitious, as related to the need data provided under paragraph (a) of this section, and attainable, given the project's plan of operation, budget, and other resources:

(1) (2 points) Enrollment of participants who do not have a secondary school diploma or its recognized equivalent in programs leading to a regular secondary school diploma or its equivalent.

(2) (4 points) Postsecondary enrollment.

(3) (1 point) Student financial aid assistance.

(4) (1 point) Student college admission assistance.

~~(1) Include both process and outcome objectives relating to each of the purposes of the Educational Opportunity Centers program stated in Sec. 644.1;~~

~~(2) Address the needs of the target area;~~

104

(3) Are clearly described, specific, and measurable; and

(4) Are ambitious but attainable within each budget period and the project period given the project budget and other resources.

* * * * *

Change to Selection Criteria, Objectives (UB)

* * * * *

§645.31 What selection criteria does the Secretary use?

* * * * *

(b) Objectives (9 points). The Secretary evaluates the quality of the applicant's ~~proposed project~~objectives and proposed targets (percentages) in the following areas on the basis of the extent to which they are both ambitious, as related to the need data provided under paragraph (a) of this section, and attainable, given the project's plan of operation, budget, and other resources:

(1) For Regular Upward Bound and Upward Bound Math and Science Centers--

(i) (1 point) Academic improvement (GPA);

(ii) (1 point) Academic improvement (standardized test scores);

(iii) (2 points) Secondary school graduation (with regular secondary school diploma);

(iv) (1 point) Completion of rigorous secondary school program of study;

(v) (3 points) Postsecondary enrollment; and

(vi) (1 point) Postsecondary completion.

(2) For Veterans Upward Bound--

(i) (2 points) Academic improvement (standardized test scores);

(ii) (3 points) Education program retention and completion;

(iii) (3 points) Postsecondary enrollment; and

(iv) (1 point) Postsecondary completion.

~~(1) Include both process and outcome objectives relating to the purpose of the applicable Upward Bound programs for which they are applying;~~

~~(2) Address the needs of the target area or target population; and~~

~~(3) Are measurable, ambitious, and attainable over the life of the project.~~

* * * * *

Change to Selection Criteria, Objectives (SSS)

* * * * *

§646.21 What selection criteria does the Secretary use to evaluate an application?

* * * * *

(b) Objectives (8 points). The Secretary evaluates the quality of the applicant's proposed ~~project~~ objectives in the following areas on the basis of the extent to which they

~~(1) (2 points) Include performance, process and outcome objectives relating to each of the purposes of the Student Support Services Program stated in Sec. 646.1;~~

~~(2) (2 points) Address the identified needs of the proposed~~

~~participants;~~

~~(3) (2 points) Are clearly described, specific, and measurable; and~~

~~(4) (2 points)~~ Aare both ambitious, as related to the need data provided under paragraph (a) of this section, and attainable, given the project's plan of operation budget, and other resources:

(1) (3 points) Retention in postsecondary education.

(2) (2 points) In good academic standing at grantee institution.

(3)(i) (1 point) Certificate or degree completion (two-year institution only);

(ii) (2 points) Certificate or degree completion and transfer to a four-year institution (two-year

107

institution only); or

(iii)   (3 points) Completion of a baccalaureate degree (four-year institution only).

* * * * *

Change to Selection Criteria, Objectives (McNair)

* * * * *

§647.21   What selection criteria does the Secretary use?

* * * * *

(b)   Objectives (9 points). The Secretary evaluates the quality of the applicant's ~~proposed project~~ objectives and proposed targets (percentages) in the following areas on the basis of the extent to which they are both ambitious, as related to the need data provided under paragraph (a) of this section, and attainable, given the project's plan of operation, budget, and other resources:

(1)   (2 points) Research.

(2)   (3 points) Enrollment in a graduate program.

(3)   (2 points) Continued enrollment in graduate study.

(4)   (2 points) Doctoral degree attainment.

~~(1) Include both process and outcome objectives relating to the purpose of the McNair program stated in Sec. 647.1;~~

~~(2) Address the needs of the target population; and~~

~~(3) Are measurable, ambitious, and attainable over the~~
~~life of the project.~~

* * * * *

Change Applicant and Community Support -- UB and EOC
(for TS refer to TS issue paper)

§644.21 What selection criteria does the Secretary use?

* * * * *

(d) * * *

(2) (8 points??) Resources secured through written
commitments <u>of support</u> from <u>institutions of higher</u>
<u>education,</u> <u>secondary</u> schools, community organizations, and
others.

§645.31 What selection criteria does the Secretary use?

* * * * *

(d) * * *

(2) The applicant has secured written commitments of
support from <u>secondary</u> schools, <u>institutions of higher</u>
<u>education,</u> community organizations, and businesses,
including the commitment of resources that will enhance the
project as described in paragraph (d)(1) of this section.

Change to Other Requirements, Number of Participants
§643.32 (TS); §644.32 (EOC); §645.43 (UB)

Change to Other Requirements, Number of Participants (TS)

* * * * *

§643.32   What other requirements must a grantee meet?

* * * * *

(b) Number of participants. A grantee shall serve a minimum
of 600 participants in each budget period. However, the
Secretary may reduce the minimum number of these
participants if the amount of the grant for the budget
period is less than $180,000.

* * * * *

Change to Other Requirements, Number of Participants (EOC)

* * * * *

§644.32   What other requirements must a grantee meet?

* * * * *

(b) Number of participants. In each budget period, a
grantee shall serve a minimum of 1,000 participants who
reside in the target area. However, the Secretary may
reduce the minimum number of these participants if the
amount of the grant for the budget period is less than
$180,000.

* * * * *

Change to Other Requirements, Number of Participants (UB)

* * * * *

110

§645.43 What other requirements must a grantee meet?

(a) Number of participants. (1) In each budget period, ~~Regular~~

~~Upward Bound projects shall serve between 50 and 150~~

~~participants and~~

~~Upward Bound Math and Science projects shall serve between~~

~~50 and 75 participants.~~

~~(2) Veterans Upward Bound projects shall serve a~~

~~minimum of 120 veterans in each budget period.~~

~~(3) The Secretary may waive the requirements of~~

~~paragraphs (a)(1) and (a)(2) of this section if the~~

~~applicant can demonstrate that the project will be more~~

~~cost effective and consistent with the objectives of the~~

~~program if a greater or lesser number of participants will~~

~~be served.~~

* * * * *

Changes to Other Requirements, Project Director
§643.32(c) (TS); §644.32(d) (EOC); §645.43(b) (UB);
§646.32(c)(SSS)

* * * * *

§ ___. What other requirements must a grantee meet?

* * * * *

( ) Project director. (1) A grantee must employ a

full-time project director unless--

111

(i)   The director is also administering one or two

additional programs for disadvantaged students operated by

the sponsoring institution or agency; or

(ii)   The Secretary grants a waiver of this

requirement.

(2)   The grantee must give the project director

sufficient authority to administer the project effectively.

(3) The Secretary waives the requirements in paragraph (d)(1) of this section if the applicant demonstrates that the requirement to administer no more than three programs will hinder effective coordination between the [Insert program name] program and--

(i)   One or more Federal TRIO programs (sections 402A

through 402F of the HEA); or

(ii)   One or more similar programs funded through

other sources.

(d) Project director. (1) A grantee shall employ a full-

time project director unless paragraph (d)(3) of this

section applies.

(2) The grantee shall give the project director

sufficient authority to administer the project effectively.

(3) The Secretary waives the requirement in paragraph

(d)(1) of this section if the applicant demonstrates that

the requirement will hinder coordination--

(i) Among the Federal TRIO Programs (sections 402A

through 402F of the HEA); or

~~(ii) Between the programs funded under sections 402A through 410 of the HEA and similar programs funded through other sources.~~

* * * * *

Change to Allowable and/or Unallowable Costs §644.30 (EOC); §645.40 (UB); §646.30 (SSS); §647.30 (McNair) (refer to Talent Search issue paper for changes for TS).

Change to Allowable Costs (EOC)

* * * * *

§644.30 What are allowable costs?

The cost principles that apply to the Educational Opportunity Centers program are in §§<u>74.27, 75.530 and 80.22, as applicable.</u> Allowable costs include the following if they are reasonably related to the objectives of the project:

(a) Transportation, meals, and, with specific prior approval of the Secretary, lodging for participants and <u>project</u> staff for--

(1) Visits to postsecondary educational institutions ~~to obtain information relating to the admission of participants to those institutions~~.

* * *

(3) Field trips <u>for participants</u> to observe and meet with ~~people~~<u>persons</u> who are employed in various career

113

fields ~~in the target area and~~and can ~~serve~~act as role models for participants~~.~~.

(b)   Purchase of testing materials~~.~~ and test preparation programs for participants.

(c)   * * *

(2)   The fee is paid by the grantee to a third party on behalf of a participant~~.~~.

(d)   In-service training of project staff~~.~~.

(e) * * *

<u>* * * * *</u>

(f)   Purchase of computer hardware, computer software, or other equipment for ~~student~~ participant development, project administration, or ~~and~~project recordkeeping~~, if the applicant demonstrates to the Secretary's satisfaction that the equipment is required to meet the objectives of the project more economically or efficiently~~.

* * * * *

Change to Allowable Costs (UB)

* * * * *

§645.40   What are allowable costs?

The cost principles that apply to the Upward Bound program are in §§74.<u>27, 75.530 and 80.22, as applicable.</u> Allowable costs include the following if they are reasonably related to the objectives of the project:

114

* * * * *

(n)　Purchase of computer hardware, computer software, or other equipment for ~~student~~participant development, project administration, or project ~~and~~recordkeeping~~, if the applicant demonstrates to the Secretary's satisfaction that the equipment is required to meet the objectives of the project more economically or efficiently~~.

* * * * *

Change to Allowable and Unallowable Costs (SSS)

* * * * *

§646.30　What are allowable costs?

The cost principles that apply to the Student Support Services program are in §§74.27, 75.530 and 80.22, as applicable.　Allowable costs include the following if they are reasonably related to the objectives of the project:

* * * * *

(f)　Purchase of computer hardware, computer software, or other equipment to be used for ~~student~~participant development, ~~student~~ ~~records and~~ project administration, or project recordkeeping ~~if the applicant demonstrates to the Secretary's~~

~~satisfaction that the equipment is required to meet the objectives of the project more economically or efficiently~~.

* * * * *

(i) Grant aid to an eligible student pursuant to section 402D(d) of the HEA. For purposes of this section, an eligible student is a current participant in the Student Support Services program funded at the institution and --

(1) Is in the first two years of postsecondary education and receiving a Federal Pell Grant under section 402D(d)(1) of the HEA; or

(2) Has completed the first two years of postsecondary education and is receiving a Federal Pell Grant under 402D(d)(1) of the HEA, if the institution demonstrates to the satisfaction of the Secretary that--

(i) these students are at high risk of dropping out; and

(ii) it will first meet the needs of all its eligible first- and second-year students for services under section 402D(d) of the HEA.

(j) Temporary housing during breaks in the academic year for--

(1) Students who are homeless children and youths or were formerly homeless children and youths; and

(2) Students who are foster care youth.

* * * * *

§646.31 What are unallowable costs?

* * * * *

(b) Tuition, fees, stipends, and other forms of direct financial support for staff or participants, except for grant aid under §646.30(i).

* * * * *

Change to Allowable Costs (McNair)

* * * * *

§647.30 What are allowable costs?

* * * * *

(b) Stipends of up to $2,800~~$2,400~~ per year for students engaged in research internships, provided that the student has completed the sophomore year of study at an eligible institution before the internship begins.

* * * * *

(d) Purchase of computer hardware, computer software, or other equipment for ~~student~~ participant development, project administration, ~~and~~ or project recordkeeping~~, if the applicant demonstrates to the Secretary's satisfaction that the equipment is required to meet the objectives of the project more economically or efficiently~~.

* * * * *

117

Conforming Changes to Regulations not included in another issue paper: §642.5 [old §642.4](Training§); §643.6 (TS); §644.6 (EOC); §645.6 (UB); 6§46.6 (SSS); 647.6 (McNair)

§64_._ What regulations apply?

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75 (except for sections 75.219(b) and 75.221), 77, 79, 80, 81, 82, 84, 85, 86, 97, 98 and 99.

* * * * *

§64_._ How long is a project period? (TS, EOC, UB, SSS, and McNair)

A project period under the (insert name) program is five years.

* * * * *

Conforming Changes to Regulations (EOC)

* * * * *

~~Sec.~~§644.1 What is the Educational Opportunity Centers program?

The Educational Opportunity Centers program provides grants for projects designed-- ~~to provide~~--

(a) ~~Information~~ To provide information regarding financial and academic assistance available ~~for~~to individuals who desire to pursue a program of postsecondary education; ~~and~~

118

(b) ~~Assistance~~ <u>To provide assistance</u> to individuals in applying for admission to institutions that offer programs of postsecondary education, including assistance in preparing necessary applications for use by admissions and financial aid officers~~.~~<u>; and</u>

<u>(c) To improve the financial literacy and economic literacy of participants on topics such as--</u>

<u>(1) Basic personal income, household money management, and financial planning skills; and</u>

<u>(2) Basic economic decision-making skills.</u>

* * * * *

~~Sec.~~<u>§</u>644.~~10~~<u>11</u> What assurances must an applicant submit?

* * * * *

~~Sec.~~<u>§</u>644.23 How does the Secretary set the amount of a grant?

* * * * *

(b) If the circumstances described in section 402A(b)(3) of the HEA exist, the Secretary uses the available funds to set the amount of the grant~~beginning in fiscal year 1994~~ at the lesser of--

(1) $~~180~~<u>200</u>,000; or

* * * * *

~~Sec.~~<u>§</u>644.32 What other requirements must a grantee meet?

* * * * *

(c)(b) Recordkeeping. For each participant, a grantee must maintain a record of--

* * * * *

Conforming Changes to Regulations (UB)

* * * * *

Sec.§645.4 What are the grantee requirements with respect to low-income individuals and potential first-generation college students?

(a) At least two-thirds of the eligible participants a grantee serves must at the time of initial selection qualify as both low-income individuals and potential first-generation college students. The remaining participants must at the time of initial selection qualify as either low-income individuals, or potential first generation college students, .,-or students who have a high risk for academic failure.

* * * * *

Sec.§645.33 How does the Secretary set the amount of a grant?

* * * * *

(b) * * *

(1) $200,000; or

* * * * *

Sec.§645.42 What are Upward Bound stipends?

* * * * *

(d) * * *

(1) * * *

(ii) ~~For the summer component, the~~ The stipend may not exceed $60 per month for the summer school recess for a period not to exceed three months; except that youth participating in a work-study position may be paid $300 per month during June, July, and August.

* * * * *

~~Sec.~~§645.43 What other requirements must a grantee meet?

* * * * *

(be) Recordkeeping. For each participant, a grantee must maintain a record of--

* * * *

Conforming Changes to Regulations (SSS)

* * * * *

~~Sec.~~§646.1 What is the Student Support Services program?

* * * * *

(a) Increase the college retention and graduation rates of eligible students;

* * * * *

(c) Foster an institutional climate supportive of the success of students who are limited English proficient, students from groups that are traditionally

121

underrepresented in postsecondary education, students with

disabilities, students who are homeless children and

youths, students who are in foster care, or other

disconnected students; and

(d) Improve the financial literacy and economic

literacy of students in areas such as--

(1) Basic personal income, household money

management, and financial planning skills; and

(2) Basic economic decisionmaking skills.

* * * * *

~~Sec.~~§646.23 How does the Secretary set the amount of a

grant?

* * * * *

(b) * * *

(1) $200,000; or

* * * * *

~~Sec.~~§646.32 What other requirements must a grantee meet?

(a) * * *

(2) A grantee must determine the low-income status of

an individual on the basis of the documentation described

in section 402A(e) of the HEA.

* * * * *

Conforming Changes to Regulations (McNair)

* * * * *

Subpart B--How Does One Apply for an Award?

~~647.1~~§647.11 What assurances must an applicant submit?

* * * * *

~~Sec.~~§647.23 How does the Secretary set the amount of a grant?

* * * * *

     (b) If the circumstances described in section 402A(b)(3) of the HEA exist, the Secretary uses the available funds to set the amount of the grant at the lesser of--

     (1) $200,000; or

* * * * *

Changes to Regulations to Reflect Current Practice and Conforming Changes (Training)

Subpart A--General

Sec.

642.1 What is the Training Program for Federal TRIO Programs?

642.2 Who are eligible applicants?

642.3 Who are eligible participants?

642.4 How long is a project period?

642.5 What regulations apply?

642.6 What definitions apply?

642.7 How many applications may an eligible applicant submit?

Subpart B--What Types of Projects And Activities Does the
Secretary Assist Under This Program?

642.10 What types of projects does the Secretary assist?

642.11 What activities does the Secretary assist?

642.12 What activities may a project conduct?

Subpart C--How Does the Secretary Make a Grant?

642.20 How does the Secretary evaluate an application for a new award?

642.21 What selection criteria does the Secretary use?

§642.22 How does the Secretary evaluate prior experience?

 642.23 How does the Secretary ensure geographic distribution of awards?

642.24 What are the priorities for funding?

Subpart D--What Conditions Must Be Met by a Grantee?

642.30 What are allowable costs?

642.31 What are unallowable costs?

* * * * *

~~See.~~§ 642.1 What is the Training Program for Federal TRIO Programs?

124

The Training program for Federal TRIO programs--

referred to in these regulations as the Training program--

provides Federal financial assistance to train the

leadership personnel and staff employed in, or preparing

for employment in, projects funded under the Federal TRIO

programs.

~~Sec.~~§ 642.2   Who are eligible applicants?

* * * * *

~~Sec.~~§642.3   Who are eligible participants?

* * * * *

(a) Leadership personnel and full and part-time staff

members of projects funded under the Federal TRIO programs.

(b) Individuals preparing for employment as ~~staff or~~

leadership personnel or staff in projects funded under the

Federal TRIO programs.

~~Sec.~~§642.4 How long is a project period? ~~the Training~~

~~Program.~~

A project period under the Training program is two

years.

* * * * *

~~Sec.~~§642.21 What selection criteria does the Secretary

use?

* * * * *

    (a) * * *

    (2) * * *

    (v) * * *

    (C) Individuals with disabilities; and

* * * * *

    (b) * * *

    (2) * * *

    (iv) * * *

    (C) Individuals with disabilities; and

* * * * *

~~Sec.~~§642.23 How does the Secretary ensure geographic distribution of awards?

    The Secretary, to the greatest extent possible, awards grants for Training program projects that will be carried out in all regions of the Nation to assure accessibility to prospective training participants.

§642.24 What are the Secretary's priorities for funding?

    (a) * * *

    (6) Cultural enrichment programs.

    (7) Career planning.

    (8) Tutorial programs.

    (9) Retention and graduation strategies.

126

(10) Strategies for preparing students for doctoral studies.

(11) Project evaluation.

(12) Budget management.

(13) Personnel management.

(14) Reporting student and project performance.

(15) Coordinating project activities with other available resources and activities.

(16) General project management for new directors.

(17) Statutory and regulatory requirements for the operation of projects funded under the Federal TRIO programs.

(18) Assisting students in receiving adequate financial aid from programs assisted under title IV of the HEA and from other programs.

(19) The design and operation of model programs for projects funded under the Federal TRIO programs.

(20) The use of appropriate educational technology in the operation of projects funded under the Federal TRIO programs.

(21) Strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education,

students with disabilities, students who are homeless

children and youths, students who are foster care youth or

are aging out of the foster care system, or other

disconnected students.

(b) The Secretary annually funds training on the

subjects listed in paragraphs (a)(17), (18), (19), (20),

and (21) of this section.

* * * * *

Subpart D--What Conditions Must Be Met by a Grantee?

~~Sec.~~§642.30 What are allowable costs?

* * * * *

(d) Purchase or rental of equipment ~~if approved in~~

~~writing by the Secretary~~.

* * * * *
~~Sec.~~§642.31 What are unallowable costs?