

1 SLEAP and GAP Draft Regulations

2 **Updated information since 4/14-16 meetings:**

3 Minor changes have been made to reflect the discussions and
4 comments of the committee during the subcommittee's report to
5 the committee on April 16.

6
7 **Subpart B—Special Leveraging Educational Assistance Partnership**
8 **Program**

9 §692.70 How does the Secretary allot fund to the States?

Issue #28 - Allotment

10 For fiscal year 2010-2011, the Secretary allots to each
11 eligible State that applies for SLEAP funds an amount in
12 accordance with the provisions in §692.10 prior to calculating
13 allotments for States applying for GAP funds under subpart C of
14 this part.

15 **Subpart C—Grants for Access and Persistence Program**

16 **General**

17 §692.90 What is the Grants for Access and Persistence Program?

18 The Grants for Access and Persistence (GAP) Program assists
19 States in establishing partnerships to provide eligible students
20 with LEAP Grants under GAP to attend institutions of higher
21 education and to encourage increased participation in early
22 information and intervention, mentoring, or outreach programs.

23 (Authority:)

24 §692.91 What other regulations apply to the GAP Program?

25 The regulations listed in §692.3 also apply to the GAP
26 Program.

27 (Authority:)

1 §692.92 What definitions apply to the GAP Program?

2 The definitions listed in §692.4 also apply to the GAP
3 Program.

4 (Authority:)

5 §692.93 Who is eligible to participate in the GAP Program?

6 (a) States. States that meet the requirements in §§692.94
7 and 692.100 are eligible to receive payments under the GAP
8 Program.

9 (b) Degree-granting institutions of higher educations.
10 Degree-granting institutions of higher education that meet the
11 requirements in §692.101 are eligible to participate in a
12 partnership under the GAP Program.

13 (c) Early information and intervention, mentoring, or
14 outreach programs. Early information and intervention,
15 mentoring, or outreach programs that meet the requirements in
16 §692.101 are eligible to participate in a partnership under the
17 GAP Program.

18 (d) Philanthropic organizations or private corporations.
19 Philanthropic organizations or private corporations that meet
20 the requirements in §692.101 are eligible to participate in a
21 partnership under the GAP Program.

22 (e) Students. Students who meet the requirements of
23 §692.120 are eligible to receive assistance or services from a
24 partnership under the GAP Program.

25 (Authority:)

26 §692.94 What requirements must a State satisfy, as the
27 administrator of a partnership, to receive GAP Program funds?

28 To receive GAP Program funds for any fiscal year--

29 (a) A State must--

Comment [AU1]: Commit to preamble discussion that "programs" may be multiple programs provided by a single agency.

Also, discussion of types of programs/activities that qualify; active or direct contact with students.

Issue #23 - Partnerships
Issue #27 - Application

- 1 (1) Participate in the LEAP Program;
- 2 (2) Establish a State partnership with--
- 3 (i) At least--
- 4 (A) One public degree-granting institution of higher
- 5 education that is located in the State; and
- 6 (B) ~~If the State has at least one~~ private degree-granting
- 7 institution of higher education, ~~if at least one exists in the~~
- 8 ~~State that may be eligible to participate in the State's~~
- 9 ~~participating in the LEAP Program under subpart A of this part,~~
- 10 ~~one private degree-granting institution of higher education;~~
- 11 (ii) New or existing early information and intervention,
- 12 mentoring, or outreach programs located in the State; and
- 13 (iii) At least one philanthropic organization located in,
- 14 or that provides funding in, the State, or private corporation
- 15 located in, or that does business in, the State;
- 16 (3) Meet the requirements in §692.100; and
- 17 (4) Have a program under this subpart that satisfies the
- 18 requirements in §692.21(a), (e), (f), (g), and (j).
- 19 (b) A State may provide an early information and
- 20 intervention, mentoring, or outreach program under paragraph
- 21 (a)(2)(ii) of this section.

Issue #26 - Applicability of LEAP requirements

22 (Authority:)

23 **How Does a State Apply to Participate in GAP?**

24 §692.100 What requirements must a State meet to receive an

25 allotment under this program?

Issue #23 - Partnerships

Issue #27 - Application

26 For a State to receive an allotment under the GAP Program,

27 the State agency that administers the State's LEAP Program under

28 subpart A of this part must--

1 (a) Submit an application on behalf of a partnership in
2 accordance with the provisions in §692.20 at such time, in such
3 manner, and containing such information as the Secretary may
4 require including--

5 (1) A description of--

6 (i) The State's plan for using the Federal funds allotted
7 under this subpart and the non-Federal matching funds; and

8 (ii) The methods by which matching funds will be paid;

9 (2) An assurance that the State will provide matching
10 funds in accordance with §692.113;

11 (3) An assurance that the State will use Federal GAP funds
12 to supplement, and not supplant, Federal and State funds
13 available for carrying out the activities under Title IV of the
14 HEA;

15 (4) An assurance that early information and intervention,
16 mentoring, or outreach programs exist within the State or that
17 there is a plan to make these programs widely available;

18 (5) A description of the organizational structure that the
19 State has in place to administer the program, including a
20 description of how the State will compile information on degree
21 completion of students receiving grants under this subpart;

22 (6) A description of the steps the State will take to
23 ensure, to the extent practicable, that students who receive a
24 LEAP Grant under GAP persist to degree completion;

25 (7) An assurance that the State has a method in place,
26 such as acceptance of the automatic zero expected family
27 contribution under section 479(c) of the HEA, to identify
28 eligible students and award LEAP Grants under GAP to such
29 students;

Comment [AU2]: Commit to preamble discussion on State fulfilling for students attending nonpartner institutions. Expect nonpartner to sign an assurance would follow what is expected of partner institutions.

1 (8) An assurance that the State will provide notification
2 to eligible students that grants under this subpart are LEAP
3 Grants and are funded by the Federal Government and the State,
4 and, where applicable, other contributing partners.

Comment [AU3]: Preamble discussion for LEAP will also apply here for GAP.

5 (b) Serve as the primary administrative unit for the
6 partnership;

7 (c) Provide or coordinate non-Federal share funds, and
8 coordinate activities among partners;

9 (d) Encourage each institution of higher education in the
10 State that participates in the State's LEAP Program under
11 subpart A of this part to participate in the partnership;

12 (e) Make determinations and early notifications of
13 assistance;

14 (f) Ensure that the non-Federal funds used as matching
15 funds represent dollars that are in excess of the total dollars
16 that a State spent for need-based grants, scholarships, and
17 work-study assistance for fiscal year 1999, including the State
18 funds reported for the programs under this part;

19 (g) Provide an assurance that, for the fiscal year prior
20 to the fiscal year for which the State is requesting Federal
21 funds, the amount the State expended from non-Federal sources
22 per student, or the aggregate amount the State expended, for all
23 the authorized activities in §692.111 will be no less than the
24 amount the State expended from non-Federal sources per student,
25 or in the aggregate, for those activities for the second fiscal
26 year prior to the fiscal year for which the State is requesting
27 Federal funds; and

28 (h) Provide for reports to the Secretary that are
29 necessary to carry out the Secretary's functions under the GAP
30 Program.

Issue #26 - Applicability of LEAP requirements

Issue #23 - Partnerships

1 (Authority:)

2 §692.101 What requirements must be met by a State partnership?

3 (a) State. A State that is receiving an allotment under
4 this subpart ~~shall~~ must meet the requirements under §§692.94 and
5 692.100.

6 (b) Degree-granting institution of higher education. A
7 degree-granting institution of higher education that is in a
8 partnership under this subpart--

9 (1) Must participate in the State's LEAP Program under
10 subpart A of this part;

11 (2) ~~Must recruit and admit participating eligible students~~
12 and provide additional institutional grant aid to participating
13 students as agreed to with the State agency;

Comment [AU4]: Commit to discuss in preamble that this provision leaves institutions and States broad discretion regarding what may be in an agreement, e.g., there is no requirement that an institution must waive admissions standards.

14 (3) Must provide support services to students who receive
15 LEAP Grants under GAP and are enrolled at the institution;

16 (4) Must assist the State in the identification of
17 eligible students and the dissemination of early notifications
18 of assistance as agreed to with the State agency; and

19 (5) May provide funding or services for early information
20 and intervention, mentoring, or outreach programs.

21 (c) Early information and intervention, mentoring, or
22 outreach program. An early information and intervention,
23 mentoring, or outreach program that is in a partnership under
24 this subpart shall provide direct services, support, and
25 information to participating students.

26 (d) Philanthropic organization or private corporation. A
27 philanthropic organization or private corporation in a
28 partnership under this subpart shall provide non-Federal funds
29 for LEAP Grants under GAP for participating students or provide

1 funds or support for early information and intervention,
2 mentoring, or outreach programs.

3 (Authority:)

4 **What Is the Amount of Assistance and How May It Be Used?**

5 §692.110 How does the Secretary allot funds to the States?

6 (a) (1) The Secretary allots to each State participating in
7 the GAP Program an amount of the funds available for the GAP
8 Program based on the ratio used to allot the State's Federal
9 LEAP funds under §692.10(a).

10 (2) If a State meets the requirements of §692.113(b) for a
11 fiscal year, the number of students under §692.10(a) for the
12 State is increased byto 125 percent in determining the ratio in
13 paragraph (a) of this section for that fiscal year.

14 (3) Notwithstanding paragraph (a) (1) and (2) of this
15 section--

16 (i) If the Federal GAP funds available from the
17 appropriation for a fiscal year are sufficient to allot to each
18 State that participated in the prior year the same amount of
19 Federal GAP funds allotted in the prior fiscal year, but are not
20 sufficient both to allot the same amount of Federal GAP funds
21 allotted in the prior fiscal year to these States and also to
22 allot additional funds to additional States in accordance with
23 the ratio used to allot the States' Federal LEAP funds under
24 §692.10(a), the Secretary allots--

25 (A) To each State that participated in the prior year, the
26 amount the State received in the prior year; and

27 (B) To each State that did not participate in the prior
28 year, an amount of Federal GAP funds available to States based

Issue #26 - Applicability of LEAP requirements
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Issue #28 - Allotment

1 on the ratio used to allot the State's Federal LEAP funds under
2 §692.10(a); and

3 (ii) If the Federal GAP funds available from the
4 appropriation for a fiscal year are not sufficient to allot to
5 each State that participated in the prior year at least the
6 amount of Federal GAP funds allotted in the prior fiscal year,
7 the Secretary allots to each State an amount which bears the
8 same ratio to the amount of Federal GAP funds available as the
9 amount of Federal GAP funds allotted to each State in the prior
10 fiscal year bears to the amount of Federal GAP funds allotted to
11 all States in the prior fiscal year.

12 (b) The Secretary allots funds available for reallocation
13 in a fiscal year in accordance with the provisions of paragraph
14 (a) of this section used to calculate initial allotments for the
15 fiscal year.

16 (c) Any funds made available for the program under this
17 subpart but not expended may be allotted or reallocated for the
18 program under subpart A **of this part**.

19 **(Authority:)**
20 §692.111 For what purposes may a State use its payment under
21 the GAP Program?

Issue #23 - Partnerships

22 (a) Establishment of a partnership. Each State receiving
23 an allotment under this subpart shall use the funds to establish
24 a partnership to award grants to eligible students in order to
25 increase the amount of financial assistance students receive
26 under this subpart for undergraduate education expenses.

27 (b) Amount of LEAP Grants under GAP. (1) The amount of a
28 LEAP Grant under GAP by a State to an eligible student shall be
29 not less than--

Issue #24 - Awards/student eligibility

1 (i) The average undergraduate in-State tuition and
2 mandatory fees for full-time students at the public institutions
3 of higher education in the State where the student resides that
4 are the same type of institution that the student attends (four-
5 year degree-granting, two-year degree-granting, or non-degree-
6 granting); minus

7 (ii) Other Federal and State aid the student receives.

8 (2) The Secretary determines the average undergraduate in-
9 State tuition and mandatory fees for full-time students at
10 public institutions in a State weighted by enrollment using the
11 most recent data reported by institutions in the State to the
12 Integrated Postsecondary Education Data System (IPEDS)
13 administered by the National Center for Educational Statistics.

14 (c) Institutional participation. (1) A State receiving
15 an allotment under this subpart may restrict the use of LEAP
16 Grants under GAP only to students attending institutions of
17 higher education that are participating in the partnership.

18 (2) If a State provides LEAP Grants under subpart A of
19 this part to students attending institutions of higher education
20 located in another State, LEAP Grants under GAP may be used at
21 institutions of higher education located in another State.

22 (d) Early notification to potentially eligible students.

Issue #25 - Early notifications

23 (1) Each State receiving an allotment under this subpart shall
24 annually notify potentially eligible students in grades 7
25 through 12 in the State, and their families, of their potential
26 eligibility for student financial assistance, including a LEAP
27 Grant under GAP, to attend a LEAP-participating institution of
28 higher education.

29 (2) The notice shall include--

1 (i) Information about early information and intervention,
2 mentoring, or outreach programs available to the student;

3 (ii) Information that a student's eligibility for a LEAP
4 Grant under GAP is enhanced through participation in an early
5 information and intervention, mentoring, or outreach program;

6 (iii) An explanation that student and family eligibility
7 for, and participation in, other Federal means-tested programs
8 may indicate eligibility for a LEAP Grant under GAP and other
9 student aid programs;

10 (iv) A nonbinding estimate of the total amount of
11 financial aid that an eligible student with a similar income
12 level may expect to receive, including an estimate of the amount
13 of a LEAP Grant under GAP and an estimate of the amount of
14 grants, loans, and all other available types of aid from the
15 major Federal and State financial aid programs;

16 (v) An explanation that in order to be eligible for a LEAP
17 Grant under GAP, at a minimum, a student shall--

18 (A) Meet the eligibility requirements under §692.120; and

19 (B) Enroll at a LEAP-participating institution of higher
20 education in the State of the student's residence or an out-of-
21 state institution if the State elects to make LEAP Grants under
22 GAP for attendance at out-of-State institutions in accordance
23 with paragraph (c) (2) of this section;

24 (vi) Any additional requirements that the State may
25 require for receipt of a LEAP Grant under GAP in accordance with
26 §692.120 (a) (4); and

27 (vii) An explanation that a student is required to file a
28 Free Application for Federal Student Aid to determine his or her
29 eligibility for Federal and State financial assistance and may

1 include a provision that eligibility for an award is subject to
2 change based on--

3 (A) A determination of the student's financial eligibility
4 at the time of the student's enrollment at a LEAP-participating
5 institution of higher education or an out-of-State institution
6 in accordance with paragraph (c) (2) of this section;

7 (B) Annual Federal and State spending for higher
8 education; and

9 (C) Other aid received by the student at the time of the
10 student's enrollment at the institution of higher education.

11 (e) **Award notification**. (1) Once a student, including a
12 student who has received early notification under paragraph (d)
13 of this section, applies for admission to an institution that is
14 a partner in the partnership of the State of the student's
15 residence, files a Free Application for Federal Student Aid and
16 any related State form, and is determined eligible by the State,
17 the State shall--

18 (i) Issue the student a preliminary award certificate for
19 a LEAP Grant under GAP with estimated award amounts; and

20 (ii) Inform the student that the payment of the grant is
21 subject to certification of enrollment and eligibility by the
22 institution.

23 (2) If a student enrolls in an institution that is not a
24 partner in the partnership of the student's State of residence
25 but the State has not restricted eligibility to students
26 enrolling in partner institutions, including, if applicable,
27 out-of-State institutions, the State shall, to the extent
28 practicable, follow the procedures of paragraph (e) (1) of this
29 section.

Issue #24 - Awards/student eligibility

Comment [AU5]: In preamble discussion, note that the award notification can be the vehicle for fulfilling the notification under §692.100(a)(8) that a student's award is a LEAP Grant.

1 (Authority:)

2 §692.112 May a State use the funds it receives from the GAP
3 Program to pay administrative costs?

4 (a) A State that receives an allotment under this subpart
5 may reserve not more than two (2) percent of the funds made
6 available annually for State administrative functions required
7 for administering the partnership and other program activities.

8 (b) A State must use not less than ninety-eight (98)
9 percent of an allotment under this subpart to make LEAP Grants
10 under GAP.

11 (Authority:)

12 §692.113 What are the matching requirements for the GAP
13 Program?

Issue #29 - Matching

14 (a) The matching funds of a partnership--
15 (1) Shall be funds used for making LEAP Grants to eligible
16 students under this subpart;

17 (2) May be--

18 (i) Cash; or

19 (ii) A noncash, in-kind contribution that--

20 (A) Is fairly evaluated;

21 (B) Has monetary value, such as a tuition waiver or
22 provision of room and board, or transportation;

23 (C) Helps a student meet the cost of attendance at an
24 institution of higher education; and

25 (D) Is considered to be estimated financial assistance
26 under 34 CFR part 673.5(c); and

27 (3) May be funds from partners the State, institutions of
28 higher education, or philanthropic organizations or private

Comment [AU6]: In preamble:
• Discuss that the value of an in-kind contribution as matching funds would be a portion, or all, of a student's LEAP Grant under GAP.
• Clarify that matching funds may not be Federal funds or funds used to meet matching requirements in other Federal programs.
• Need to discuss that (b)(1) and (2) includes both in-State and out-of-State students.

Issue #31 - Estimated financial assistance: in-kind contribution used as matching is not considered an asset or income.

1 corporations that are used to make LEAP Grants under GAP that
2 match Federal funds.

3 (b) The non-Federal match of the Federal allotment shall
4 be--

5 (1) Forty-three ~~(43)~~ percent of the expenditures under
6 this subpart if a State applies for a GAP allotment in
7 partnership with--

8 (i) Any number of degree-granting institutions of higher
9 education in the State whose combined full-time enrollment
10 represents less than a majority of all students attending
11 institutions of higher education in the State as determined by
12 the Secretary using the most recently available data from IPEDS;
13 and

14 (ii) One or both of the following--

15 (A) Philanthropic organizations that are located in, or
16 that provide funding in, the State; or

17 (B) Private corporations that are located in, or that do
18 business in, the State ~~;~~ and

19 (2) Thirty-three and thirty-four one-hundredths ~~(33.34)~~
20 percent of the expenditures under this subpart if a State
21 applies for a GAP allotment in partnership with--

22 (i) Any number of degree-granting institutions of higher
23 education in the State whose combined full-time enrollment
24 represents a majority of all students attending institutions of
25 higher education in the State as determined by the Secretary
26 using the most recently available data from IPEDS; and

27 (ii) One or both of the following--

28 (A) Philanthropic organizations that are located in, or
29 that provide funding in, the State; or

1 (B) Private corporations that are located in, or that do
2 business in, the State.

3 (c) Nothing in this part shall be interpreted as limiting
4 a State or other member of a partnership from expending funds to
5 support the activities of a partnership under this subpart that
6 are in addition to the funds matching the Federal allotment.

7 (Authority:)

8 **How Does the Partnership Select Students under the GAP Program?**

9 §692.120 What are the requirements for student eligibility?

Issue #24 - Awards/student eligibility

10 (a) Eligibility. A student is eligible to receive a LEAP
11 Grant under GAP if the student--

12 (1) Meets the relevant eligibility requirements contained
13 in 34 CFR 668.32;

14 (2) Has graduated from secondary school or, for a home-
15 schooled student, has completed a secondary education;

16 (3) (i) Has received, or is receiving, a LEAP Grant under
17 GAP for each year the student remains eligible for assistance
18 under this subpart; or

19 (ii) Meets at least two of the following criteria--

20 (A) As designated by the State, either has an EFC equal to
21 zero, as determined under part F of the HEA, or a comparable
22 alternative based on the State's approved criteria for the LEAP
23 Program under subpart A of this part;

24 (B) Qualifies for the State's maximum undergraduate award
25 for LEAP Grants under subpart A of this part in the award year
26 in which the student is receiving an additional LEAP Grant under
27 GAP; or

Comment [AU7]: Commit to preamble discussion acknowledging that a State may have more than one maximum award amount, e.g., one for attendance at public institutions and one for attendance at private institutions, and a student's maximum award is based on the applicable category. Also, discuss that "Qualifies for" does not mean the student must actually receive the maximum award.

1 (C) Is participating in, or has participated in, a
2 Federal, State, institutional, or community early information
3 and intervention, mentoring, or outreach program, as determined
4 by the State agency administering the programs under this part;
5 ~~or~~

6 ~~(ii) Has received, or is receiving, a LEAP Grant under GAP~~
7 ~~for each year the student remains eligible for assistance under~~
8 ~~this subpart,~~ and

9 (4) Any additional requirements that the State may require
10 for receipt of a LEAP Grant under GAP.

11 (b) Priority. In awarding LEAP Grants under GAP, a State
12 shall give priority to students meeting all the criteria in
13 paragraph (a) (3) (i) of this section.

14 (c) Duration of eligibility. (1) A student may receive a
15 LEAP Grant under GAP if the student continues to demonstrate
16 that he or she is financially eligible by meeting the provisions
17 of paragraph (a) (3) (i) (A) or (B) ~~of this section~~.

18 (2) A State may impose reasonable time limits to degree
19 completion.

20 ~~(Authority:)~~

21 **How Does the Secretary Approve a Waiver of Program Requirements?**

22 §692.130 How does a participating institution request a waiver
23 of program requirements?

24 (a) The Secretary may grant, upon the request of an
25 institution participating in a partnership that meets the
26 requirements of §692.113(b) (2), a waiver for the institution
27 from statutory or regulatory requirements that inhibit the
28 ability of the institution to successfully and efficiently
29 participate in the activities of the partnership.

Issue #30 - Statutory and regulatory relief

1 (b) An institution must submit a request for a waiver
2 through the State agency administering the partnership.

3 (c) The State agency must forward to the Secretary, in a
4 timely manner, the request made by the institution and may
5 include any additional information or recommendations that it
6 deems appropriate for the Secretary's consideration.

7 **(Authority:)**