

Proposed Regulatory Changes for TRIO
(Jan. 12, 2024)

TALENT SEARCH

34 CFR § 643.7 What definitions apply?

Low-income individual means –

1. 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.; **or**
2. An individual who is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

§ 643.32 What other requirements must a grantee meet?

(a) *Eligibility of participants.*

- 1) A grantee shall determine the eligibility of each participant in the project at the time that the individual is selected to participate.
- 2) A grantee shall determine the status of a low-income individual on the basis of:
 - a. the documentation described in section 402A(e) of the HEA;
 - b. documentation that the individual is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

§ 643.30 What are allowable costs?

The cost principles that apply to the Talent Search program are in 2 CFR part 200, subpart E. 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;
 - (2) Participation in “College Day” activities;
 - (3) Field trips for participants to observe and meet with persons who are employed in various career fields 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; **and**

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(5) Admissions fees, transportation, T-shirts, and other costs necessary to participate in field trips, attend educational activities, visit museums, and attend other events that have as their purpose the intellectual, social, and cultural development of participants.

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

(c) Fees required for admission applications for postsecondary education, college entrance examinations, or alternative education examinations if -

(1) A waiver of the fee is unavailable; and

(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) Rental of space if -

(1) Space is not available at the site of the grantee; and

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

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

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

(h) Tuition costs for a course that is part of a rigorous secondary school program of study if -

(1) The course or a similar course is not offered at the secondary school that the participant attends or at another school within the school district;

(2) The grantee demonstrates to the Secretary's satisfaction that using grant funds is the most cost-effective way to deliver the course or courses necessary for the completion of a rigorous secondary school program of study for program participants;

(3) The course is taken through an accredited institution of higher education;

(4) The course is comparable in content and rigor to courses that are part of a rigorous secondary school program of study as defined in § 643.7(b);

(5) The secondary school accepts the course as meeting one or more of the course requirements for obtaining a regular secondary school diploma;

(6) A waiver of the tuition costs is unavailable;

(7) The tuition is paid with Talent Search grant funds to an institution of higher education on behalf of a participant; and

(8) The Talent Search project pays for no more than the equivalent of two courses for a participant each school year.

EDUCATIONAL OPPORTUNITY CENTERS

34 CFR 644.7 What definitions apply?

Low-income individual means –

1. 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

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- criteria of poverty established by the Bureau of the Census of the U.S. Department of Commerce; or
2. An individual who is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

§ 644.30 What are allowable costs?

The cost principles that apply to the Educational Opportunity Centers program are in 2 CFR part 200, subpart E. 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 project staff for -
 - (1) Visits to postsecondary educational institutions;
 - (2) Participation in “College Day” activities; ~~and~~
 - (3) Field trips for participants to observe and meet with persons who are employed in various career fields and can act as role models for participants; ~~and~~
 - (4) Admissions fees, transportation, and other costs necessary to participate in field trips, attend educational activities, visit museums, and attend other events that have as their purpose the intellectual, social, and cultural development of participants.
- (b) Purchase of testing materials and test preparation programs for participants.
- (c) Fees required for admission applications for postsecondary education, college entrance examinations, or alternative education examinations if -
 - (1) A waiver is unavailable; and
 - (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) Rental of space if -
 - (1) Space is not available at the site of the grantee; and
 - (2) The rented space is not owned by the grantee.
- (f) Purchase, lease, or rental of computer hardware, software, and other equipment, service agreements for such equipment, and supplies for participant development, project administration, or project recordkeeping.

§ 644.32 What other requirements must a grantee meet?

(a) *Eligibility of participants.*

- 1) A grantee shall determine the eligibility of each participant in the project at the time that the individual is selected to participate.
- 2) A grantee shall determine the status of a low-income individual on the basis of:
 - i. the documentation described in section 402A(e) of the HEA; or
 - ii. documentation that the individual is attending a school that had a percentage of enrolled students who are identified students (as defined in section

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11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

UPWARD BOUND

§ 645.31 What selection criteria does the Secretary use?

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

(a) *Need for the project* (24 points). In determining need for an Upward Bound project, the Secretary reviews each type of project (Regular, Math and Science, or Veterans) using different need criteria. The criteria for each type of project contain the same maximum score of 24 points and read as follows:

The Secretary evaluates the need for a Regular Upward Bound project in the proposed target area on the basis of information contained in the application which clearly demonstrates that—

- (i) The income level of families in the target area is low;
- (ii) The education attainment level of adults in the target area is low;
- ~~(iii) Target high school dropout rates are high;~~
- ~~(iv)~~ (iii) College-going rates in target high schools are low;
- ~~(v)~~ (iv) Student/counselor ratios in the target high schools are high; and
- ~~(vi)~~ (v) Unaddressed academic, social and economic conditions in the target area pose serious problems for low-income, potentially first-generation college students.

(2) The Secretary evaluates the need for an Upward Bound Math and Science Center in the proposed target area on the basis of—

- (i) The extent to which student performance on standardized achievement and assessment tests in mathematics and science in the target area is lower than State or national norms.

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(ii) The extent to which potential participants attend schools in the target area that lack the resources and coursework that would help prepare persons for entry into postsecondary programs in mathematics, science, or engineering;

(iii) The extent to which such indicators as attendance data, ~~dropout rates~~, college-going rates and student/counselor ratios in the target area indicate the importance of having additional educational opportunities available to low-income, first-generation students; and

(iv) The extent to which there are eligible students in the target area who have demonstrated interest and capacity to pursue academic programs and careers in mathematics and science, and who could benefit from an Upward Bound Math and Science program.

(3) The Secretary evaluates the need for a Veterans Upward Bound project in the proposed target area on the basis of clear evidence that shows—

(i) The proposed target area lacks the services for eligible veterans that the applicant proposes to provide;

(ii) A large number of veterans who reside in the target area are low income and potential first generation college students;

(iii) A large number of veterans who reside in the target area who have not completed high school or, have completed high school but have not enrolled in a program of postsecondary education; and

(iv) Other indicators of need for a Veterans Upward Bound project, including the presence of unaddressed academic or socio-economic problems of veterans in the area.

(b) **Objectives** (9 points). The Secretary evaluates the quality of the applicant's 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) ~~(2 points)~~ Academic performance (GPA);

(ii) ~~(1 point) Academic performance (standardized test scores);~~

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

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

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- (v) (3 points) Postsecondary enrollment; and
 - (vi) (1 point) Postsecondary completion.
- (2) For Veterans Upward Bound—
- (i) (2 points) Academic performance (standardized test scores);
 - (ii) (3 points) Education program retention and completion;
 - (iii) (3 points) Postsecondary enrollment; and
 - (iv) (1 point) Postsecondary completion.

645.42 What are Upward Bound stipends?

- (a) An Upward Bound project may provide stipends for all participants who participate on a full-time basis.
- (b) In order to receive the stipend, the participant must show evidence of satisfactory participation in activities of the project including—
 - (1) Regular attendance; and
 - (2) Performance in accordance with standards established by the grantee and described in the application.
- (c) The grantee may prorate the amount of the stipend according to the number of scheduled sessions in which the student participated.
- (d) The following rules govern the amounts of stipends a grantee is permitted to provide:
 - (1) For Regular Upward Bound projects and Upward Bound Math and Science Centers—
 - (i) For the academic year component, the stipend may not exceed ~~\$40~~ \$180 per month; and
 - (ii) The stipend may not exceed ~~\$60~~ \$120 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~~ \$900 per month during the summer school recess.
 - (2) For Veterans Upward Bound projects, the stipend may not exceed ~~\$40~~ \$300 per month.

STUDENT SUPPORT SERVICES

34 CFR 646.7 What definitions apply?

Low-income individual means –

1. 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; or

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2. An individual who has been determined eligible for a Federal Pell Grant under 20 U.S.C. §1070a.

§ 646.30 What are allowable costs?

The cost principles that apply to the Student Support Services Program are in [2 CFR part 200, subpart E](#). Allowable costs include the following if they are reasonably related to the objectives of the project:

- (a) Cost of remedial and special classes if—
 - (1) These classes are not otherwise available at the grantee institution;
 - (2) Are limited to eligible project participants; and
 - (3) Project participants are not charged tuition for classes paid for by the project.
- (b) Courses in English language instruction for students of limited English proficiency if these classes are limited to eligible project participants and not otherwise available at the grantee institution.
- (c) In-service training of project staff.
- (d) Activities of an academic or cultural nature, such as field trips, special lectures, and symposiums, that have as their purpose the improvement of the participants' academic progress and personal development.
- (e) Transportation and, ~~with the prior approval of the Secretary,~~ meals and lodging for participants and staff during **approved** educational and cultural activities sponsored by the project.
- (f) Purchase, lease, or rental of computer hardware, software, and other equipment, service agreements for such equipment, and supplies for participant development, project administration, or project recordkeeping.
- (g) Professional development travel for staff if directly related to the project's overall purpose and activities, ~~except that these costs may not exceed four percent of total project salaries. The Secretary may adjust this percentage if the applicant demonstrates to the Secretary's satisfaction that a higher percentage is necessary and reasonable.~~
- (h) Project evaluation that is directly related to assessing the project's impact on student achievement and improving the delivery of services.
- (i) Grant aid to eligible students who—
 - (1) Are in their first two years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of title IV of the Act; or
 - (2) Have completed their first two years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of title IV of the Act 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 this paragraph.
- (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.

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(k) Other costs necessary to participate in educational activities, visit museums, and attend other events that have as their purpose the intellectual, social, and cultural development of participants.

646.32 What other requirements must a grantee meet?

(a) **Number of Participants.** For each year of the project period, a grantee must serve at least the number of participants that the Secretary identifies in the Federal Register notice inviting applications for a competition. Through this notice, the Secretary also provides the minimum and maximum grant award amounts for the competition.

(b) **Eligibility of participants.**

(1) A grantee shall determine the eligibility of each participant in the project when the individual is selected to participate. The grantee does not have to revalidate a participant's eligibility after the participant's initial selection.

(2) A grantee shall determine the low-income status of an individual on the basis of:

- (i) the documentation described in section 402A(e) of the Act; or
- (ii) documentation that the individual has been determined to be eligible for a Federal Pell Grant under 20 U.S.C. §1070a.

MCNAIR POSTBACCALAUREATE ACHIEVEMENT

34 CFR 647.7 What definitions apply?

Low-income individual means –

- i. 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.; or
- ii. An individual who has been determined eligible for a Federal Pell Grant under 20 U.S.C. §1070a.

§ 647.30 What are allowable costs?

The cost principles in [2 CFR part 200, subpart E](#), may include the following costs reasonably related to carrying out a McNair project:

- a) Activities of an academic or scholarly nature, such as trips to institutions of higher education offering doctoral programs, and special lectures, symposia, and professional conferences, which have as their purpose the encouragement and preparation of project participants for doctoral studies.

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- b) Stipends of up to ~~\$2,800~~-\$4,000 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.
- c) Necessary tuition, room and board, and transportation for students engaged in research internships during the summer.
- d) Purchase, lease, or rental of computer hardware, software, and other equipment, service agreements for such equipment, and supplies for participant development, project administration, or project recordkeeping.
- e) **Other costs necessary to participate in educational and scholarly activities and attend other events that have as their purpose the intellectual, social, and cultural development of participants.**

§ 647.32 What other requirements must a grantee meet?

(a) ***Number of Participants.*** For each year of the project period, a grantee must serve at least the number of participants that the Secretary identifies in the Federal Register notice inviting applications for a competition. Through this notice, the Secretary also provides the minimum and maximum grant award amounts for the competition.

(b) ***Eligibility of participants.***

- 1) A grantee shall determine the eligibility of each student before the student is selected to participate. A grantee does not have to redetermine a student's eligibility once the student has been determined eligible in accordance with the provisions of [§ 647.3](#); and
- 2) A grantee shall determine the status of a low-income individual on the basis of:
 - i. the documentation described in section 402A(e) of the HEA; or
 - ii. **documentation that the individual has been determined to be eligible for a Federal Pell Grant under 20 U.S.C. §1070a.**