

#### § 645.4

(2) Is a permanent resident of the United States.

(3) Is in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident.

(4) Is a permanent resident of Guam, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(5) Is a resident of the Freely Associated States—the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(b) Is—

(1) A potential first-generation college student; or

(2) A low-income individual.

(c) Has a need for academic support, as determined by the grantee, in order to pursue successfully a program of education beyond high school.

(d) At the time of initial selection, has completed the eighth grade but has not entered the twelfth grade and is at least 13 years old but not older than 19, although the Secretary may waive the age requirement if the applicant demonstrates that the limitation would defeat the purposes of the Upward Bound program. However, a veteran as defined in §645.6, regardless of age, is eligible to participate in an Upward Bound project if he or she satisfies the eligibility requirements in paragraphs (a), (b), and (c) of this section.

(Authority: 20 U.S.C. 1070a-11 and 1070a-13)

#### § 645.4 What are the grantee requirements with respect to low income and first-generation participants?

(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.

(b) For purposes of documenting a participant's low-income status the following applies:

(1) In the case of a student who is not an independent student, an institution shall document that the student is a low-income individual by obtaining and maintaining—

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(i) A signed statement from the student's parent or legal guardian regarding family income;

(ii) Verification of family income from another governmental source;

(iii) A signed financial aid application; or

(iv) A signed United States or Puerto Rican income tax return.

(2) In the case of a student who is an independent student, an institution shall document that the student is a low-income individual by obtaining and maintaining—

(i) A signed statement from the student regarding family income;

(ii) Verification of family income from another governmental source;

(iii) A signed financial aid application; or

(iv) A signed United States or Puerto Rican income tax return.

(c) For purposes of documenting potential first generation college student status, documentation consists of a signed statement from a dependent participant's parent, or a signed statement from an independent participant.

(d) A grantee does not have to revalidate a participant's eligibility after the participant's initial selection.

(Approved by the Office of Management and Budget under control number 1840-0550)

(Authority: 20 U.S.C. 1070a-11)

#### § 645.5 What regulations apply?

The following regulations apply to the Upward Bound Program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations);

(2) 34 CFR part 75 (Direct Grant Programs), except for §75.511;

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations), except for the definition of "secondary school" in 34 CFR 77.1;

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(5) 34 CFR part 82 (New Restrictions on Lobbying);

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants));

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 645.

(Authority: 20 U.S.C. 1070a-11 and 1070a-13)

**§ 645.6 What definitions apply to the Upward Bound Program?**

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

- Applicant
- Application
- Award
- Budget
- Budget period
- EDGAR
- Equipment
- Facilities
- Grant
- Grantee
- Project
- Project period
- Secretary
- State
- Supplies

(b) *Other Definitions.* The following definitions also apply to this part:

*Family taxable income* means—

(1) With regard to a dependent student, the taxable income of the individual's parents;

(2) With regard to a dependent student who is an orphan or ward of the court, no taxable income;

(3) With regard to an independent student, the taxable income of the student and his or her spouse.

*HEA* means the Higher Education Act of 1965, as amended.

*Independent student* means a student who—

(1) Is an orphan or ward of the court;

(2) Is a veteran of the Armed Forces of the United States (as defined in this section);

(3) Is a married individual; or

(4) Has legal dependents other than a spouse.

*Institution of higher education* means an educational institution as defined in sections 1201(a) and 481 of the HEA.

*Limited English proficiency* with reference to an individual, means an individual whose native language is other than English and who has sufficient

difficulty speaking, reading, writing, or understanding the English language to deny that individual the opportunity to learn successfully in classrooms in which English is the language of instruction.

*Low-income individual* means an individual whose family taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participates 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.

*Organization/Agency* means an entity that is legally authorized to operate programs such as Upward Bound in the State where it is located.

*Participant* means an individual who—

(1) Is determined to be eligible to participate in the project under § 645.3;

(2) Resides in the target area, or is enrolled in a target school at the time of acceptance into the project; and

(3) Has been determined by the project director to be committed to the project, as evidenced by being allowed to continue in the project for at least—

(i) Ten days in a summer component if the individual first enrolled in an Upward Bound project's summer component; or

(ii) Sixty days if the individual first enrolled in an Upward Bound project's academic year component.

*Potential first-generation college student* means—

(1) An individual 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 natural or adoptive parent and whose supporting parent did not receive a baccalaureate degree.

*Secondary school* means a school that provides secondary education as determined under State law.

*Target area* means a discrete local or regional geographical area designated by the applicant as the area to be served by an Upward Bound project.

*Target school* means a school designated by the applicant as a focus of project services.