

DEPARTMENT OF EDUCATION**34 CFR Part 646**

RIN 1840-AC24

Student Support Services Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Student Support Services Program. The proposed regulations clarify and simplify requirements governing the program. The selection criteria, prior experience criteria, and grantee accountability provisions are affected by these proposed changes.

The Student Support Services Program supports the educational needs of students from disadvantaged backgrounds. Performance outcomes for the program are designed to demonstrate the progress and performance of eligible students in successfully completing their postsecondary education.

DATES: Comments must be received on or before January 12, 1996.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Richard T. Sonnergren, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202-5249. Comments may also be sent through the Internet to TRIO@ed.gov.

To ensure that public comments have maximum effect in developing the final regulations, the Department urges that each comment clearly identify the specific section or sections of the regulations that the comment addresses and that comments be in the same order as the regulations.

Comments that concern information collection requirements must be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. A copy of those comments may also be sent to the Department representative named in the preceding paragraph.

FOR FURTHER INFORMATION CONTACT: Virginia A. Mason, Division of Student Services, U.S. Department of Education, 600 Independence Avenue, S.W., The Portals Building, Suite 600D, Washington, D.C. 20202-5249. Telephone: (202) 708-4804. Individuals who use telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:**Background**

The Student Support Services program provides grants to institutions of higher education for projects offering support services to low-income, first generation, or disabled college students. These support services should enhance their academic skills, increase their retention and graduation rates, facilitate their entrance into four-year colleges or graduate and professional programs, and foster an institutional climate supportive of the success of low-income and first generation college students and students with disabilities.

Projects assisted under this program may provide: (1) Instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond high school; (2) personal counseling; (3) academic advice and assistance in course selection; (4) tutorial services and peer counseling; (5) exposure to cultural events and academic programs not usually available to disadvantaged students; (6) activities designed to assist students participating in the project in securing admission and financial assistance for enrollment in graduate and professional programs; (7) 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; (8) mentoring programs involving faculty or upper class students, or a combination thereof; and (9) programs and activities specially designed for students of limited proficiency in English.

These proposed regulations have been revised to address the President's regulatory reinvention initiative. Specifically, §§ 646.7, 646.10, 646.20, 646.21, 646.22 and 646.32 simplify the selection criteria and increase grantee accountability through revised prior experience criteria and stronger project evaluation requirements. On October 1, 1993, the Secretary published revisions to the Student Support Services Program regulations to implement changes required by the Higher Education Amendments of 1992 (58 FR 51521-22). This notice of proposed rulemaking proposes program improvements that were not covered by the October 1, 1993 regulations. Major changes in the current regulations are proposed in the following sections:

- **Definitions (§ 646.6).** These regulations would provide definitions for terms used in the program statute and these proposed regulations. The following definitions have been added: academic need, different campus,

different population of participants, combination of institutions of higher education, participant, sufficient financial assistance. In addition, we have revised the definition of the term "limited proficiency in English." These definitions are needed to provide standard definitions used in data collection instruments and to implement changes required by the 1992 Higher Education Amendments. Specifically, the definitions for "academic need" and "sufficient financial assistance" are intended to ensure grantees the flexibility to customize their projects to meet the special needs of the participants served. The definitions for "different campus" and "different population of participants" are intended to implement policies and practices that have been used in governing the program. The term "limited proficiency in English" is defined to provide clarity and intended to be more practical.

- **Selection criteria (§ 646.21).** The proposed regulations would revise the application selection criteria to simplify and clarify the requirements and increase grantee accountability by establishing performance indicators and a standard for evaluating project services.

- **Prior experience (§ 646.22).** The proposed regulations would revise the criteria for the evaluation of a grantee's prior experience to focus on project outcomes. The changes are intended to eliminate data requested on administrative compliance matters and collect only the information necessary to assess the impact of services on project outcomes.

- **Other requirements of a grantee (§ 646.32).** The proposed regulations would prohibit a grantee from serving any individual who is simultaneously receiving services from another Federal TRIO program and would clarify provisions for project coordination. In addition, the proposed regulations would require grantees to track student performance and define the basis for determining academic need. These regulations are needed to assist projects with the implementation of the statutory provision to coordinate services with similar programs and provide parameters for collecting the types of information projects need to evaluate services. The uniformity in student service delivery and evaluation are expected to allow the Secretary to more effectively assess the impact of the program.

Executive Order 12866

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example, § 646.20 *How does the Secretary decide which new grants to make?*) (4) Is the description of the proposed regulations in the "Supplementary Information" section of this preamble helpful in understanding the proposed regulations? How could this description be more helpful in making the proposed regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern whether these proposed regulations are easy to understand should be sent to Stanley Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202-2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small institutions of higher education that receive Federal funds under this program.

However, the regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1995

Sections 646.11, 646.21, 646.22, and 646.32 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of

Education has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Collection of Information: Student Support Services Program—Program Regulations.

Institutions of higher education and combinations of those institutions are eligible to apply for grants under these regulations. The information to be collected includes: assurances to meet certain statutory requirements; a description of each proposed project; specific information regarding each project (such as the need for the project, proposed collaboration with similar or related projects; criteria to be used to measure progress and outcomes, data regarding persons to be served); and information to be included in an annual report to the Secretary. The Department needs and uses the information to make grants.

All information is to be collected annually from each applicant. Annual reporting and recordkeeping burden for this collection of information is estimated to average 20 hours for each response for 706 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 14,120 hours.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education.

The Department considers comments by the public on this proposed collection of information in—

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of

information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period at 1250 Maryland Avenue, SW., The Portals Building, Suite 600D, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 646

Colleges and universities, Disadvantaged students, Educational programs, Discretionary grants, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.042 Student Support Services Program.)

Dated: November 28, 1995.

David A. Longanecker,
Assistant Secretary for Postsecondary
Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Part 646 to read as follows:

PART 646—STUDENT SUPPORT SERVICES PROGRAM

Subpart A—General

Sec.

646.1 What is the Student Support Services Program?

646.2 Who is eligible to receive a grant?

646.3 Who is eligible to participate in a Student Support Services project?

646.4 What activities and services may a project provide?

646.5 How long is a project period?

646.6 What regulations apply?

646.7 What definitions apply?

Subpart B—How Does One Apply for an Award?

646.10 How many applications for a Student Support Services award may an eligible applicant submit?

646.11 What assurances must an applicant include in an application?

Subpart C—How Does the Secretary Make a Grant?

646.20 How does the Secretary decide which new grants to make?

646.21 What selection criteria does the Secretary use?

646.22 How does the Secretary evaluate prior experience?

646.23 How does the Secretary set the amount of a grant?

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

646.30 What are allowable costs?

646.31 What are unallowable costs?

646.32 What other requirements must a grantee meet?

Authority: 20 U.S.C. 1070a–11 and 1070a–14, unless otherwise noted.

Subpart A—General

§ 646.1 What is the Student Support Services Program?

The Student Support Services Program provides grants for projects designed to—

(a) Provide support services to eligible students to enhance their academic skills, increase their retention and graduation rates, and, as appropriate, facilitate their entrance into four-year colleges or graduate and professional programs; and

(b) Foster an institutional climate supportive of the success of low-income and first generation college students and individuals with disabilities through services such as those described in § 646.4.

(Authority: 20 U.S.C. 1070a–11 and 1070a–14)

§ 646.2 Who is eligible to receive a grant?

An institution of higher education or a combination of institutions of higher education are eligible to receive a grant to carry out a Student Support Services project.

(Authority: 20 U.S.C. 1070a–14)

§ 646.3 Who is eligible to participate in a Student Support Services project?

A student is eligible to participate in a Student Support Services project if the student meets all of the following requirements:

(a) Is a citizen or national of the United States or meets the residency requirements for Federal student financial assistance.

(b) Is enrolled at the grantee institution or accepted for enrollment in the next academic term at that institution.

(c) Has a need for academic support, as determined by the grantee, in order to pursue successfully a postsecondary educational program.

(d) Is—

(1) A low-income individual;

(2) A first generation college student;

or

(3) An individual with disabilities.

(Authority: 20 U.S.C. 1070a–14)

§ 646.4 What activities and services may a project provide?

A Student Support Services project may provide the following services:

(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.

(Authority: 20 U.S.C. 1070a–14)

§ 646.5 How long is a project period?

(a) Except as provided in paragraph (b) of this section, a project period under the Student Support Services program is four years.

(b) The Secretary approves a project period of five years for applicants that score in the highest ten percent of all applicants approved for new grants under the criteria in § 646.21.

(Authority: 20 U.S.C. 1070a–11)

§ 646.6 What regulations apply?

The following regulations apply to the Student Support Services Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85 and 86; and

(b) The regulations in this part 646.

(Authority: 20 U.S.C. 1070a–11 and 1070a–14)

§ 646.7 What definitions apply?

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

Applicant
Application
Award
Budget
Budget Period
Department
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Grant Period
Project
Project period
Public
Secretary
Supplies

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

Academic need with reference to a student means a student whom the grantee determines needs one or more of

the services stated under § 646.4 to succeed in a postsecondary educational program.

Cohort rate means a statistical measure used to compare the characteristics or outcomes of a specified group of students over time with other groups for which similar rates have been calculated.

Combination of institutions of higher education means two or more institutions of higher education that have entered into a cooperative agreement for the purpose of carrying out a common objective, or an entity designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

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 either—

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

(2) Disabled students.

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.

Limited proficiency in English 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.

Participant means an individual who—

(1) Is determined to be eligible to participate in the project under § 646.3; and

(2) Receives project services on a continual basis for a period of more than one full grading period at the grantee institution.

Sufficient financial assistance means the amount of financial aid offered a

Student Support Services student, inclusive of Federal, State, local, private, and institutional aid which, together with parent or student contributions, is equal to the cost of attendance as determined by a financial aid officer at the institution.

(Authority: 20 U.S.C. 1070a–11 and 1070a–14)

Subpart B—How Does One Apply for an Award?

§ 646.10 How many applications for a Student Support Services award may an eligible applicant submit?

The Secretary accepts more than one application from an eligible applicant so long as each additional application describes a project that serves a different campus, or a different population of participants who cannot readily be served by a single project.

(Authority: 20 U.S.C. 1070a–11 and 1070a–14)

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

An applicant shall assure in its application that—

(a) At least two-thirds of the students it will serve in its Student Support Services project will be—

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

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

(c) Not less than one-third of the individuals with disabilities 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.

(Authority: 20 U.S.C. 1070a–14)

Subpart C—How Does the Secretary Make a Grant?

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

(a) The Secretary evaluates an application for a new grant as follows:

(1) (i) The Secretary evaluates the application on the basis of the selection criteria in § 646.21.

(ii) The maximum score for all the criteria in § 646.21 is 00 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(2) (i) If an application for a new grant proposes to continue to serve substantially the same population or campus that the applicant is serving under an expiring grant, the Secretary

evaluates the applicant's prior experience in delivering services under the expiring grant on the basis of the criteria in § 646.22.

(ii) The maximum score for all the criteria in § 646.22 is 15 points. The maximum score for each criterion is indicated in parentheses with the criterion.

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

(c) If the total scores of two or more applications are the same and there is insufficient money available to fully fund them both after funding the higher-ranked applications, the Secretary chooses among the tied applications so as to serve geographic areas that have been underserved by the Student Support Services Program.

(d) The Secretary does not make grants to applicants that carried out a Federal TRIO program project that involved the fraudulent use of funds.

(Authority: 20 U.S.C. 1070a–11 and 1070a–14)

§ 646.21 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 Student Support Services project proposed at the applicant institution on the basis of the extent to which the application contains clear evidence of—

(1) A high number or percentage, or both, of students enrolled or accepted for enrollment at the applicant institution who meet the eligibility requirements of § 646.3;

(2) The academic and other problems that eligible students encounter at the applicant institution; and

(3) Students eligible for Student Support Services projects who are less likely to succeed as compared to the total enrollment at the applicant institution based upon the following indicators:

(i) Retention and graduation rates.

(ii) Grade point averages.

(iii) Graduate and professional school enrollment rates (four-year colleges only).

(iv) Transfer rates from two-year to four-year institutions (two-year colleges only).

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

(1) Include both process and outcome objectives relating to each of the

purposes of the Student Support Services Program stated in § 646.1;

(2) Address the needs and aspirations of the proposed project participants;

(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.

(c) *Plan of operation* (30 points). The Secretary evaluates the quality of the applicant's plan of operation on the basis of the following:

(1) (3 points) The plan to inform the institutional community (students, faculty and staff) of the goals, objectives, and services of the project and the eligibility requirements for participation in the project.

(2) (3 points) The plan to identify, select and retain project participants with academic need and ensure their participation without regard to race, color, national origin, or gender.

(3) (4 points) The plan for assessing individual participants' need for specific services and monitoring their academic progress.

(4) (10 points) The plan to provide services that address the goals and objectives of the project.

(5) (10 points) The applicant's plan to ensure proper and efficient administration of the project, including the organizational placement of the project; the time commitment of key project staff; the specific plans for financial management, student records management, and personnel management; and, where appropriate, its plan for coordination with other programs for disadvantaged students.

(d) *Institutional commitment* (16 points). The Secretary evaluates the institutional commitment to the proposed project on the basis of the extent to which the applicant has—

(1) (6 points) Committed facilities, equipment, supplies, personnel, and other resources to supplement the grant and enhance project services;

(2) (6 points) Established administrative and academic policies that enhance participants' retention at the institution and improve their chances of graduating from the institution;

(3) (2 points) Demonstrated a commitment to minimize the dependence on student loans in developing financial aid packages for project participants by committing institutional resources to the extent possible; and

(4) (2 points) Assured the full cooperation and support of the Admissions, Student Aid and Registrar

functional components of the institution.

(e) *Quality of personnel* (9 points). To determine the quality of personnel the applicant plans to use, the Secretary looks for information that shows—

(1) The qualifications required of the project director, including formal education and training in fields related to the objectives of the project, and experience in designing, managing, or implementing Student Support Services or similar projects;

(2) The qualifications required of other personnel to be used in the project, including formal education, training, and work experience in fields related to the objectives of the project; and

(3) The quality of the applicant's plan for employing personnel who have succeeded in overcoming barriers similar to those confronting the project's target population.

(f) *Budget* (5 points). The Secretary evaluates the extent to which the project budget is reasonable, cost-effective, and adequate to support the project.

(g) *Evaluation plan* (8 points). The Secretary evaluates the quality of the evaluation plan for the project on the basis of the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project and include both quantitative and qualitative evaluation measures;

(2) Examine in specific and measurable ways, using appropriate baseline data, the success of the project in improving academic achievement, retention and graduation of project participants; and

(3) Compares project outcomes with institutional data on student cohorts not served by the project.

(Authority: 20 U.S.C. 1070a-14)

§ 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) The extent to which project participants graduated from the grantee institution.

(4) (3 points) The extent to which project participants either transferred from two-year to four-year institutions (two-year colleges only) or enrolled in graduate or professional schools (four-year colleges only).

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

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

(a) The Secretary sets the amount of a grant on the basis of—

(1) 34 CFR 75.232 and 75.233, for new grants; and

(2) 34 CFR 75.253, for the second and subsequent years of a project period.

(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 1995 at the lesser of—

(1) \$170,000; or

(2) The amount requested by the applicant.

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

Subpart D—What Conditions Must Be Met By a Grantee?

§ 646.30 What are allowable costs?

The cost principles that apply to the Student Support Services Program are in 34 CFR part 74, subpart Q. 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 instruction paid for the classes.

(b) Courses in English language instruction for students of limited proficiency in English 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 at the institution.

(e) Transportation of participants and staff to and from approved educational

and cultural activities sponsored by the project.

(f) Purchase of computer hardware, computer software, or other equipment to be used for student development, student records and project administration 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) 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.

(Authority: 20 U.S.C. 1070a-14)

§ 646.31 What are unallowable costs?

Costs that may not be charged against a grant under the Student Support Services Program include, but are not limited to, the following:

(a) Costs involved in recruiting students for enrollment at the institution.

(b) Tuition, fees, stipends, and other forms of direct financial support for staff or participants.

(c) Research not directly related to the evaluation or improvement of the project.

(d) Construction, renovation, or remodeling of any facilities.

(Authority: 20 U.S.C. 1070a-14)

§ 646.32 What other requirements must a grantee meet?

(a) *Eligibility of participants.* (1) A grantee shall determine the eligibility of each participant in the project 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 the documentation described in section 402A(e) of the Higher Education Act.

(3) A grantee shall not serve any individual who is receiving services from another Federal TRIO Program.

(b) *Recordkeeping.* A grantee shall maintain participant records that show—

(1) The basis for the grantee's determination that each participant is eligible to participate in the project under § 646.3;

(2) The grantee's basis for determining the academic need for each participant;

(3) The services that are provided to each participant; and

(4) The performance and progress of each participant for the duration of the participant's attendance at the grantee institution.

(c) *Project director.* (1) A grantee shall employ a full-time project director unless paragraph (c)(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 (c)(1) of this section if the applicant demonstrates that the requirement will hinder coordination—

(i) Among the Federal TRIO Programs; or

(ii) Between the programs funded under sections 404A through 410 of the Higher Education Act and similar programs funded through other sources.

(d) *Project coordination.* (1) The Secretary encourages grantees to coordinate project services with other programs for disadvantaged students operated by the grantee institution provided the Student Support Services grant funds are not used to support activities reasonably available to the general student population.

(2) To the extent practical, the grantee may share staff with programs serving similar populations provided the grantee maintains appropriate records of staff time and effort and does not commingle grant funds.

(3) Costs for special classes and events that would benefit Student Support Services students and participants in other programs for disadvantaged students may be proportionately divided among the projects that receive the benefits.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

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