DEPARTMENT OF EDUCATION

34 CFR Part 646

RIN 1840–AC24

Student Support Services Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Student Support Services Program in order to further implement statutory changes made to the Student Support Services Programs authorizing statutes, Sections 402A and 402D of the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1992, and to clarify and simplify certain requirements governing the program. In general, the selection criteria, prior experience criteria, and grantee accountability provisions are affected by these changes.

EFFECTIVE DATE: These regulations take effect August 23, 1996.

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 or by Internet to TRIO@ed.gov. Individuals who use a 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: 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 increase their retention and graduation rates, facilitate their transfer from two-year to four-year colleges, and foster an institutional climate supportive of the success of low-income and first generation college students and students with disabilities. On December 13, 1995, the Secretary published a notice of proposed rulemaking (NPRM) for the Student Support Services Program in the Federal Register (60 FR 64108–113).

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 107 persons submitted comments on the proposed regulations. The following is an analysis of the comments and the changes in the regulations since publication of the NPRM. Substantive issues are discussed under the section of the regulations to which they pertain. Technical and other minor changes made to the language of the regulations and suggested changes the Secretary is not legally authorized to make generally are not addressed.

What is the Student Support Services Program? (§ 646.1)

Comments: Many commenters objected to the stated purpose in § 646.1(a) of the proposed regulations because of the phrase ''facilitate their entrance into graduate and professional programs.'' Some commenters suggested that the phrase exceeds the scope of the authorizing legislation. Other commenters stated that the language would put the program at cross purposes with the Ronald E. McNair Postbaccalaureate Achievement Program and create an overwhelming burden on grantees to track students through graduate study. Several commenters recommended deleting ''graduate and professional'' and stating only the language from the statute.

Discussion: The Secretary has reviewed section 402D of the HEA, which authorizes the Student Support Services Program, and agrees with the commenters' suggestion that the section restate the statutory purpose of the program.

Change: This section of the regulations has been revised to mirror the statutory purpose of the program, namely to increase retention and graduation rates, and as appropriate, increase the transfer rates of eligible students from two-year to four-year institutions.

What Activities and Services May a Project Provide? (§ 646.4)

Comment: One commenter stated that the Secretary omitted test administration, in particular as it relates to students with disabilities, from the list of allowable activities and services.

Discussion: The only change made in the list of activities in the current version of this provision, § 646.10, is the inclusion of the mentoring programs as contained in § 402D of the HEA.

Change: None.

Comment: Several commenters suggested that § 646.4(i) be amended to permit the involvement of individuals other than faculty members and upper class students in mentoring programs. Commenters suggested that these other individuals include institutional and TRIO alumni, institutional administrators, graduate students and undergraduate upper-class students, individuals from the community, business and industry, and other persons as appropriate.

Discussion: § 646.4(i) reflects the statutory requirements concerning individuals involved in mentoring programs. The Secretary believes that neither the statute nor the regulations exclude other qualified and appropriate individuals from serving as mentors in Student Support Services projects. Furthermore, § 646.4(k) allows any other activity designed to meet the purposes of the Student Support Services program.

Change: None.

How Long is a Project Period? (§ 646.5)

Comment: Several commenters requested clarification of the five-year project period and the Department's administration of five-year grant cycles.

Discussion: This provision reflects the statutory requirements concerning the length of project periods. The Secretary believes that it is inappropriate to discuss subsequent funding cycles in the regulations. Information on how the Department will administer the four and five-year grants will be provided to successful applicants when awards are made.

Change: None.

What Definitions Apply? (§ 646.7(c))

Comments: Several commenters objected to the definition of cohort rate, which would require projects to compare the performance of project participants by cohort groups with other groups of students. The commenters stated that this evaluation measure is inappropriate since it would be difficult to find a valid comparison group with similar academic needs as Student Support Service project participants. Further, the process of maintaining data and tracking students in the comparison group would place unwarranted burden on already limited project resources and reduce resources for direct services to the eligible population.

Discussion: The term cohort rate was defined in the NPRM to apply to § 646.21(a)(3) where comparison information was requested on retention, graduation, grade point averages and transfer rates. The term was intended to apply to § 646.21(g)(2) and (3) where evaluation requirements included comparisons with student cohorts not served by the project. The Secretary believes the use of cohort groups and the calculation of cohort rates as a means to establish the need for the project and measure the benefits of the project are appropriate and valid methods. Thus, tracking and reporting of participants by cohorts standardizes the procedures for assessing progress across all projects and lends greater validity to the data obtained.

Changes: The Secretary concurs that the proposed definition did not clearly state the intention of introducing a standard approach for reporting outcome data. In addition, the Secretary has revised the evaluation criteria in section 646.21(g). Thus, the proposed definition of cohort rate is no longer applicable to these regulations and thus has been deleted. Nonetheless, the Secretary maintains that the cohort methodology is important in order to standardize the reporting of student performance outcomes. Therefore, the annual performance report for the program was designed to track students' academic progress by cohorts. The report will yield data that the Secretary can use, for example, in conjunction with the baseline data on eligible students as requested in section 646.21(a)(3). These data can provide comparative assessments without the additional institutional burden of tracking non-project participants.

Comment: Several commenters suggested that the definition of the term participant does not allow grantees to include eligible individuals who are not served on a continual basis or received services for less than one grading period. One commenter also noted that the definition was particularly restrictive for projects in open enrollment institutions where the student body is very transient, often seeking services after the beginning of the grading period, stopping out for one or more grading periods, or transferring to another institution after one grading period. Commenters believed that expanding the definition to include all participants served would be the only means for giving an accurate account of services rendered by projects. Many commenters suggested the use of the terms active participant and auxiliary participant to distinguish the level of participation in the project.

Discussion: The Secretary agrees that the proposed definition of the term participant may be too restrictive in establishing the minimum length of participation. However, the Secretary does not agree with the suggestion that there be two classifications of participants. Although projects may occasionally serve eligible students on a short term basis, these students should not be counted as project participants since the intervention received would not be sufficient to impact the student's chances for academic success at the grantee institution. Thus, the Secretary believes it is necessary to establish a definition for project participant that will support decisions regarding approved student service levels for funded projects and that will provide parameters for assessing the impact of the project on the postsecondary success of its participants.

Change: The Secretary has revised the definition of participant to allow each grantee to define in the application the extent of services an individual must receive in order to be counted as a project participant.

What Selection Criteria Does the Secretary Use to Evaluate an Application? (§ 646.21)

Comment: Several commenters stated that the criterion in § 646.21(a)(3) inappropriately defines need for the project in terms of the institution's need and not the need of the students. Further, by prescribing the comparison group as the total enrollment at the institution, commenters felt this favored institutions with smaller percentages of eligible students. Commenters suggested that the comparison group data used to state the need include national data on eligible students and/or information on student success at comparable institutions of higher education as a way to reduce bias for institutions with smaller percentages of eligible students.

Several commenters also stated that the language on graduate and professional school enrollment in § 646.21(a)(3)(iii) exceeds the legislative purpose of the Student Support Services program and overlaps the purpose of the TRIO McNair program.

Discussion: The Secretary agrees that the criterion in § 646.21(a)(3) could be interpreted to refer to an institution's needs and not the needs of the students. Therefore, this criterion has been restated. While some commenters have suggested using national data on eligible students and/or information from comparable institutions to create the cohort-like group for comparative purposes with project outcome data, the Secretary will not prescribe the type of comparison data that institutions should use to establish the need for the program. Instead, the Secretary encourages applicants to use meaningful comparison data that is related to the purposes of the program and to the proposed project outcomes. The Secretary further encourages applicants to define in the application the characteristics of the comparison group and identify baseline data on eligible students. These baseline data along with performance measures obtained from the annual performance report would serve as points of reference from which institutions could gauge participants' progress.

Change: The language of this section has been revised to expand the types of comparison data that may be used to establish need for the project. However, the Secretary has not changed the indicators to be used for comparisons.

Comment: Several commenters suggested that the term academic need be deleted from § 646.21(c)(2) because the provision highlights project participants with academic need and ignores other eligible project participants, i.e. low-income individuals, first generation college students, and individuals with disabilities. Some commenters suggested rewording this provision to correspond with a similar provision concerning selection of project participants in the Upward Bound Program regulations. Other commenters suggested that ''retain'' be deleted from § 646.21(c)(2) because retention would be addressed under § 646.21(c)(4) in the plan to provide services that address the goals and objectives of a project. One commenter believed that § 646.21(c)(2) may preclude projects from giving priority for admission to students whose ethnicity has been historically underrepresented at the project's host institution.

Discussion: The Secretary disagrees with the commenters because under § 402D(c)(4) of the HEA all project participants must have academic need. The Secretary also disagrees that the provision under § 646.21(c)(2) duplicates the provision of § 646.21(c)(4). Moreover, the Secretary wishes to emphasize the importance of retention in an applicant's plan of operation. The Secretary, however, has deleted the words ''and ensure their participation without regard to race, color, national origin or gender'' in § 646.21(c)(2) because grantees are otherwise required to follow these requirements. The Secretary notes that section 427 of the General Education Provisions Act (GEPA) requires all applicants in their applications to specify strategies for overcoming barriers based on gender, race, color, national origin, disability, and age, in order to ensure the full participation of eligible individuals in the project.

Change: The words ''and ensure their participation without regard to race, color, national origin, or gender'' have been deleted from this criterion.

Comment: Many commenters stated that the language in § 646.21(d)(3) is biased against public institutions in states that do not provide sufficient funding for need-based scholarships; thus, most colleges and universities are packaging loans for students to help meet need. Others contended that to comply with this criterion an institution would have to develop special packaging for Student Support Services

participants and this would be unfair to other low-income students at the institution. Additionally, commenters stated that to commit institutional resources to special groups would be contrary to many state and federal statutes.

Discussion: The Secretary believes that given the assurance ''to offer sufficient financial assistance to meet the student's full financial need,'' all grantee institutions should be committed to reducing the participants' dependence on loans. The Secretary believes that this criterion will encourage applicants to develop a plan to minimize loans to reduce the financial burden of participants after completion of their postsecondary education. Moreover, the criterion recognizes the limits on an institution's ability to provide grants to project participants through the use of the phrase ''to the extent possible.''

Change: None.

Comment: One commenter stated that to require an applicant to assure the full cooperation and support of functional components as stated in § 646.21(d)(4) is unrealistic. The commenter suggested that to identify ways to develop and maintain the cooperation of these offices is a more reasonable expectation.

Discussion: The Secretary disagrees with the commenter because to be a successful project requires the participation of these components of the institution. Additionally, the Secretary has determined that this provision should also include the components of the institution that collect and analyze data.

Change: The language has been revised to include the component of the institution that collects and analyzes data.

Comment: Many commenters suggested that in § 646.21(g)(3) the Secretary has underestimated the burden of collecting and maintaining cohort data on students not participating in the program and has not adequately considered the use of existing evaluation methods. Additionally, commenters believed that the resources and time required to establish a valid cohort group for non-project participants would place more burden on already limited resources and dilute the quality of services provided to students. Further, commenters stated that the complexity and feasibility of collecting data for student cohorts not served by the project would be difficult and would not necessarily factor in the academic need and disability criteria for eligible project participants. Several commenters encouraged the Secretary to use the baseline data required in the Need section of the application to determine the overall effectiveness of the Student Support Services project.

Discussion: The Secretary believes that information on project outcomes and therefore student performance is critical for indicating where needs are, whether the project is moving in the right direction, and what must be accomplished. By knowing how well students who receive services perform, the Department can gauge the extent to which the Student Support Services program is both reaching its intended beneficiaries and having a positive impact. To accomplish this, the NPRM required both the use of baseline data on each of the programmatic outcomes and the comparison of subsequent results on student cohorts not served by the project.

In a departure from the NPRM, the Secretary will not prescribe how the project will assess the benefits of a Student Support Services project on the target students and will not require projects to use a comparison group to assess student outcomes. This, however, does not preclude a project from proposing a comparison group or from using baseline data provided in response to the Need criteria (§ 646.21(a)) against which student progress can be assessed. Projects can also satisfy evaluation requirements by stating how student progress related to the purposes of the program (§ 646.1) and the prior experience criteria (§ 646.22) will be addressed. Additionally, the Secretary requests that each applicant demonstrate how the evaluation results will be used to improve program operations and activities.

Applicants will be awarded points for the proposed evaluation plan (§ 646.21(g)) based on the quality and appropriateness of the plan presented in the application. The Department of Education will also use information from the annual performance report in conjunction with the project objectives and evaluation strategies proposed in the application to evaluate a grantee's progress and award prior experience points.

Change: Section 646.21(g) has been revised to require an evaluation plan that is appropriate to the project, measures project success against appropriate baseline data, and uses the results to make programmatic improvements.

How Does the Secretary Evaluate Prior Experience? (§ 646.22)

Comment: One commenter stated that the new criteria for prior experience in § 646.22 should not be used to award prior experience points for the fiscal year 1997 competition because the current criteria have been the basis for the project design and implementation.

Many commenters believed that the omission of process objectives from the prior experience criteria allows grantees to disregard administrative requirements when reporting on the prior experience criteria and to focus on successful project results only. This, they noted would limit the Secretary's control over the quality of services. Other commenters noted that the part of § 646.22(b)(4), that states, ''enrolled in graduate or professional schools,'' does not give credit to project participants who successfully pursue careers without benefit of a postbaccalaureate degree, and gives an unfair advantage to grantees serving students enrolled in programs that may lead to entrance into graduate or professional school. Further, some commenters believed that the Secretary expanded the purpose of the program and is at cross purposes with the McNair program by giving ''graduate or professional school enrollment'' weight in the prior experience criteria.

These commenters suggested that this criterion be deleted. Many commenters suggested that the Secretary give equal consideration to all measures of postsecondary achievement.

Discussion: The Secretary will not use the prior experience criteria in these final regulations to assess grantees for performance during the 1993–1997 funding cycle. The prior experience assessment for the upcoming competition will be conducted using the prior experience criteria listed in § 642.22(c) of the current program regulations. The Secretary believes that the process objectives and administrative requirements of a grantee should be evaluated on a yearly basis using interim reports and on-site monitoring to determine the extent to which the grantees are making progress toward meeting the goals and objectives of the program.

The Secretary also agrees that success at the postsecondary level does not necessarily mean receiving a postbaccalaureate degree, and thus agrees that graduate and professional school enrollment rates should not be a criterion under prior experience.

Change: The Secretary has revised § 646.22 to combine criteria (3) and (4) into a single criterion that addresses the successful completion of postsecondary education programs that result in graduation and/or transfer from a two-year to a four-year institution. Language is added to give prior experience points for meeting the administrative requirements of the program. The

criterion that addressed graduate and professional school enrollment has been deleted.

What are Allowable Costs? (§ 646.30)

Comment: One commenter stated that lodging and meals should be included as an allowable cost when necessary for approved educational and cultural activities sponsored by the project.

Discussion: The Secretary believes that the approved activities in § 646.30(d) will allow projects to pay the cost of lodging and meal when appropriate.

Change: None.

Comment: Several commenters stated that the rate of four percent of the total project salaries as described in § 646.30(g) for professional development travel for project staff is discriminatory to programs located in remote areas. Further, they claimed this rate would place a hardship on staff from newly awarded projects with minimal budgets and the highest need for travel funds. A few commenters suggested an increase to 6.5 percent.

Discussion: The Secretary believes that professional development travel for staff may be required to properly implement a project. Most projects in the past have spent less than four percent for travel. However, the Secretary can permit a project to spend more than the four percent for travel in unusual circumstances.

Change: None

What Other Requirements Must a Grantee Meet? (§ 646.32)

Comment: Several commenters stated that § 646.32(a)(3) will prohibit participants from legitimately receiving services needed from more than one TRIO project and hinder the coordination of the programs. One commenter suggested changing the language to state ''who is receiving the same services,'' to allow participation when services are not duplicated.

Discussion: The Secretary agrees with the commenters and accepts the suggested language.

Change: This section has been revised to include the language of the commenter which adds the phrase ''the same'' between the words ''receiving'' and ''services''. This revision will prohibit grantees from providing the same services to participants served by more than one TRIO project.

Further, the Secretary has decided to revise § 646.32(b)(4) to insert the words ''by cohort'' between the words ''participant'' and ''for the duration''. The change is needed to reflect the Secretary's belief that the academic progress of project participants should be tracked by cohort groups to provide valid measures of project successes.

Other changes: Although no comments were received on the following, the Secretary has reviewed the regulations since publication of the NPRM and has made the following changes:

Changes: The Secretary has assigned weights to subcriteria under need, objectives, and evaluation plan; revised § 646.21(c)(3) to include a plan to monitor participant's academic progress; and included evaluation costs as an allowable cost in § 646.30(h).

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number assigned to the collection of information in these final regulations is displayed at the end of the affected section of the 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.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and its own review, the Department has determined that the regulations in this document do not 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: June 27, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends chapter VI of 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 to evaluate an application?
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) Increase the retention and graduation rates of eligible students;

(b) Increase the transfer rate of eligible students from two-year to four-year institutions; and

(c) 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 is 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 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.

(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.

(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
Grant Period
Grantee
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.

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—

(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 English proficiency with reference to an individual, means a person 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 that the grantee has determined to be sufficient to increase the individual's chances for success in a postsecondary educational program.

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.

(Approved by the Office of Management and Budget under control number 1840–0017)

(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 100 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 to evaluate an application?

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) (8 points) 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) (8 points) The academic and other problems that eligible students encounter at the applicant institution; and

(3) (8 points) The differences between eligible Student Support Services students compared to an appropriate group, based on 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) (2 points) Include performance, process and outcome objectives relating to each of the purposes of the Student Support Services Program stated in § 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) 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.

(3) (4 points) The plan for assessing each individual participant's need for specific services and monitoring his or her academic progress at the institution to ensure satisfactory 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, Registrar and data collection and analysis 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) (3 points) 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) (3 points) 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) (3 points) 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—

(1) The applicant's methods for evaluation—

(i) (2 points) Are appropriate to the project and include both quantitative and qualitative evaluation measures; and

(ii) (2 points) 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

(2) (4 points) The applicant intends to use the results of an evaluation to make programmatic changes based upon the results of project evaluation.

(Approved by the Office of Management and Budget under control number 1840–0017)

(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) (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.

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(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 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 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 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.

(h) Project evaluation that is directly related to assessing the project's impact on student achievement and improving the delivery of services.

(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 may not serve any individual who is receiving the same

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 by cohort 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 must be proportionately divided among the benefiting projects.

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

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