



February 23, 2018

The Honorable Lamar Alexander  
Chair  
U.S. Senate Committee on Health, Education,  
Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member  
U.S. Senate Committee on Health,  
Education, Labor and Pension  
428 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the membership of the Council for Opportunity in Education (“COE” or “the Council”), which includes more than 900 institutions of higher education and community-based agencies that host Federal TRIO Programs, I write to share general principles that we hope you and your colleagues will consider as you reauthorize the Higher Education Act of 1965.

As you know, the Federal TRIO Programs (“TRIO”) were initially created in response to a recognition by Congress that students face both financial and non-financial obstacles in pursuit of higher education. Indeed, for low-income students, first-generation students, and students with disabilities, the non-financial barriers – such as limited information, poor academic preparation, and lack of peer and family support – often prove to be just as challenging, if not moreso than the financial barriers to postsecondary access and success. Appropriately, much discussion in the higher education arena as of late has centered around challenges related to affordability and student debt. This emphasis is certainly reasonable given that, according to the Pell Institute for the Study of Opportunity in Higher Education, average college costs have ballooned from \$9,124 in 1974-1975 to \$22,432 in 2015-2016. Yet, it is our community’s strongly held conviction that our nation cannot rely solely on a restructuring of our financial aid system to assure increased college completion rates.

Therefore, as the Committee continues to examine questions surrounding aid and affordability, our community respectfully requests that the Members also take steps to strengthen the non-financial supportive services available for low-income, first-generation students and students with disabilities. For, it is only through the intensive, intrusive, and individualized counseling and academic supports provided by TRIO and GEAR UP that students and families have the necessary tools to successfully prepare for and navigate the circuitous path toward a college degree.

Over the course of several months, the TRIO community has developed a series of proposals to the current authorizing legislation. They are attached to this letter. For the sake of brevity, I will highlight a few notable proposals that we believe would particularly strengthen and help streamline the programs.

### **Strengthen and Refine Accountability Measures**

One of the unique hallmarks of TRIO is the built-in accountability provided through the outcome criteria outlined in the law. By specifically delineating the benchmarks that grantees should meet and rewarding applicants for doing so successfully, the current law helps ensure that low-income, first-generation students gain full access to the proper supports. The attached document includes several legislative changes that, in our view, strengthen and refine these accountability measures so as to greater fit the needs of today's students.

### **Relieve Regulatory Burdens in Determining Income Eligibility**

In order to help relieve administrative and regulatory burdens, the TRIO community proposes that the Committee consider employing methods that overlap with other student aid programs. As an example, in Student Support Services, we support the use of Pell Grant eligibility as an alternative means of verifying student eligibility. Likewise, in Talent Search, if a significantly large portion of students at a target school are eligible for free and reduced lunch, a project may use attendance at that school as a proxy for income eligibility. If implemented, such proposals would reduce unnecessary time spent determining income eligibility and allow programs to direct more resources toward student service.

### **Preserve Congressional Authority in Grant Funding**

In the years since the last reauthorization, the Department of Education ("ED") has conducted several TRIO grant competitions. In doing so, ED has imposed a series of funding priorities that have had the substantive effect of reducing opportunities for students who need TRIO services the most, such as students in rural areas and students of color. As Administrations change, so, then, do policy priorities. Ultimately, however, it is the Congress that defines priorities for TRIO. Therefore, we propose that the Committee include language that prohibits the Secretary from instituting competitive preference or other priorities absent congressional pre-approval. This would prevent any Administration from instituting priorities that target funds in a manner that values popular policy trends over student needs and contravenes governing law.

### **Preserve Protections for Students While Promoting Rigorous Evaluation**

During the last reauthorization, legislators recognized that previous evaluations of TRIO – most notably the Upward Bound program – put programs and institutions in a position to engage in evaluation practices that many institutional review boards and TRIO educators found to be unethical. To prevent this from happening again, the Higher Education Opportunity Act (HEOA) included language outlining parameters for future evaluations of TRIO. Some view these parameters as unduly restrictive. Therefore, we propose the inclusion of additional language that stresses the importance of rigorous evaluation, but preserves protections so that students are not denied needed services.

The TRIO community is deeply appreciative of this opportunity to share our concerns with you. We look forward to working with you and the rest of the Committee to assure that the views of low-income, first-generation students and students with disabilities are well-represented throughout the reauthorization process.

Sincerely,

A handwritten signature in black ink that reads "Maureen Hoyler". The signature is written in a cursive style with a large initial 'M' and a decorative flourish at the end.

Maureen Hoyler  
President

Attachment

## **Subpart 2—Federal Early Outreach and Student Services Programs**

### **CHAPTER 1—FEDERAL TRIO PROGRAMS**

#### **SEC. 402A. [20 U.S.C. 1070a–11] PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.**

(a) **GRANTS AND CONTRACTS AUTHORIZED.**—The Secretary shall, in accordance with the provisions of this chapter, carry out a program of making grants and contracts designed to identify qualified individuals from disadvantaged backgrounds, to prepare them for a program of postsecondary education, to provide support services for such students who are pursuing programs of postsecondary education, to motivate and prepare students for doctoral programs, and to train individuals serving or preparing for service in programs and projects so designed.

(b) **RECIPIENTS, DURATION, AND SIZE.**—

(1) **RECIPIENTS.**—For the purposes described in subsection (a), the Secretary is authorized, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to make grants to, and contracts with, institutions of higher education, public and private agencies and organizations, including community-based organizations with experience in serving disadvantaged youth, combinations of such institutions, agencies and organizations, and, as appropriate to the purposes of the program, secondary schools, for planning, developing, or carrying out one or more of the services assisted under this chapter.

(2) **DURATION.**—Grants or contracts made under this chapter shall be awarded for a period of 5 years, except that—

(A) in order to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;

(B) grants made under section 402G shall be awarded for a period of 2 years; and

(C) grants under section 402H shall be awarded for a period determined by the Secretary.

(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than ~~\$200,000~~\$220,000, ~~except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than \$170,000~~ provided that such increase will not result in fewer than 2,780 grants awarded in any year.

**Rationale:** Grants funded at the current minimum amount have lost more than \$20,000 in purchasing power due to inflation since the 2008 reauthorization based on the change in the consumer price index.

(c) PROCEDURES FOR AWARDING GRANTS AND CONTRACTS.—

(1) APPLICATION REQUIREMENTS.—An eligible entity that desires to receive a grant or contract under this chapter shall submit an application to the Secretary in such manner and form, and containing such information and assurances, as the Secretary may reasonably require.

(2) CONSIDERATIONS.—

(A) ~~PRIOR EXPERIENCE~~ACCOUNTABILITY FOR OUTCOMES.—In making grants under this chapter, the Secretary shall consider each applicant’s ~~prior experience of~~ success in achieving high quality service delivery, as determined under subsection (f), under the particular program for which funds are sought. The ~~level of consideration~~weight given ~~the factor of prior experience~~ this accountability factor shall be at least 13 percent of the maximum points available for applications submitted under this chapter~~not vary from the level of consideration given such factor during fiscal years 1994 through 1997~~, except that grants made under section 402H shall not be given ~~prior experience~~ such consideration.

**Rationale:** The proposed changes in this section provide a more accurate description of this portion of the legislation, which is designed to promote transparency and accountability in TRIO programs.

(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, institution of higher education, or secondary school to be served to aid such participants in preparing for, enrolling in, or succeeding in postsecondary education, as appropriate to the particular program for which the eligible entity is applying.

(3) ORDER OF AWARDS; PROGRAM FRAUD.—

(A) Except with respect to grants made under sections 402G and 402H and as provided in subparagraph (B), the Secretary shall award grants and contracts under this chapter in the order of the scores received by the application for such grant or contract in the peer review process required under paragraph (4) and adjusted for prior experience in accordance with paragraph (2) of this subsection.

(B) PREFERENCE PRIORITIES PROHIBITED. In order to assure that congressional priorities in conducting competitions for grants under this chapter are implemented, the Secretary shall not impose competitive, absolute, or other priorities on programs authorized under this chapter.

(~~B~~C) The Secretary shall not provide assistance to a program otherwise eligible for assistance under this chapter, if the Secretary has determined that such program has involved the fraudulent use of funds under this chapter.

**Rationale:** In the past, Administrations have imposed various priorities that have had the effect of directing TRIO grant dollars away from certain parts of the country and towards others. For example, in the FY 2012 Upward Bound competition, a competitive preference priority awarding additional points for grants targeting “Persistently Lowest-Achieving Schools” was in part responsible for the loss of more than 40% of the grants in smaller, more rural states, including Connecticut, Wisconsin, Iowa, Alaska, Montana, and North Dakota.

(4) PEER REVIEW PROCESS.—

(A) The Secretary shall ensure that, to the extent practicable, members of groups underrepresented in higher education, including African Americans, Hispanics, Native Americans, Alaska Natives, Asian Americans, and Native American Pacific Islanders (including Native Hawaiians), are represented as readers of applications submitted under this chapter. The Secretary shall also ensure that persons from urban and rural backgrounds are represented as readers.

(B) The Secretary shall ensure that each application submitted under this chapter is read by at least three readers who are not employees of the Federal Government (other than as readers of applications).

(5) NUMBER OF APPLICATIONS FOR GRANTS AND CONTRACTS.—The Secretary shall not limit the number of applications submitted by an entity under any program authorized under this chapter if the additional applications describe programs serving different populations or different campuses.

(6) ~~DISADVANTAGED—STUDENTS~~COORDINATION.—The Secretary shall encourage coordination of programs assisted under this chapter with other programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding source of such programs. The Secretary shall not limit an entity’s eligibility to receive funds under this chapter because such entity sponsors a program similar to the program to be assisted under this chapter, regardless of the funding source of such program. The Secretary shall permit the Director of a program receiving funds under this chapter to administer ~~one~~two or more additional programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding sources of such programs. ~~The Secretary shall, as appropriate, require each applicant for funds under the programs authorized this chapter to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in foster care and youth who have left foster care after reaching age 13) or to homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act.~~

**Rationale:** To emphasize the importance of serving homeless and foster care students, we moved this language into its own section, 402A(c)(7). Accordingly, we reverted the heading for section 402A(c)(6) back to its previous heading (“Coordination”) before the 2008 reauthorization.

(7) INCLUSION OF HOMELESS AND FOSTER CARE STUDENTS. The Secretary shall, as appropriate, require each applicant for funds under ~~the programs authorized by~~sections 402B, 402C, 402D, and 402F of this chapter to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in foster care and youth who have left foster care after reaching age 13) or to homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act.

~~(7)~~8 APPLICATION STATUS.—The Secretary shall inform each entity operating programs under this chapter regarding the status of their application for continued funding at least ~~8 months~~90 days prior to the expiration of the grant or contract. The Secretary, in the case of an entity that is continuing to operate a successful program under this chapter, shall ensure that the start-up date for a new grant or contract for such program immediately follows the termination of the preceding grant or contract so that no interruption of funding occurs for such

**Rationale:** This proposed language reduces the notification period (for both new and continuing grant awards) in order to allow the Department the opportunity to realistically meet the notification requirement.

successful reapplicants. The Secretary shall inform each entity requesting assistance under this chapter for a new program regarding the status of their application at least ~~8 months~~ 90 days prior to the proposed startup date of such program.

(8) REVIEW AND NOTIFICATION BY THE SECRETARY.—

(A) GUIDANCE.—Not ~~later than 180 days after the date of enactment of the Higher Education Opportunity Act~~ less than 90 days before the commencement of each competition for a grant under this chapter is held, the Secretary shall issue nonregulatory guidance regarding the rights and responsibilities of applicants with respect to the application and evaluation process for programs and projects assisted under this chapter, including applicant access to peer review comments. The guidance shall describe the procedures for the submission, processing, and scoring of applications for grants under this chapter, including—

**Rationale:** Struck language as it is only applicable to the 2008 reauthorization.

(i) the responsibility of applicants to submit materials in a timely manner and in accordance with the processes established by the Secretary under the authority of the General Education Provisions Act;

(ii) steps the Secretary will take to ensure that the materials submitted by applicants are processed in a proper and timely manner;

(iii) steps the Secretary will take to ensure that ~~prior experience~~ Accountability for Outcomes points for high quality service delivery are awarded in an accurate and transparent manner;

(iv) steps the Secretary will take to ensure the quality and integrity of the peer review process, including assurances that peer reviewers will consider applications for grants under this chapter in a thorough and complete manner consistent with applicable Federal law; and

(v) steps the Secretary will take to ensure that the final score of an application, including ~~prior experience~~ Accountability for

**Rationale:** Language change to conform with proposed change in 402A(c)(2)(A).



Outcomes points for high quality service delivery and points awarded through the peer review process, is determined in an accurate and transparent manner.

~~(B) UPDATED GUIDANCE.—Not later than 45 days before the date of the commencement of each competition for a grant under this chapter that is held after the expiration of the 180-day period described in subparagraph (A), the Secretary shall update and publish the guidance described in such subparagraph.~~

**Rationale:** The effects of this section now appear in 402A(c)(8)(A) (“Guidance”).

~~(C) REVIEW.—~~

(i) IN GENERAL.—With respect to any competition for a grant under this chapter, an applicant that has otherwise met all of the requirements for submission of the application may request a review by the Secretary if the applicant—

(I) ~~has evidence of~~believes in good faith that a specific technical, administrative, or scoring error was made by the Department, an agent of the Department, or a peer reviewer, with respect to the scoring or processing of a submitted application; ~~and~~or

~~(II) has otherwise met all of the requirements for submission of the application~~

(II) falls within three points of the lowest score of funded applicants.

**Rationale:** The proposed language changes in what is now 402A(c)(8)(B) clarify which circumstances warrant a review and how the Department is to conduct the review process. More specifically, it eliminates the practice of withholding money in awarding grants in the initial slate. Experience has demonstrated that few funding decisions are reversed upon appeal. The administrative monies reserved in Section 402A(g) are increased to provide a source of funds for any reversals following appeal.

~~(ii) TECHNICAL OR ADMINISTRATIVE ERROR.—In the case of evidence of a technical or administrative error listed in clause (i)(I), the Secretary shall review such evidence and provide a timely response to the applicant. If the Secretary determines that a technical or administrative error was made by the Department or an agent of the Department, the application of the applicant shall be reconsidered in the peer review process for the applicable grant competition.~~

~~(iii) SCORING ERROR.—In the case of evidence of a scoring error listed in clause (i)(I), when the error relates to either prior experience points for high quality service delivery or to the final score of an application, the Secretary shall—~~

~~(I) review such evidence and provide a timely response to the applicant; and~~

~~(II) if the Secretary determines that a scoring error was made by the Department or a peer reviewer, adjust the prior experience points or final score of the application appropriately and quickly, so as not to interfere with the timely awarding of grants for the applicable grant competition.~~

~~(iv) ERROR IN PEER REVIEW PROCESS.—~~

~~(I) REFERRAL TO SECONDARY REVIEW.—In the case of a peer review process error listed in clause (i)(I), if the Secretary determines that points were withheld for criteria not required in Federal statute, regulation, or guidance governing a program assisted under this chapter or the application for a grant for such program, or determines that information pertaining to selection criteria was wrongly determined to be missing from an application by a peer reviewer, then the Secretary shall refer the application to a secondary review panel.~~

~~(II) TIMELY REVIEW; REPLACEMENT SCORE.—The secondary review panel described in subclause (I) shall conduct a secondary review in a timely fashion, and the score resulting from the secondary review shall replace the score from the initial peer review.~~

~~(III) COMPOSITION OF SECONDARY REVIEW PANEL.—The secondary review panel shall be composed of reviewers each of whom—~~

~~(aa) did not review the application in the original peer review;~~

~~(bb) is a member of the cohort of peer reviewers for the grant program that is the subject of such secondary review; and~~

~~(cc) to extent practicable, has conducted peer reviews in not less than two previous competitions for the grant program that is the subject of such secondary review.~~

~~(IV) FINAL SCORE.—The final peer review score of an application subject to a secondary review under this clause shall be adjusted appropriately and quickly using the score awarded by the secondary review panel, so as not to interfere with the timely awarding of grants for the applicable grant competition.~~

~~(V) QUALIFICATION FOR SECONDARY REVIEW.—To qualify for a secondary review under this clause, an applicant shall have evidence of a scoring error and demonstrate that—~~

~~(aa) points were withheld for criteria not required in statute, regulation, or guidance governing the Federal TRIO programs or the application for a grant for such programs; or~~

~~(bb) information pertaining to selection criteria was wrongly determined to be missing from the application.~~

(ii) REVIEW BY THE SECRETARY.—

(I) In the case of evidence of error by the Department or an agent of the Department, other than a peer reviewer, the Secretary shall review any evidence submitted by the applicant and provide a timely response to the applicant. If the Secretary determines that an error was made by

the Department or an agent of the Department, other than a peer reviewer, the Secretary shall correct the error and accordingly adjust the applicant score.

(II) In the case of evidence of error by a peer reviewer, a secondary review panel shall automatically and promptly evaluate the application for consideration in the applicable grant competition upon receipt of a request by any such applicant. Examples of errors warranting secondary review may include but are not limited to—

(aa) points withheld for criteria not required in statute, regulation, or guidance governing a program under this chapter or the application for a grant for such program; or

(bb) information pertaining to selection criteria that was incorrectly determined to be missing from an application.

(iii) REFERRAL TO SECONDARY REVIEW.—

(I) TIMELY REVIEW AND REPLACEMENT SCORE.—The secondary review panel described in clause (ii) shall conduct a secondary review in a timely fashion, and the score resulting from the secondary review shall replace the score from the initial peer review.

(II) COMPOSITION OF SECONDARY REVIEW PANEL.—The secondary review panel shall be composed of reviewers each of whom—

(aa) did not review the application in the original peer review;

(bb) is a member of the cohort of peer reviewers for the grant program that is the subject of such secondary review; and

(cc) to the extent practicable, has conducted peer reviews in not less than two previous competitions for the grant program that is the subject of such secondary review.

(III) FINAL SCORE.—The final peer review score of an application subject to a secondary review under this clause shall promptly be adjusted appropriately using the score awarded by the secondary review panel, so as not to interfere with the timely awarding of grants for the applicable grant competition.

(iv) FINALITY.—

(I) IN GENERAL.—A determination by the Secretary under clause (i), ~~(ii)~~, or ~~(iii)~~ shall not be reviewable by any officer or employee of the Department other than the Secretary.

(II) SCORING.—The score awarded by a secondary review panel under clause ~~(iv)~~(iii) shall not be reviewable by any officer or employee of the Department other than the Secretary.

~~(vi) FUNDING OF APPLICATIONS WITH CERTAIN ADJUSTED SCORES.—To the extent feasible based on the availability of appropriations, the Secretary shall fund applications with scores that are adjusted upward under clauses (ii), (iii), and (iv) to equal or exceed the minimum cut-off score for the applicable grant~~

~~competition~~ Applications with scores that are adjusted upward under clause (iii) that equal or exceed the minimum cut-off score for the applicable grant competition shall be funded by the Secretary using general or administrative funds available to the Secretary other than those funds appropriated or allocated for the programs authorized by this chapter.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall conduct outreach activities to ensure that entities eligible for assistance under this chapter submit applications proposing programs that serve geographic areas and eligible populations which have been underserved by the programs assisted under this chapter.

(2) NOTICE.—In carrying out the provisions of paragraph (1), the Secretary shall notify the entities described in subsection (b) of the availability of assistance under this subsection not less than 120 days prior to the deadline for submission of applications under this chapter and shall consult national, State, and regional organizations about candidates for notification.

(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical training to applicants for projects and programs authorized under this chapter. The Secretary shall give priority to serving programs and projects that serve geographic areas and eligible populations which have been underserved by the programs assisted under this chapter. Technical training activities shall include the provision of information on authorizing legislation, goals and objectives of the program, required activities, eligibility requirements, the application process and application deadlines, and assistance in the development of program proposals and the completion of program applications. Such training shall be furnished at conferences, seminars, and workshops to be conducted at not less than 10 sites throughout the United States to ensure that all areas of the United States with large concentrations of eligible participants are served. In addition, the Secretary shall host at least one virtual, interactive training using

**Rationale:** This proposed language ensures that new technology will be utilized in such training sessions.

telecommunications technology to ensure that any interested applicants have access to technical assistance.

(4) SPECIAL RULE.—The Secretary may contract with eligible entities to conduct the outreach activities described in this subsection.

(e) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—

(1) Except in the case of an independent student, as defined in section 480(d), documentation of an individual’s status pursuant to subsection (h)(4) shall be made by providing the Secretary with—

- (A) a signed statement from the individual’s parent or legal guardian;
- (B) verification from another governmental source;
- (C) a signed financial aid application; ~~or~~
- (D) a signed United States or Puerto Rico income tax return; ~~or~~
- (E) documentation that the student has been determined to be eligible for a Pell Grant authorized under section 401 of this Act; or
- (F) for grants authorized under 402B and 402F of this chapter, documentation that a student is attending a school that had a percentage of enrolled students who meet the definition in Section 104(a)(1)(F)(i) of the Healthy, Hunger-Free Kids Act of 2010 that meets or exceeds the threshold described in Section 104(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

(2) In the case of an independent student, as defined in section 480(d), documentation of an individual’s status pursuant to subsection (h)(4) shall be made by providing the Secretary with—

- (A) a signed statement from the individual;
- (B) verification from another governmental source;
- (C) a signed financial aid application; ~~or~~
- (D) a signed United States or Puerto Rico income tax return; ~~or~~
- (E) documentation that the student has been determined to be eligible for a Pell Grant authorized under section 401 of this Act; or

**Rationale:** To ease administrative burdens for grant recipients, this language allows for the use of eligibility for the Pell Grant and (in the case of Talent Search and Educational Opportunity Centers) school-wide free/reduced lunch eligibility as an additional way of determining low-income status.

(F) for grants authorized under 402B and 402F of this chapter, documentation that a student is attending a school that had a percentage of enrolled students who meet the definition in Section 104(a)(1)(F)(i) of the Healthy, Hunger-Free Kids Act of 2010 that meets or exceeds the threshold described in Section 104(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

**Rationale:** Language change to conform with proposed change in 402A(e)(1).

(3) Notwithstanding this subsection and subsection (h)(4), individuals who are foster care youth (including youth in foster care and youth who have left foster care after reaching age 13), or homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act, shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F.

(f) OUTCOME CRITERIA.—

(1) USE FOR ~~PRIOR EXPERIENCE~~ ACCOUNTABILITY IN OUTCOMES DETERMINATION.— For competitions for grants under this chapter that begin on or after January 1, 2009, the Secretary shall determine an eligible entity's ~~prior experience~~ of success in achieving high quality service delivery, as required under subsection (c)(2), based on the outcome criteria described in paragraphs (2) and (3).

**Rationale:** Language change to conform with proposed change in 402A(c)(2)(A).

(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—



- (i) the delivery of service to a total number of students served by the program;
  - ~~(ii) the continued secondary school enrollment of such students;~~
  - (iii) the graduation of such students from secondary school with a regular secondary school diploma in the standard number of years;
  - ~~(iv)~~ (i) the completion by such students of a rigorous secondary school program of study that ~~will make such students eligible for programs such as the Academic Competitiveness Grants Program~~ includes at least four years of mathematics, three years of science, and two years of a foreign language; and
  - (iv) the enrollment of such students in an institution of higher education; ~~and~~
  - ~~(vi) to the extent practicable, the postsecondary education completion of such students.~~
- (B) (i) UPWARD BOUND AND UPWARD BOUND MATH-SCIENCE. For programs authorized under section 402C, except in the case of projects that specifically target veterans, the extent to which the eligible entity met or exceeded the entity’s objectives for such program regarding—
- ~~(i)~~ (i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;
  - ~~(ii)~~ (ii) such students’ school performance, as measured by the grade point average, or its equivalent;
  - ~~(iii)~~ (iii) such students’ academic performance, as measured by standardized tests, including tests required by the students’ State;
  - ~~(iv)~~ (iv) the retention in, and graduation from, secondary school of such students;

**Rationale:** Language deleted as the tracking of continued high school enrollment duplicates tracking of on-time high school graduation.

**Rationale:** Language reflects that the Academic Competitiveness Grant program has expired and also clarifies the contents of a rigorous curriculum for traditional high school students.

**Rationale:** As programs authorized under this section currently spend only \$433, on average, per student and work with approximately 700 students in any given year, this requirement is unduly burdensome. By eliminating this requirement, grantees can rightly focus program resources on student services.

**Rationale:** Language updated to reflect differences in projects serving traditional high school students (i.e., Upward Bound and Upward Bound Math-Science) and those serving adult pre-college students (i.e., Veterans Upward Bound).

(vV) the completion by such students of a rigorous secondary school program of study that ~~will make such students eligible for programs such as the Academic Competitiveness Grants Program~~ includes at least four years of mathematics, three years of science, and two years of a foreign language;

(viVI) the enrollment of such students in an institution of higher education; and

(viiVII) to the extent practicable, the postsecondary education completion of such students.

**Rationale:** Language reflects that the Academic Competitiveness Grant program has expired and also clarifies the contents of a rigorous curriculum for traditional high school students.

(ii) VETERANS UPWARD BOUND. For programs authorized under section 402C that specifically target veterans, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

- (I) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;
- (II) such students' academic performance, as measured by standardized tests;
- (III) the retention and completion of participants in the project;
- (IV) the enrollment of such students in an institution of higher education; and
- (V) to the extent practicable, the postsecondary completion of such students.

**Rationale:** Proposed language drawn from the current regulations governing the outcome criteria for the Veterans Upward Bound program, found in 34 C.F.R. Section 645.32(e)(2).

(C) For programs authorized under section 402D—

- (i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;
- (ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding the percentage of such students' completion of the degree

programs ~~in which such students were enrolled~~ at any baccalaureate granting institution within six years of initial enrollment in the project; or

(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which such students met or exceeded the entity's objectives regarding—

(aa) ~~the completion of a degree or certificate by such students~~ the transfer of such students to institutions of higher education that offer baccalaureate degrees, regardless of whether the transferring student completes a degree or certificate; and or

(bb) ~~the transfer of such students to institutions of higher education that offer baccalaureate degrees~~ the completion of a degree or certificate by such students at any accredited institution within four years of initial enrollment in the project;

(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

(iv) the extent to which the entity met or exceeded the entity's objectives regarding the students served under the program who remain in good academic standing.

(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

(ii) the provision of appropriate scholarly and research activities for the students served by the program;

**Rationale:** The proposed language changes recognize the positive value of transfer before receipt of an associate's degree in many instances. Section 402A(f)(3)(C)(ii)(II)(bb) holds institutions accountable for degree completion.

(iii) the acceptance and enrollment of such students in graduate programs within two years of receipt of the baccalaureate degree; and

(iv) the continued enrollment of such students in graduate study; and ~~the attainment of doctoral degrees by former program participants.~~

(v) the attainment of doctoral degrees by former program participants within 10 years of attainment of the baccalaureate degree.

**Rationale:** This language change affords McNair students sufficient time to participate in important postbaccalaureate activities.

**Rationale:** Because the time to earn a doctoral degree can span many years – in some cases, a decade – separating “continued enrollment” and “attainment of doctoral degrees” into two separate criteria would allow McNair programs the opportunity to report more accurately the progress and success of their former students.

(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity’s objectives for such program regarding—

(i) the enrollment, but not the completion, of students without a secondary school diploma or its recognized equivalent; who were served by the program, in programs leading to such diploma or equivalent within two years of service;

(ii) the enrollment or re-enrollment of students who were secondary school graduates at the time of first service ~~who were served by the program~~ in programs of postsecondary education;

(iii) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period; and

(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

**Rationale:** Language proposed in response to the fact that the Department substituted “completion” for “enrollment” in the program regulations.

(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which each outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity’s application approved by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for the outcome criterion.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated \$~~900,000,000~~1,000,000,000 for fiscal year ~~2009~~17 and such sums as may be necessary for each of the five succeeding fiscal years. Of the amount appropriated under this chapter, the Secretary may use no more than ~~½ of~~ 1 percent of such amount to obtain additional qualified readers and additional staff to review applications, to increase the level of oversight monitoring, to support impact studies, program assessments and reviews, ~~and~~ to provide technical assistance to potential applicants and current grantees. ~~In expending these funds, the Secretary shall give priority to the additional administrative requirements provided in the Higher Education Amendments of 1992, to outreach activities, and to obtaining additional readers.~~

**Rationale:** Sums increased to reflect current needs in TRIO. This includes an increase in the amount reserved for administrative purposes to support the appeals process in 402A(8)(B).

(h) DEFINITIONS.—For the purpose of this chapter:

(1) DIFFERENT CAMPUS.—The term “different campus” means a site of an institution of higher education that—

- (A) is geographically apart from the main campus of the institution;
- (B) is permanent in nature; and
- (C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

(2) DIFFERENT POPULATION.—The term “different population” means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

- (A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or
- (B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.

(3) FIRST GENERATION COLLEGE STUDENT.—The term “first generation college student” means—

(A) an individual both of whose parents did not complete a baccalaureate degree; or

(B) in the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree.

(4) **LOW-INCOME INDIVIDUAL.**—The term “low-income individual” means ~~an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.~~

(A) an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census;

(B) an individual from a family whose taxable income for the prior prior year as reported on the Free Application for Federal Student Aid did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census for that year;

(C) an individual who has been determined to be eligible for a Pell Grant authorized under section 401 of this Act; or

(D) for grants authorized under 402B and 402F of this chapter, a student who is attending a school that had a percentage of enrolled students who meet the definition in Section 104(a)(1)(F)(i) of the Healthy, Hunger-Free Kids Act of 2010 that meets or exceeds the threshold described in Section 104(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.

~~(5)~~ **VETERAN ELIGIBILITY.**—No veteran shall be deemed ineligible to participate in any program under this chapter by reason of such individual’s age who—

~~(A1)~~ served on active duty for a period of more than 180 days and was discharged or released therefrom under conditions other than dishonorable;

**Rationale:** Updated for consistency with Sections 402(e)(1)-(2).

**Rationale:** Section separated from previous section and renumbered to reflect that this is not a “definition” as contemplated by 402A(h).

~~(B2)~~ served on active duty and was discharged or released therefrom because of a service connected disability;

~~(C3)~~ was a member of a reserve component of the Armed Forces called to active duty for a period of more than 30 days; or

~~(D4)~~ was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001.

~~(65)~~ WAIVER.—The Secretary may waive the service requirements in subparagraph ~~(A1)~~, ~~(B2)~~, or ~~(C3)~~ of paragraph ~~(5i)~~ if the Secretary determines the application of the service requirements to a veteran will defeat the purpose of a program under this chapter.

#### **SEC. 402B. (20 U.S.C. 1070a–12) TALENT SEARCH.**

(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as talent search which shall be designed—

(1) to identify ~~qualified~~ youths with potential for education at the postsecondary level and to encourage such youths to complete secondary school and to undertake a program of postsecondary education;

(2) to publicize the availability of, and facilitate the application for, student financial assistance available to persons who pursue a program of postsecondary education; ~~and~~

~~(3) to advise such youth regarding college selection based on the financial aid awards offered, the loan burden required, and the likelihood of graduating; and~~

~~(34)~~ to encourage persons who have not completed programs of education at the secondary or postsecondary level to enter or reenter, and complete such programs.

**Rationale:** Given the pending simplification of the FAFSA, this language reflects an increased ability of projects to education students about their options regarding the financing of their educations.

(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

(1) connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses;

(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

(3) assistance in preparing for college entrance examinations and completing college admission applications;

(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and (B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

(5) guidance on and assistance in—

(A) secondary school reentry;

(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

(C) entry into general educational development (GED) programs; or

(D) postsecondary education; **and**

(6) ~~connections to~~ education or counseling services designed to ~~improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.~~ assist students and their families regarding career choice; and

(7) connections to programs providing financial literacy and economic literacy so that students and their families are able to make informed choices regarding postsecondary education in light of the likelihood of earning the desired degree or certificate and loan burden required to achieve that goal.

**Rationale:** Given the pending simplification of the FAFSA, this language reflects an increased capacity of projects to provide counseling around college cost, career choice, and financial literacy generally.

(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

(1) academic tutoring, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) personal and ~~career~~academic counseling or activities;

(3) information and activities designed to acquaint youth with the range of career options available to the youth;

**Rationale:** This language change reflects that career counseling now appears as a required service under 402B(b)(6).



- (4) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;
- (5) workshops and counseling for families of students served;
- (6) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and
- (7) programs and activities as described in subsection (b) or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(d) REQUIREMENTS FOR APPROVAL OF APPLICATIONS.—In approving applications for projects under this section for any fiscal year the Secretary shall—

- (1) require an assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;
- (2) require that such participants be persons who either have completed 5 years of elementary education or are at least 11 years of age but not more than 27 years of age, unless the imposition of any such limitation with respect to any person would defeat the purposes of this section or the purposes of section 402F;
- (3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 402F; and
- (4) require an assurance that the project will be located in a setting accessible to the persons proposed to be served by the project.

**SEC. 402C. (20 U.S.C. 1070a–13) UPWARD BOUND.**

(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as upward bound which shall be designed to generate skills and motivation necessary for success in education beyond secondary school.

(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) advice and assistance in secondary and postsecondary course selection;

(3) assistance in preparing for college entrance examinations and completing college admission applications;

(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and (B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

~~(5) guidance on and assistance in—~~assistance to students and their families regarding career choice; and

~~(A) secondary school reentry;~~

~~(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;~~

~~(C) entry into general educational development (GED) programs; or~~

~~(D) postsecondary education; and~~

(6) education or counseling services designed to ~~improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education~~assist students and their families in making informed choices regarding choice of postsecondary education in light of the likelihood of earning the desired degree or certificate and the loan burden required to achieve that goal.

(7) Any project assisted under this section, excepting those specifically designed for veterans, shall include as part of the core curriculum instruction in mathematics through pre-calculus, science, foreign language, composition and

**Rationale:** This deletion reflects the fact that Upward Bound students are currently in high school.

**Rationale:** Given the pending simplification of the FAFSA, this language reflects projects' increased capacity for counseling around the issue of college affordability.

**Rationale:** The language specifies different courses for programs targeting veterans because Veterans Upward Bound participation is generally of a shorter duration than the traditional Upward Bound program.

literature. Any Veterans Upward Bound project assisted under this chapter shall make available instruction in mathematics through pre-calculus, science, composition, literature, study skills, and basic computer skills.

~~(c) ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS.—Any project assisted under this section which has received funding for two or more years shall include, as part of the core curriculum in the next and succeeding years, instruction in mathematics through precalculus, laboratory science, foreign language, composition, and literature.~~

**Rationale:** This change reflects the fact that all Upward Bound grants now operate on five year cycles.

~~(d)~~ PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

- (1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged ~~youth~~ participants;
- (2) information, activities, and instruction designed to acquaint ~~youth participating in the project~~ participants with the range of career options available to the ~~youth~~ participants;
- (3) on-campus residential programs;
- (4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;
- (5) work-study positions where ~~youth participating in the project~~ participants are exposed to careers requiring a postsecondary degree;
- (6) special services, including mathematics and science preparation, to enable veterans to make the transition to postsecondary education; and
- (7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42

**Rationale:** These changes remove references specifically to youth to recognize the services available to adults in Veterans Upward Bound projects.

U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(ed) REQUIREMENTS FOR APPROVAL OF APPLICATIONS.—In approving applications for projects under this section for any fiscal year, the Secretary shall—

- (1) require an assurance that not less than two-thirds of the youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;
- (2) require an assurance that the remaining youths participating in the project proposed to be carried out under any application be low-income individuals, first generation college students, or students who have a high risk for academic failure;
- (3) require that there be a determination by the institution, with respect to each participant in such project that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;
- (4) require that such participants be persons who have completed 8 years of elementary education and are at least 13 years of age but not more than 19 years of age, unless the imposition of any such limitation would defeat the purposes of this section; and
- (5) require an assurance that no student will be denied participation in a project assisted under this section because the student will enter the project after the 9th grade.

(fe) MAXIMUM STIPENDS.—Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of ~~\$60~~ \$90 per month during the summer school recess, for a period not to exceed three months, except that youth participating in a work-study position under subsection (d)(5) may be paid a stipend of ~~\$300~~ \$450 per month during the summer school recess, for a period not to exceed three months. Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of ~~\$40~~ \$60 per month during the remaining period of the year. Adults participating in a Veterans Upward Bound project may be paid stipends not in excess of \$100 per month during the year.

**Rationale:** This language proposes to increase the stipends offered to students participating in the Upward Bound program to reflect inflation since the last full reauthorization in 1998 as well as to account for the additional financial obstacles encountered by adult students who participate in Veterans Upward Bound, most notably transportation.

~~(g) ADDITIONAL FUNDS.—~~

~~(1) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated to the Secretary, from funds not otherwise appropriated, \$57,000,000 for each of the fiscal years 2008 through 2011 to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the Upward Bound program. The authority to award grants under this subsection shall expire at the end of fiscal year 2011.~~

~~(2) USE OF FUNDS.—The amounts made available by paragraph (1) shall be available to provide assistance to all Upward Bound projects that did not receive assistance in fiscal year 2007 and that have a grant score above 70. Such assistance shall be made available in the form of 4-year grants.~~

**Rationale:** This deletion reflects the fact that the mandatory funds contemplated in this section have expired.

~~(h) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue, implement, or enforce the absolute priority for the Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.~~

**SEC. 402D. (20 U.S.C. 1070a–14) STUDENT SUPPORT SERVICES.**

(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as student support services which shall be designed—

- (1) to increase college retention and graduation rates for eligible students;

(2) to increase the transfer rates of eligible students from 2-year to 4-year institutions;

(3) to foster an institutional climate supportive of the success of students who are Pell Grant recipients and first-generation college students, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students; and

~~(4) to improve the financial literacy and economic literacy of students, including—~~

~~(A) basic personal income, household money management, and financial planning skills; and~~

~~(B) basic economic decisionmaking skills.~~

**Rationale:** This proposed language affirms the institutional responsibilities of Student Support Services programs to help cultivate a hospitable environment for low-income, first-generation students.

**Rationale:** This deletion reflects the fact that under this proposal these activities are now required services under 402D(b)(4).

(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

(1) academic tutoring, directly or through other services provided by the institution, to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) advice and assistance in postsecondary course selection;

(3)(A) information on both the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and (B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including (A) financial planning for postsecondary education, including loan burdens required, repayment options, and expected earnings in potential career fields; (B) basic personal income,

**Rationale:** Given the pending simplification of the FAFSA, this language reflects the increased time available for counseling around college cost, career choice, etc. due to the reduced paperwork burden.

household money management, and financial planning skills; and (C) basic economic decisionmaking skills;

(5) activities designed to assist students participating in the project in applying for admission to, and obtaining financial assistance for enrollment in, graduate and professional programs; and

(6) activities designed to assist students enrolled in two year institutions of higher education in applying for admission to, and obtaining financial assistance for enrollment in, a four year program of postsecondary education.

(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

(1) individualized counseling for personal, career, and academic matters provided by assigned counselors;

(2) information, activities, and instruction designed to acquaint students participating in the project with the range of career options available to the students;

(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

(4) mentoring programs involving faculty or upper class students, or a combination thereof;

(5) securing temporary housing during breaks in the academic year for—

(A) students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths; and (B) students who are in foster care or are aging out of the foster care system; and

(6) programs and activities as described in subsection (b) or paragraphs (1) through (4) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students

who are in foster care or are aging out of the foster care system, or other disconnected students.

(d) SPECIAL RULE.—

(1) USE FOR STUDENT AID.—A recipient of a grant that undertakes any of the permissible services identified in subsection (c) may, in addition, use such funds to provide grant aid to students. A grant provided under this paragraph shall not exceed the maximum appropriated Pell Grant or, be less than the minimum appropriated Pell Grant, for the current academic year. In making grants to students under this subsection,

an institution shall ensure that adequate consultation takes place between the student support service program office and the institution's financial aid office.

(2) ELIGIBLE STUDENTS.—For purposes of receiving grant aid under this subsection, eligible students shall be current participants in the student support services program offered by the institution and be—

(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 if the institution demonstrates to the satisfaction of the Secretary that—

(i) these students are at high risk of dropping out; and

(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

(3) DETERMINATION OF NEED.—A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472.

(4) MATCHING REQUIRED.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply



to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V.

(5) RESERVATION.—In no event may a recipient use more than 20 percent of the funds received under this section for grant aid.

(6) SUPPLEMENT, NOT SUPPLANT.—Funds received by a grant recipient that are used under this subsection shall be used to supplement, and not supplant, non-Federal funds expended for student support services programs.

(e) REQUIREMENTS FOR APPROVAL OF APPLICATIONS.—In approving applications for projects under this section for any fiscal year, the Secretary shall—

(1) require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application—

(A) be individuals with disabilities; or

(B) be low-income individuals who are first generation college students;

(2) require an assurance that the remaining students participating in the project proposed to be carried out under any application be low-income individuals, first generation college students, or individuals with disabilities;

(3) require an assurance that not less than one-third of the individuals with disabilities participating in the project be low income individuals;

(4) require that there be a determination by the institution, with respect to each participant in such project, that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;

(5) require that such participants be enrolled or accepted for enrollment at the institution which is the recipient of the grant or contract; and

(6) consider, in addition to such other criteria as the Secretary may prescribe, the institution's effort, and where applicable past history, in—

(A) providing sufficient financial assistance to meet the full financial need of each student in the project; and

(B) maintaining the loan burden of each such student at a manageable level.

**SEC. 402E. (20 U.S.C. 1070a–15) POSTBACCALAUREATE ACHIEVEMENT**

(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as the “Ronald E. McNair Postbaccalaureate Achievement Program” that shall be designed to provide disadvantaged college students with effective preparation for doctoral study.

(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

- (1) opportunities for research or other scholarly activities at the institution or at graduate centers designed to provide students with effective preparation for doctoral study;
- (2) ~~summer~~ internships **and faculty-led research experiences**;
- (3) seminars and other educational activities designed to prepare students for doctoral study;
- (4) tutoring;
- (5) academic counseling; and
- (6) activities designed to assist students participating in the project in securing admission to and financial assistance for enrollment in graduate programs.

**Rationale:** This language change reflects the breadth of opportunities available to McNair students.

(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

- (1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;
- (2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and
- (3) exposure to cultural events and academic programs not usually available to disadvantaged students.

(d) REQUIREMENTS.—In approving applications for projects assisted under this section for any fiscal year, the Secretary shall require—

(1) an assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) an assurance that the remaining persons participating in the project proposed to be carried out be from a group that is underrepresented in graduate education, including—

(A) Alaska Natives, as defined in section 7306 of the Elementary and Secondary Education Act of 1965;

(B) Native Hawaiians, as defined in section 7207 of such Act; and

(C) Native American Pacific Islanders, as defined in section 320;

(3) an assurance that participants be enrolled in a degree program at an eligible institution having an agreement with the Secretary in accordance with the provisions of section 487; and

(4) an assurance that participants in ~~summer~~-research internships who have stipends have completed their sophomore year in postsecondary education.

**Rationale:** Like the previous language change, this proposal reflects the breadth of opportunities available to McNair students.

(e) AWARD CONSIDERATIONS.—In addition to such other selection criteria as may be prescribed by regulations, the Secretary shall consider in making awards to institutions under this section—

(1) the quality of research and other scholarly activities in which students will be involved;

(2) the level of faculty involvement in the project and the description of the research in which students will be involved; and

(3) the institution's plan for identifying and recruiting participants including students enrolled in projects authorized under this section.

(f) MAXIMUM STIPENDS.—Students participating in research under a project under this section may receive an award that—

(1) shall include a stipend not to exceed ~~\$2,800~~4,000 per annum; and

(2) may include, in addition, the costs of summer tuition, summer room and board, and transportation to summer programs.

**Rationale:** The language proposes to increase stipends to be consistent with stipends offered for similar undergraduate fellowship programs.

(g) FUNDING.—From amounts appropriated pursuant to the authority of section 402A(g), the Secretary shall, to the extent practicable, allocate funds for projects authorized by this section in an amount which is not less than \$11,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 402F. (20 U.S.C. 1070a–16) EDUCATIONAL OPPORTUNITY CENTERS.**

(a) PROGRAM AUTHORITY; SERVICES PROVIDED.—The Secretary shall carry out a program to be known as educational opportunity centers which shall be designed—

- (1) to provide information with respect to financial and academic assistance available for individuals desiring to ~~pursue~~begin or re-enter a program of postsecondary education;
- (2) to provide assistance to such persons in applying for admission to institutions at which a program of postsecondary education is offered, including preparing necessary applications for use by admissions and financial aid officers; and
- (3) to improve the financial literacy and economic literacy of students, including—
  - (A) basic personal income, household money management, and financial planning skills; and
  - (B) basic economic decisionmaking skills.

**Rationale:** This edit clarifies that Educational Opportunity Centers work to address the needs of both high school graduates and individuals who have stopped-out or dropped out of college.

(b) PERMISSIBLE SERVICES.—An educational opportunity center assisted under this section may provide services such as—

- (1) public information campaigns designed to inform the community regarding opportunities for postsecondary education and training;
- (2) academic advice and assistance in course selection;
- (3) assistance in completing college admission and financial aid applications;
- (4) assistance in preparing for college entrance examinations;
- (5) education or counseling services designed to improve the financial literacy and economic literacy of students, including (A) financial planning for postsecondary education, including loan burdens required, repayment options,

**Rationale:** Given the pending simplification of the FAFSA, this language reflects the opportunity for increased counseling around college cost, career choice, and financial literacy generally.

and expected earnings in potential career fields; (B) basic personal income, household money management, and financial planning skills; and (C) basic economic decisionmaking skills;

(6) guidance on secondary school reentry or entry to a general educational development (GED) program or other alternative education programs for secondary school dropouts;

(7) individualized personal, career, and academic counseling;

(8) tutorial services;

(9) career workshops and counseling;

(10) mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of such persons; and

(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(c) REQUIREMENTS FOR APPROVAL OF APPLICATIONS.—In approving applications for educational opportunity centers under this section for any fiscal year the Secretary shall—

(1) require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) require that such participants be persons who are at least nineteen years of age, unless the imposition of such limitation with respect to any person would defeat the purposes of this section or the purposes of section 402B; and

(3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 402B.

**SEC. 402G. (20 U.S.C. 1070a–17) STAFF DEVELOPMENT ACTIVITIES.**

(a) SECRETARY’S AUTHORITY.—For the purpose of improving the operation of the programs and projects authorized by this chapter, the Secretary is authorized to make grants to institutions of higher education and other public and private nonprofit institutions and organizations to provide training for staff and leadership personnel employed in, participating in, or preparing for employment in, such programs and projects.

(b) CONTENTS OF TRAINING PROGRAMS.—Such training shall include conferences, internships, seminars, workshops, webinars and online classes, and the publication of manuals designed to improve the operation of such programs and projects and shall be carried out in the various regions of the Nation in order to ensure that the training opportunities are appropriate to meet the needs in the local areas being served by such programs and projects. Such training shall be offered annually for ~~new directors~~staff of projects funded under this chapter as well as annually on the following topics and other topics chosen by the Secretary:

**Rationale:** This proposed language reflects the need for virtual opportunities for participants.

(1) Legislation and regulatory requirements and program management for new directors of programs funded under this chapter.

~~(4)~~ Legislative and regulatory requirements for the operation of programs for continuing directors and staff of programs funded under this chapter.

~~(2)~~ Assisting students in receiving adequate financial aid from programs assisted under this title and other programs.

~~(3)~~ The design and operation of model programs~~innovations~~ for projects funded under this chapter.

~~(4)~~ The use of appropriate educational technology in the operation of projects assisted under this chapter.

~~(5)~~ Strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42

**Rationale:** This proposed language reflects the need for specific training for new directors as well as continuing directors and program staff.

U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(c) CONSULTATION.—Grants for the purposes of this section shall be made only after consultation with regional and State professional associations of persons having special knowledge with respect to the needs and problems of such programs and projects.

## **SEC. 402H. (20 U.S.C. 1070a–18) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**

(a) REPORTS TO THE AUTHORIZING COMMITTEES.—

(1) IN GENERAL.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. Such report shall—

(A) be submitted not later than 12 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

(B) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

(C) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

(D) include, when appropriate, descriptive data, multiyear data, and multi-cohort data; and

(E) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.

(2) INFORMATION.—The Secretary shall provide, with each report submitted under paragraph (1), information on the impact of the secondary review process described in section 402A(c)(8)(C)(iv), including the number and type of secondary reviews, the disposition of the secondary reviews, the effect on timing of awards, and any other information the Secretary determines is necessary.

(b) EVALUATIONS.—

(1) IN GENERAL.—

(A) AUTHORIZATION OF GRANTS AND CONTRACTS.—For the purpose of improving the effectiveness of the programs and projects assisted under this chapter, the Secretary shall make grants to, or enter into contracts with, institutions of higher education and other public and private institutions and organizations to rigorously evaluate the effectiveness of the programs and projects assisted under this chapter, including a rigorous evaluation of the programs and projects assisted under section 402C. The evaluation of the programs and projects assisted under section 402C shall be implemented not later than June 30, 2010.

(B) CONTENT OF UPWARD BOUND EVALUATION.—The evaluation of the programs and projects assisted under section 402C that is described in subparagraph (A) shall examine the characteristics of the students who benefit most from the Upward Bound program under section 402C and the characteristics of the programs and projects that most benefit students.

(C) IMPLEMENTATION.—Each evaluation described in this paragraph shall be implemented in accordance with the requirements of this section.

(2) PRACTICES.—

(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are effective in—

- (i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;
- (ii) the preparation of such individuals and students for postsecondary education; and
- (iii) fostering the success of the individuals and students in postsecondary education.



(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as the evaluation’s primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

(3) SPECIAL RULE RELATED TO EVALUATION PARTICIPATION.—The Secretary shall not require an eligible entity, as a condition for receiving, or that receives, assistance under any program or project under this chapter to participate in an evaluation under this section that—

(A) requires the eligible entity to recruit additional students beyond those the program or project would normally recruit; or

(B) results in the denial of services for an eligible student under the program or project.

(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall continue to consider—

(A) the burden placed on the program participants or the eligible entity; and

(B) whether the evaluation meets generally accepted standards of institutional review boards.

**(5) METHODS.—Notwithstanding subsection (3), subsection (4) or any other provision of law, the evaluation required by this subsection shall not be construed to limit rigorous, third-party evaluation that uses use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences to determine whether the programs authorized in this chapter have met their proposed outcomes.**

**Rationale:** This proposed language clarifies that the protections for students in the current law do not preclude the use of randomized controlled trials or other methods of rigorous evaluation in TRIO.

(c) GRANTS.—The Secretary may award grants to institutions of higher education or other private and public institutions and organizations, that are carrying out a program or project assisted under this chapter prior to the date of enactment of the Higher Education Amendments of 1998, to enable the institutions and organizations to expand and leverage the success of such programs or projects by working in partnership with other institutions, community-based organizations, or combinations of such institutions and organizations, that are not receiving assistance under this chapter and are serving low-income students and first generation college students, in order to—

- (1) disseminate and replicate best practices of programs or projects assisted under this chapter; and
- (2) provide technical assistance regarding programs and projects assisted under this chapter.

(d) RESULTS.—In order to improve overall program or project effectiveness, the results of evaluations and grants described in this section shall be disseminated by the Secretary to similar programs or projects assisted under this subpart, as well as other individuals concerned with postsecondary access for and retention of low-income individuals and first-generation college students.