to recognize and promote student excellence and achievement.

(Authority: 20 U.S.C. 1070d–31, 1070d–33)

§ 654.2 Who is eligible for an award?

(a) States are eligible for grants under this program.

(b) Students who meet the eligibility criteria in §§654.40 and 654.51 are eligible for scholarships under this program.

(Authority: 20 U.S.C. 1070d–33, 1070d–36)

§ 654.3 What kind of activity may be assisted?

A State may use its funds under this program, including funds collected from scholars under §654.60(a)(3), only to make scholarship payments to scholars.


§ 654.4 What regulations apply?

The following regulations apply to this program:

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

(1) 34 CFR 75.60–75.62 (regarding the ineligibility of certain individuals to receive assistance under part 75 (Direct Grant Programs)).

(2) 34 CFR part 76 (State-Administered Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

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

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 654.

(Authority: 20 U.S.C. 1070d–31 et seq.)

§ 654.5 What definitions apply?

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

EDGAR
Fiscal year
Private
Public
Secretary
State
State educational agency

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

Award year means the period of time from July 1 of one year through June 30 of the following year.

Cost of attendance has the meaning given that term in section 472 of the HEA.

Full-time student means a student enrolled at an institution of higher education who is carrying a full-time academic workload, as determined by that institution under standards applicable to all students enrolled in that student’s program.

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

High school graduate means an individual who has—

(i) A high school diploma;

(ii) A General Education Development (GED) Certificate; or

(iii) Any other evidence recognized by the State as the equivalent of a high school diploma.

Institution of higher education means any public or private nonprofit institution of higher education, proprietary institution of higher education, or postsecondary vocational institution, as defined in section 481 of the HEA.

Participating State means a State that has submitted a participation agreement that has been approved by the Secretary.

Scholar means an individual who is selected as a Byrd Scholar.

Scholarship means an award made to a scholar under this part.

Secondary school year means the period of time during which a secondary school is in session, as determined by State law.

Year of study means the period of time during which a full-time student at an institution of higher education is expected to complete the equivalent of
one year of course work, as defined by
the institution.
(Authority: 20 U.S.C. 1070d-31 et seq., 20
U.S.C. 1088)

Subpart B—How Does a State
Apply for a Grant?

§ 654.10 What must a State do to apply
for a grant?

(a) To apply for a grant under this
program, a State must submit a par-
ticipation agreement to the Secretary
for review and approval by the deadline
announced annually by the Secretary
in the FEDERAL REGISTER.

(b) On the Secretary’s approval of its
initial participation agreement for fis-
cal year 1993 or thereafter, a State need
not submit a new participation agree-
ment to be considered for funding
under this program in subsequent
years, except that any changes in the
State’s criteria and procedures must be
incorporated in a revised participation
agreement which must be submitted to
the Secretary for review and approval.

(Approved by the Office of Management and
Budget under control number 1840–0612)

(Authority: 20 U.S.C. 1070d–35)

§ 654.11 What is the content of a par-
ticipation agreement?

A State’s participation agreement
must include the following:

(a) A description of the criteria and
procedures that the State, through its
State educational agency (SEA), plans
to use to administer this program in
accordance with the requirements of
this part, including the criteria and
procedures it plans to use to—

(1) Publicize the availability of Byrd
scholarships to students in the State,
with particular emphasis on procedures
designed to ensure that students from
low- and moderate-income families
know about their opportunity for par-
ticipation in the program;

(2) Select eligible students;

(3) Notify scholars of their selections
and scholarship awards;

(4) Monitor the continuing eligibility
of scholars;

(5) Disburse scholarship funds in ac-
cordance with the requirements of
§ 654.50; and

(6) Collect scholarship funds improperly disbursed.

(b) Assurances that the SEA will—

(1) Comply with the criteria and pro-
cedures in its approved participation
agreement;

(2) Submit for the prior written ap-
proval of the Secretary any changes in
the criteria and procedures in the ap-
proved participation agreement; and

(3) Expeditiously expend the payments it receives
under this program only as provided in
§ 654.3.

(Approved by the Office of Management and
Budget under control number 1840–0612)

(Authority: 20 U.S.C. 1070d–35 to 1070d–38)

Subpart C—How Does the Sec-
retary Make a Grant to a
State?

§ 654.20 How does the Secretary ap-
prove a participation agreement?

The Secretary approves a participa-
tion agreement if it contains all of the
information and assurances required in
§ 654.11 and is in compliance with the
requirements of this part.

(Approved by the Office of Management and
Budget under control number 1840–0612)

(Authority: 20 U.S.C. 1070d–31 et seq.)

§ 654.21 How does the Secretary deter-
mine the amount of the grant to
each participating State?

(a) From the funds appropriated for
this program, the Secretary allots to
each participating State a grant equal
to $1,500 multiplied by the number of
scholarships the Secretary determines
to be available to that State on the
basis of the formula described in para-
graph (b) of this section.

(b) The number of scholarships that
the Secretary allots to each partici-
pating State for any fiscal year bears
the same ratio to the number of schol-
arships allotted to all participating
States as each State’s population ages
5 through 17 which is derived from the
most recently available data from the
U.S. Bureau of the Census bears to the
population ages 5 through 17 in all par-
ticipating States, except that—

(1) Not fewer than 10 scholarships are
allotted to any participating State; and

(2) The District of Columbia, the
Commonwealth of Puerto Rico, the
U.S. Virgin Islands, American Samoa,