

DEPARTMENT OF EDUCATION

34 CFR Part 607

RIN 1840-AC15

Strengthening Institutions Program

AGENCY: Department of Education.

ACTION: Final regulations and notice of effective date.

SUMMARY: The Secretary revises the regulations governing the Strengthening Institutions Program published in the *Federal Register* on August 15, 1994 (59 FR 41914) to conform them to statutory provisions that authorize grants to Hispanic-serving Institutions (HSIs). The regulations make technical changes in the existing regulations to incorporate the statutory amendments.

EFFECTIVE DATES: The regulations published on August 15, 1994 (59 FR 41914) became effective on September 29, 1994. The regulations in this document take effect April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Jerry M. Whitlock, U.S. Department of Education, 600 Independence Avenue, S.W., Suite 600, Portals Building, Washington, D.C. 20202-5335. Telephone: (202) 708-9926. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:**A. Background**

Section 316 of the Higher Education Act of 1965, as amended (HEA), authorizes the Secretary to make grants to HSIs to enable them to improve and expand their capacity to serve Hispanic and low-income students by carrying out activities described in section 316(c)(2) of the HEA and repeated in § 607.10(b)(8). To receive a grant under section 316, an institution must qualify as an eligible institution under the Strengthening Institutions program and must be determined by the Secretary to be an HSI. The Secretary determines that an eligible institution under the Strengthening Institutions program qualifies as an HSI if—(1) when it applies for a grant, at least 25 percent of its enrollment of undergraduate full-time equivalent students are Hispanic students; and (2) it assures that not less than 50 percent of its Hispanic students are low-income individuals who are first generation college students, and another 25 percent of its Hispanic students are either low-income or first generation college students.

Grants to HSIs, as part of the Strengthening Institutions program, are an important part of implementing the National Educational Goals. Specifically, the grants address the goal that calls for every adult American to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship, by expanding educational opportunities for students who attend HSIs.

B. Explanation of Changes

The Higher Education Amendments of 1992, Pub. L. 102-325, amended section 316 of the HEA. The Secretary amends regulations in 34 CFR Part 607 to conform them to the amended statute.

The statutory amendments incorporated in the regulations:

- Authorize section 316 grants to assist HSIs to plan, develop, undertake, and carry out approved program activities.
- Define an HSI.
- Define the terms “first generation college student” and “low-income individual” in § 607.7, and add a definition of the term “Hispanic student.” This definition was taken from the definition of that term in OMB Directive No. 15.
- Add activities that may be carried out under a grant authorized under section 316 of the HEA to an HSI.
- Require a 5-year plan for improving the assistance provided by the HSI to Hispanic and low-income students.
- Establish a priority funding for applications for grants under section 316 that contain satisfactory evidence that such applicants have entered into or will enter into a collaborative arrangement with at least one local educational agency to provide such agency with assistance in reducing Hispanic dropout rates, improving Hispanic rates of academic achievement, and increasing the rates at which Hispanic high school graduates enroll in higher education.
- Establish a restriction that no HSI which receives funds under section 316 may concurrently receive other funds under the Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities program, or Strengthening Historically Black Graduate Institutions program.
- Amend § 607.3(b) by removing the word “waives” in paragraph (b), and adding, in its place, the words “may waive” to clarify that the Secretary’s decision to grant a waiver is discretionary.

Executive Order 12900

These final regulations support the President’s goals expressed in Executive Order 12900 on “Educational Excellence for Hispanic Americans” by advancing the development of human potential, strengthening the Nation’s capacity to provide high-quality education, and increasing opportunities for Hispanic Americans to participate in and benefit from Federal education programs.

Intergovernmental Review

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

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

Assessment of Educational Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since these changes merely incorporate statutory amendments into the regulations and do not implement substantive policy, public comment could have no effect. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B) that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 628

Colleges and universities, Education, Reporting and recordkeeping requirements.

Dated: March 20, 1995.

David A. Longanecker,
Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance Number 84.031A—Strengthening Institutions Program)

The Secretary amends Part 607 of Title 34 of the Code of Federal Regulations as follows:

PART 607—STRENGTHENING INSTITUTIONS PROGRAM

1. The authority citation for Part 607 continues to read as follows:

Authority: 20 U.S.C. 1057–1059, 1066–1069f, unless otherwise noted.

2. Section 607.2 is amended by redesignating paragraph (d) as paragraph (e)(1); adding new paragraphs (d) and (e)(2); and revising the authority citation to read as follows:

§ 607.2 What institutions are eligible to receive a grant under the Strengthening Institutions Program?

* * * * *

(d) A Hispanic-serving institution (HSI) may receive a grant authorized under section 316 of the HEA if—

(1) It is an eligible institution under this part;

(2) It provides assurances that—

(i) When it applies for a grant, its enrollment of undergraduate full-time equivalent students is at least 25 percent Hispanic students ;

(ii) Not less than 50 percent of its Hispanic students are low-income individuals who are first generation college students; and

(iii) Another 25 percent of its Hispanic students are either low-income individuals or first generation college students.

(e) * * *

(2) An HSI that receives a grant under section 316 of the HEA may not concurrently receive grant funds under the Strengthening Institutions program, Strengthening Historically Black Colleges and Universities program, or Strengthening Historically Black Graduate Institutions program.

(Authority: 20 U.S.C. 1057 *et seq.*)

§ 607.3 [Amended]

3. Section 607.3 is amended by removing the word “waives” in paragraph (b), and adding, in its place, the words “may waive”.

4. Section 607.7 is amended by redesignating paragraph (b) as paragraph (c); adding a new paragraph (b); adding a new definition of “Hispanic student” to redesignated paragraph (c) in alphabetical order; and revising the authority citation to read as follows:

§ 607.7 What definitions apply?

* * * * *

(b) The following terms used in this part are defined in section 316 of the HEA:

First generation college student
Hispanic-serving institution
Low-income individuals

(c) * * *

Hispanic student means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

* * * * *

(Authority: 20 U.S.C. 1051, 1057–1059 and 1066–1069f; OMB Directive No. 15)

5. Section 607.10 is amended by removing the word “or” at the end of paragraph (b)(5)(ii); removing the period at the end of paragraph (b)(6)(ii), and adding, in its place, a semicolon; removing the period at the end of paragraph (b)(7), and adding, in its place, “; or”; adding a new paragraph (b)(8); and revising the authority citation to read as follows:

§ 607.10 What activities may and may not be carried out under a grant?

* * * * *

(b) * * *

(8) For grants authorized under section 316 of the HEA to HSIs—

(i) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(ii) Renovation and improvement in classroom, library, laboratory, and other instructional facilities;

(iii) Support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in their field of instruction;

(iv) Curriculum development and academic instruction;

(v) Purchase of library books, periodicals, microfilm, and other educational materials;

(vi) Funds and administrative management, and acquisition of equipment for use in strengthening funds management;

(vii) Joint use of facilities such as laboratories and libraries; and

(viii) Academic tutoring and counseling programs and student support services.

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(Authority: 20 U.S.C. 1057 *et seq.*)

6. Section 607.11 is amended by removing the word “and” at the end of paragraph (b); removing the period at the end of paragraph (d)(3), and adding, in its place, “; and”; adding a new paragraph (e); and revising the authority citation to read as follows:

§ 607.11 What must be included in individual development applications?

* * * * *

(e) For a grant under section 316 of the HEA to an HSI, as a part of the applicant’s Comprehensive Development Plan (CDP) required in § 607.8, a five-year plan for improving the assistance provided by the HSI to Hispanic and other low-income students.

(Authority: 20 U.S.C. 1057 *et seq.*)

7. Section 607.20 is amended by adding the word “individual” before the word “grantees” in paragraph (b)(1); by removing the words “a grantee” in paragraph (b)(1), and adding, in their place, the words “an individual grantee”; and by removing the words “a grantee” in paragraph (b)(2), and adding, in their place, the words “an individual grantee”.

8. Section 607.23 is amended by adding a new paragraph (e) and revising the authority citation to read as follows:

§ 607.23 What special funding consideration does the Secretary provide?

* * * * *

(e) The Secretary gives priority to applications from HSIs that contain satisfactory evidence that the HSI has entered into or will enter into a collaborative arrangement with at least one local educational agency to provide that agency with assistance (from funds other than funds provided under Title III Part A of the HEA) in—

(1) Reducing the dropout rates of Hispanic students;

(2) Improving rates of academic achievement of Hispanic students; and

(3) Increasing the rates at which Hispanic high school graduates enroll in higher education.

(Authority: 20 U.S.C. 1057 *et seq.*)

[FR Doc. 95–7273 Filed 3–22–95; 8:45 am]

BILLING CODE 4000–01–P