§ 1101a

TITLED—EDUCATION

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dents in postsecondary education are increasing. Between 1973 and 1994, enrollment of white secondary school graduates in 4-year institutions of higher education increased at a rate two times higher than that of Hispanic secondary school graduates.

(3) Despite significant limitations in resources, Hispanic-serving institutions provide a significant proportion of postsecondary opportunities for Hispanic students.

(4) Relative to other institutions of higher education, Hispanic-serving institutions are underfunded. Such institutions receive significantly less in State and local funding, per full-time equivalent student, than other institutions of higher education.

(5) Hispanic-serving institutions are succeeding in educating Hispanic students despite significant resource problems that—

(A) limit the ability of such institutions to expand and improve the academic programs of such institutions; and

(B) could imperil the financial and administrative stability of such institutions.

(6) There is a national interest in remedying the disparities described in paragraphs (2) and (4) and ensuring that Hispanic students have an equal opportunity to pursue postsecondary opportunities.

(b) Purpose

The purpose of this subchapter is to—

(1) expand educational opportunities for, and improve the academic attainment of, Hispanic students; and

(2) expand and enhance the academic offerings, program quality, and institutional stability of colleges and universities that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and other low-income individuals complete postsecondary degrees.

(c) Program authority

The Secretary shall provide grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic students and other low-income individuals. (Pub. L. 89–329, title V, § 501, as added Pub. L. 105–244, title V, § 501, as added Pub. L. 105–244, title V, § 501(a), Oct. 7, 1998, 112 Stat. 1765.)

PRIOR PROVISIONS


A prior section 501 of Pub. L. 89–329 was classified to section 1102 of this title prior to the general amendment of this subchapter by Pub. L. 105–244.

Another prior section 501 of Pub. L. 89–329 was classified to section 1091 of this title prior to repeal by Pub. L. 94–482.

EFFECTIVE DATE


NATIONAL JOBTANK FOR TEACHER RECRUITMENT


TRAINING AND TECHNICAL ASSISTANCE FOR SCHOOL-BASED DECISIONMAKERS DEMONSTRATION PROGRAM


§ 1101a. Definitions; eligibility

(a) Definitions

For the purpose of this subchapter:

(1) Educational and general expenditures

The term "educational and general expenditures" means the total amount expended by an institution for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation and maintenance expenditures for the physical plant, and any mandatory transfers that the institution is required to pay by law.

(2) Eligible institution

The term "eligible institution" means—

(A) an institution of higher education—

(i) that has an enrollment of needy students as required by subsection (b);

(ii) except as provided in section 1103a(b) of this title, the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;

(iii) that is—

(I) legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelor's degree; or

(II) a junior or community college;

(iv) that is accredited by a nationally recognized accrediting agency or associa-
tion determined by the Secretary to be reliable authority as to the quality of training offered or that is, according to such an agency or association, making reasonable progress toward accreditation;
(v) that meets such other requirements as the Secretary may prescribe; and
(vi) that is located in a State; and
(B) any branch of any institution of higher education described under subparagraph (A) that by itself satisfies the requirements contained in clauses (i) and (ii) of such subparagraph.

For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described under subparagraph (A)(i) shall be given twice the weight of the factor described under subparagraph (A)(ii).

(3) Endowment fund
The term "endowment fund" means a fund that—
(A) is established by State law, by a Hispanic-serving institution, or by a foundation that is exempt from Federal income taxation;
(B) is maintained for the purpose of generating income for the support of the institution; and
(C) does not include real estate.

(4) Full-time equivalent students
The term "full-time equivalent students" means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

(5) Hispanic-serving institution
The term "Hispanic-serving institution" means an institution of higher education that—
(A) is an eligible institution; and
(B) has an enrollment of undergraduate full-time equivalent students that is at least 25 percent Hispanic students at the end of the award year immediately preceding the date of application.

(6) Junior or community college
The term "junior or community college" means an institution of higher education—
(A) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;
(B) that does not provide an educational program for which the institution awards a bachelor's degree (or an equivalent degree); and
(C) that—
(i) provides an educational program of not less than 2 years in duration that is acceptable for full credit toward such a degree; or
(ii) offers a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(b) Enrollment of needy students
For the purpose of this subchapter, the term "enrollment of needy students" means an enrollment at a institution with respect to which—
(1) at least 50 percent of the degree students so enrolled are receiving need-based assistance under subchapter IV in the second fiscal year preceding the fiscal year for which the determination is made (other than loans for which an interest subsidy is paid pursuant to section 1078 of this title); or
(2) a substantial percentage of the students so enrolled are receiving Federal Pell Grants in the second fiscal year preceding the fiscal year for which the determination is made, compared to the percentage of students receiving Federal Pell Grants at all such institutions in the second fiscal year preceding the fiscal year for which the determination is made, unless the requirement of this paragraph is waived under section 1103a(a) of this title.

Amendments
2009—Subsec. (b)(2). Pub. L. 111–39 substituted "for which the determination is made, compared to" for "for which determination is made, compared to".
2006—Subsec. (a)(5). Pub. L. 109–292, § 4(a)(1), inserted "and" at end of subpar. (A), in subpar. (B), struck out "at the time of application," before "has an enrollment", substituted "at the end of the award year immediately preceding the date of application." for "... and", and struck out subpar. (C) which read as follows: "provides assurances that not less than 50 percent of the institution's Hispanic students are low-income individuals, which assurances—"(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

Prior Provisions

Provisions
A prior section 1102a of this title, prior to repeal by Pub. L. 94–482.

Provisions
§ 1101b. Authorized activities

(a) Types of activities authorized

Grants awarded under this subchapter shall be used by Hispanic-serving institutions of higher education to assist the institutions to plan, develop, undertake, and carry out programs to improve and expand the institutions’ capacity to serve Hispanic students and other low-income students.

(b) Authorized activities

Grants awarded under this section shall be used for one or more of the following activities:

1. Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.
2. Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities.
3. Support of faculty exchanges, faculty development, curriculum development, academic instruction, and faculty fellowships to assist in attaining advanced degrees in the fellow’s field of instruction.
4. Purchase of library books, periodicals, and other educational materials, including telecommunications program material.
5. Tutoring, counseling, and student service programs designed to improve academic success, including innovative and customized instruction courses (which may include remedial education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion.
6. Articulation agreements and student support programs designed to facilitate the transfer from two-year to four-year institutions.
7. Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.
8. Joint use of facilities, such as laboratories and libraries.
9. Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.
10. Establishing or improving an endowment fund.
11. Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.
12. Establishing or enhancing a program of teacher education designed to qualify students to teach in public elementary schools and secondary schools.
13. Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest in pursuing postsecondary education.
14. Expanding the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.
15. Providing education, counseling services, or financial information designed to improve the financial literacy and economic literacy of students or the students’ families, especially with regard to student indebtedness and student assistance programs under subchapter IV.

(c) Endowment fund limitations

1. Portion of grant

A Hispanic-serving institution may not use more than 20 percent of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund.

2. Matching required

A Hispanic-serving institution that uses any portion of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund shall provide from non-Federal funds an amount equal to or greater than the portion.

3. Comparability

The provisions of part C of subchapter III regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under paragraph (1).


Prior Provisions

A prior section 503 of Pub. L. 89–329 was classified to section 1102b of this title prior to the general amendment of this subchapter by Pub. L. 105–244.

Another prior section 503 of Pub. L. 89–329 was classified to section 1101b of this title prior to repeal by Pub. L. 94–482.

Amendments

2008—Subsec. (b)(5). Pub. L. 110–315, § 501(2), inserted ‘‘including innovative and customized instruction courses (which may include remedial education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion’’ before period at end.

Subsec. (b)(6) to (16). Pub. L. 110–315, § 501(1), (3)–(5), added pars. (6) and (15), redesignated former pars. (6),