

this section or the purposes of section 1070a-16 of this title;

(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 1070a-16 of this title; 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.

(Pub. L. 89-329, title IV, § 402B, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 486; amended Pub. L. 105-244, title IV, § 402(b), Oct. 7, 1998, 112 Stat. 1654; Pub. L. 110-315, title IV, § 403(b), Aug. 14, 2008, 122 Stat. 3198.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-315, § 403(b)(1)(A), inserted “, and facilitate the application for,” after “the availability of”.

Subsec. (a)(3). Pub. L. 110-315, § 403(b)(1)(B), substituted “to enter or reenter, and complete” for “, but who have the ability to complete such programs, to reenter”.

Subsecs. (b), (c). Pub. L. 110-315, § 403(b)(3), added subsecs. (b) and (c) and struck out former subsec. (b) which related to permissible services. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-315, § 403(b)(2), (4), redesignated subsec. (c) as (d) and substituted “projects under this section” for “talent search projects under this division” in introductory provisions.

1998—Subsec. (b)(4). Pub. L. 105-244, § 402(b)(1), added par. (4) and struck out former par. (4) which read as follows: “guidance on secondary school reentry or entry to general educational development (GED) programs or other alternative education programs for secondary school dropouts;”.

Subsec. (b)(5). Pub. L. 105-244, § 402(b)(2), inserted before semicolon “, or activities designed to acquaint individuals from disadvantaged backgrounds with careers in which the individuals are particularly underrepresented”.

Subsec. (b)(8). Pub. L. 105-244, § 402(b)(3), substituted “families” for “parents”.

Subsec. (b)(9). Pub. L. 105-244, § 402(b)(4), inserted “or counselors” after “teachers”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

§ 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 1090(a) of this title;

(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) 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.

(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.

(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;

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

(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 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 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(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 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.

(f) Maximum stipends

Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$60 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 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 per month during the remaining period of the year.

(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.

(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.

(Pub. L. 89-329, title IV, § 402C, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 487; amended Pub. L. 103-208, § 2(b)(10), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 105-244, title IV, § 402(c), Oct. 7, 1998, 112 Stat. 1654; Pub. L. 110-84, title I, § 103, Sept. 27, 2007, 121 Stat. 786; Pub. L. 110-315, title IV, § 403(c), Aug. 14, 2008, 122 Stat. 3199.)

Editorial Notes**AMENDMENTS**

2008—Subsec. (b). Pub. L. 110-315, § 403(c)(1), added subsec. (b) and struck out former subsec. (b) which related to permissible services.

Subsec. (c). Pub. L. 110-315, § 403(c)(2), substituted “Additional required services for multiple-year grant recipients” for “Required services” in heading and “project assisted under this section” for “upward bound project assisted under this division” in text.

Subsec. (d). Pub. L. 110-315, § 403(c)(4), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 110-315, § 403(c)(3), (5)(A), redesignated subsec. (d) as (e) and substituted “projects under this section” for “upward bound projects under this division” in introductory provisions. Former subsec. (e) redesignated (f).

Subsec. (e)(2). Pub. L. 110-315, § 403(c)(5)(B), substituted “low-income individuals, first generation college students, or students who have a high risk for academic failure;” for “either low-income individuals or first generation college students;”.

Subsec. (e)(5). Pub. L. 110-315, § 403(c)(5)(C)–(E), added par. (5).

Subsec. (f). Pub. L. 110-315, § 403(c)(3), (6), redesignated subsec. (e) as (f) and substituted “during the summer school recess, for a period not to exceed three months” for “during June, July, and August” in two places, and “subsection (d)(5)” for “subsection (b)(10)”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 110-315, § 403(c)(3), redesignated subsec. (f) as (g).

Subsec. (h). Pub. L. 110-315, § 403(c)(7), added subsec. (h).

2007—Subsec. (f). Pub. L. 110-84 added subsec. (f).

1998—Subsec. (b)(2). Pub. L. 105-244, § 402(c)(1)(A), substituted “counseling and workshops” for “personal counseling”.

Subsec. (b)(9). Pub. L. 105-244, § 402(c)(1)(B), inserted “or counselors” after “teachers” and struck out “and” after semicolon.

Subsec. (b)(10), (11). Pub. L. 105-244, § 402(c)(1)(D), added pars. (10) and (11). Former par. (10) redesignated (12).

Subsec. (b)(12). Pub. L. 105-244, § 402(c)(1)(E), substituted “(11)” for “(9)”.

Pub. L. 105-244, § 402(c)(1)(C), redesignated par. (10) as (12).

Subsec. (e). Pub. L. 105-244, § 402(c)(2), substituted “except that youth participating in a work-study position under subsection (b)(10) may be paid a stipend of \$300 per month during June, July, and August. Youths

participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$40 per month during the remaining period of the year." for "and not in excess of \$40 per month during the remaining period of the year."

1993—Subsec. (c). Pub. L. 103-208 substituted "foreign" for "and foreign".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-84 effective Oct. 1, 2007, see section 1(c) of Pub. L. 110-84, set out as a note under section 1070a of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 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 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 11434a of title 42), 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.

(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 1090(a) of this title;

(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

(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 11434a of title 42) 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 11434a of title 42), 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 Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student is eligible, or be less than the minimum Federal Pell Grant amount described in section 1070a(b)(4) of this title, 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.