

other project funded under this section or under section 1070a-12 of this title.

(Pub. L. 89-329, title IV, § 402F, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 490; amended Pub. L. 110-315, title IV, § 403(f), Aug. 14, 2008, 122 Stat. 3203.)

#### **Editorial Notes**

##### AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-315, § 403(f)(1), added par. (3).

Subsec. (b)(5), (6). Pub. L. 110-315, § 403(f)(2)(A), (B), added par. (5) and redesignated former par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (b)(7). Pub. L. 110-315, § 403(f)(2)(C), added par. (7) and struck out former par. (7) which read as follows: “personal counseling.”

Pub. L. 110-315, § 403(f)(2)(A), redesignated former par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (b)(8) to (10). Pub. L. 110-315, § 403(f)(2)(A), redesignated pars. (7) to (9) as (8) to (10), respectively. Former par. (10) redesignated (11).

Subsec. (b)(11). Pub. L. 110-315, § 403(f)(2)(D), added par. (11) and struck out former par. (11) which read as follows: “programs and activities as described in paragraphs (1) through (9) which are specially designed for students of limited English proficiency.”

Pub. L. 110-315, § 403(f)(2)(A), redesignated par. (10) as (11).

#### **§ 1070a-17. Staff development activities**

##### **(a) Secretary's authority**

For the purpose of improving the operation of the programs and projects authorized by this division, 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, 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 of projects funded under this division as well as annually on the following topics and other topics chosen by the Secretary:

(1) Legislative and regulatory requirements for the operation of programs funded under this division.

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

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

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

(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 dis-

abilities, 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.

##### **(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.

(Pub. L. 89-329, title IV, § 402G, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 491; amended Pub. L. 105-244, title IV, § 402(f), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 110-315, title IV, § 403(g), Aug. 14, 2008, 122 Stat. 3204.)

#### **Editorial Notes**

##### AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110-315 added par. (5).

1998—Subsec. (a). Pub. L. 105-244, § 402(f)(1), inserted “participating in,” after “leadership personnel employed in.”

Subsec. (b)(4). Pub. L. 105-244, § 402(f)(2), added par. (4).

#### **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-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 division. Such report shall—

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

(B) focus on the programs' performance on the relevant outcome criteria determined under section 1070a-11(f)(4) of this title;

(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, multi-year 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 1070a-11(c)(8)(C)(iv) of this title, 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 division, 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 division, including a rigorous evaluation of the programs and projects assisted under section 1070a-13 of this title. The evaluation of the programs and projects assisted under section 1070a-13 of this title 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 1070a-13 of this title that is described in subparagraph (A) shall examine the characteristics of the students who benefit most from the Upward Bound program under section 1070a-13 of this title 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 division shall have as the evaluation's primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 1070a-11(f)(4) of this title.

**(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 division 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 re-

ceives, assistance under any program or project under this division 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.

**(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 division prior to October 7, 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 division 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 division; and

(2) provide technical assistance regarding programs and projects assisted under this division.

**(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.

(Pub. L. 89-329, title IV, § 402H, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 491; amended Pub. L. 105-244, title IV, § 402(g), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 110-315, title IV, § 403(h), Aug. 14, 2008, 122 Stat. 3204.)

**Editorial Notes**

AMENDMENTS

2008—Pub. L. 110-315, § 403(h)(1), substituted “Reports, evaluations, and grants for project improvement and dissemination” for “Evaluations and grants for project improvement and dissemination partnership projects” in section catchline.

Subsec. (a). Pub. L. 110-315, § 403(h)(3), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 110-315, § 403(h)(2), (4), redesignated subsec. (a) as (b), added pars. (1) to (4), and struck out former pars. (1) and (2) which read as follows:

“(1) IN GENERAL.—For the purpose of improving the effectiveness of the programs and projects assisted under this division, the Secretary may make grants to

or enter into contracts with institutions of higher education and other public and private institutions and organizations to evaluate the effectiveness of the programs and projects assisted under this division.

“(2) PRACTICES.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in enhancing the access of low-income individuals and first-generation college students to postsecondary education, the preparation of the individuals and students for postsecondary education, and the success of the individuals and students in postsecondary education. Such evaluations shall also investigate the effectiveness of alternative and innovative methods within Federal TRIO programs of increasing access to, and retention of, students in postsecondary education.”

Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 110-315, § 403(h)(2), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

1998—Pub. L. 105-244 amended section generally, revising and restating former subsecs. (a) to (c) relating to evaluation for project improvement.

#### **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.

#### **Division 2—Gaining Early Awareness and Readiness for Undergraduate Programs**

##### **Editorial Notes**

##### **CODIFICATION**

Chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, comprising this division, was originally added to Pub. L. 89-329, title IV, by Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 492, and amended by Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105. Chapter 2 is shown herein, however, as having been added by Pub. L. 105-244, title IV, § 403, Oct. 7, 1998, 112 Stat. 1656, without reference to those intervening amendments because of the extensive revision of chapter 2 by Pub. L. 105-244.

#### **§ 1070a-21. Early intervention and college awareness program authorized**

##### **(a) Program authorized**

The Secretary is authorized, in accordance with the requirements of this division, to establish a program that encourages eligible entities to provide support, and maintain a commitment, to eligible low-income students, including students with disabilities, to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to secondary school students, including students with disabilities, to reduce—

(A) the risk of such students dropping out of school; or

(B) the need for remedial education for such students at the postsecondary level; and

(2) information to students and their families about the advantages of obtaining a post-

secondary education and, college financing options for the students and their families.

##### **(b) Awards**

###### **(1) In general**

From funds appropriated under section 1070a-28 of this title for each fiscal year, the Secretary shall make awards to eligible entities described in paragraphs (1) and (2) of subsection (c) to enable the entities to carry out the program authorized under subsection (a).

###### **(2) Award period**

The Secretary may award a grant under this division to an eligible entity described in paragraphs (1) and (2) of subsection (c) for—

(A) six years; or

(B) in the case of an eligible entity that applies for a grant under this division for seven years to enable the eligible entity to provide services to a student through the student's first year of attendance at an institution of higher education, seven years.

###### **(3) Priority**

In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

(A) give priority to eligible entities that—

(i) on the day before August 14, 2008, carried out successful educational opportunity programs under this division (as this division was in effect on such day); and

(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

(B) ensure that students served under this division on the day before August 14, 2008, continue to receive assistance through the completion of secondary school.

##### **(c) “Eligible entity” defined**

For the purposes of this division, the term “eligible entity” means—

(1) a State; or

(2) a partnership—

(A) consisting of—

(i) one or more local educational agencies; and

(ii) one or more degree granting institutions of higher education; and

(B) which may include not less than two other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.

(Pub. L. 89-329, title IV, § 404A, as added Pub. L. 105-244, title IV, § 403, Oct. 7, 1998, 112 Stat. 1656; amended Pub. L. 110-315, title IV, § 404(a), Aug. 14, 2008, 122 Stat. 3206.)

##### **Editorial Notes**

##### **PRIOR PROVISIONS**

A prior section 1070a-21, Pub. L. 89-329, title IV, § 404A, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 492; amended Pub. L. 103-208, § 2(b)(12),