

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 postsecondary 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), Dec. 20, 1993, 107 Stat. 2459, authorized establishment of early intervention program, prior to the general amendment of this division by Pub. L. 105-244.

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110-315, § 404(a)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary is authorized, in accordance with the requirements of this division, to establish a program that—

“(1) encourages eligible entities to provide or maintain a guarantee to eligible low-income students who obtain a secondary school diploma (or its recognized equivalent), of the financial assistance necessary to permit the students to attend an institution of higher education; and

“(2) supports eligible entities in providing—

“(A) additional counseling, mentoring, academic support, outreach, and supportive services to elementary school, middle school, and secondary school students who are at risk of dropping out of school; and

“(B) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.”

Subsec. (b)(2), (3). Pub. L. 110-315, § 404(a)(2), added pars. (2) and (3) and struck out former par. (2) which related to priority in making awards to eligible entities.

Subsec. (c)(2). Pub. L. 110-315, § 404(a)(3), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “a partnership consisting of—

“(A) one or more local educational agencies acting on behalf of—

“(i) one or more elementary schools or secondary schools; and

“(ii) the secondary schools that students from the schools described in clause (i) would normally attend;

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

“(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4 of this part, or other public or private agencies or organizations.”

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

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

**EVALUATION OF TUITION GUARANTY PROGRAMS**

Pub. L. 102-325, title XIV, §1407, July 23, 1992, 106 Stat. 819, directed Secretary of Education to conduct study of effectiveness of programs for disadvantaged children that promise the child financial resources needed to pursue postsecondary education in exchange for child's commitment to achieve satisfactory elementary and secondary education, and to submit reports regarding study by June 30, 1996, and by Jan. 1, 1997, to committees of Congress, prior to repeal by Pub. L. 105-332, §6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

**§ 1070a-22. Requirements****(a) Funding rules**

In awarding grants from the amount appropriated under section 1070a-28 of this title for a fiscal year, the Secretary shall make available—

(1) to eligible entities described in section 1070a-21(c)(1) of this title, not less than 33 percent of such amount;

(2) to eligible entities described in section 1070a-21(c)(2) of this title, not less than 33 percent of such amount; and

(3) to eligible entities described in paragraph (1) or (2) of section 1070a-21(c) of this title, the remainder of such amount taking into consideration the number, quality, and promise of the applications for the grants, and, to the extent practicable—

(A) the geographic distribution of such grant awards; and

(B) the distribution of such grant awards between urban and rural applicants.

**(b) Coordination**

Each eligible entity shall ensure that the activities assisted under this division are, to the extent practicable, coordinated with, and complement and enhance—

(1) services under this division provided by other eligible entities serving the same school district or State; and

(2) related services under other Federal or non-Federal programs.

**(c) Designation of fiscal agent**

An eligible entity described in section 1070a-21(c)(2) of this title shall designate an institution of higher education or a local educational agency as the fiscal agent for the eligible entity.

**(d) Cohort approach****(1) In general**

The Secretary shall require that eligible entities described in section 1070a-21(c)(2) of this title—

(A) provide services under this division to at least one grade level of students, beginning not later than 7th grade, in a participating school that has a 7th grade and in which at least 50 percent of the students enrolled are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] (or,

if an eligible entity determines that it would promote the effectiveness of a program, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 1437a(b)(1) of title 42);

(B) ensure that the services are provided through the 12th grade to students in the participating grade level and provide the option of continued services through the student's first year of attendance at an institution of higher education to the extent the provision of such services was described in the eligible entity's application for assistance under this division; and

(C) provide services under this division to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.

**(2) Coordination requirement**

In order for the Secretary to require the cohort approach described in paragraph (1), the Secretary shall, where applicable, ensure that the cohort approach is done in coordination and collaboration with existing early intervention programs and does not duplicate the services already provided to a school or community.

**(e) Supplement, not supplant**

Grant funds awarded under this division shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this division.

(Pub. L. 89-329, title IV, §404B, as added Pub. L. 105-244, title IV, §403, Oct. 7, 1998, 112 Stat. 1657; amended Pub. L. 106-78, title VII, §752(b)(8), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 110-315, title IV, §404(b), Aug. 14, 2008, 122 Stat. 3207.)

**Editorial Notes****REFERENCES IN TEXT**

The Richard B. Russell National School Lunch Act, referred to in subsec. (d)(1)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

**PRIOR PROVISIONS**

A prior section 1070a-22, Pub. L. 89-329, title IV, §404B, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 492; amended Pub. L. 103-208, §2(b)(13), (14), Dec. 20, 1993, 107 Stat. 2459, related to State eligibility and State plan, prior to the general amendment of this division by Pub. L. 105-244.

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110-315, §404(b)(1), added subsec. (a) and struck out former subsec. (a) which related to funding rules.

Subsecs. (b), (c). Pub. L. 110-315, §404(b)(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b). Text read as follows: “Each eligible entity described in section 1070a-21(c)(1) of this title, and each eligible entity described in section 1070a-21(c)(2) of this title that conducts a scholarship component under section 1070a-25 of this title, shall use not less than 25 percent and not more than 50 percent of grant funds received under this division for