

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$45,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

1998—Pub. L. 105-244 substituted “\$45,000,000 for fiscal year 1999” for “\$10,000,000 for fiscal year 1993”.

1992—Pub. L. 102-325 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for this subpart \$8,000,000 for fiscal year 1987, and such sums as may be necessary for the 4 succeeding fiscal years.”

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.

SUBPART 7—CHILD CARE ACCESS MEANS PARENTS IN SCHOOL

Editorial Notes

PRIOR PROVISIONS

A prior subpart 7, consisted of sections 1070e and 1070e-1 and related to assistance to institutions of higher education, prior to the repeal of sections 1070e and 1070e-1 by Pub. L. 102-325, title IV, §§407, 408, July 23, 1992, 106 Stat. 510.

§ 1070e. Child care access means parents in school**(a) Purpose**

The purpose of this section is to support the participation of low-income parents in postsecondary education through the provision of campus-based child care services.

(b) Program authorized**(1) Authority**

The Secretary may award grants to institutions of higher education to assist the institutions in providing campus-based child care services to low-income students.

(2) Amount of grants**(A) In general**

The amount of a grant awarded to an institution of higher education under this section for a fiscal year shall not exceed 1 percent of the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year.

(B) Minimum**(i) In general**

Except as provided in clause (ii), a grant under this section shall be awarded in an amount that is not less than \$10,000.

(ii) Increase trigger

For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than \$20,000,000, a grant under this section shall be awarded in an amount that is not less than \$30,000.

(3) Duration; renewal; and payments**(A) Duration**

The Secretary shall award a grant under this section for a period of 4 years.

(B) Payments

Subject to subsection (e)(2), the Secretary shall make annual grant payments under this section.

(4) Eligible institutions

An institution of higher education shall be eligible to receive a grant under this section for a fiscal year if the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year equals or exceeds \$350,000, except that for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than \$20,000,000, this sentence shall be applied by substituting “\$250,000” for “\$350,000”.

(5) Use of funds

Grant funds under this section shall be used by an institution of higher education to support or establish a campus-based child care program primarily serving the needs of low-income students enrolled at the institution of higher education. Grant funds under this section may be used to provide before and after school services to the extent necessary to enable low-income students enrolled at the institution of higher education to pursue postsecondary education.

(6) Construction

Nothing in this section shall be construed to prohibit an institution of higher education that receives grant funds under this section from serving the child care needs of the community served by the institution.

(7) Definition of low-income student

For the purpose of this section, the term “low-income student” means a student—

(A) who is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

(B) who would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

(i) section 1070a(c)(1) of this title because the student is enrolled in a graduate or first professional course of study; or

(ii) section 1091(a)(5) of this title because the student is in the United States for a temporary purpose.

(8) Publicity

The Secretary shall publicize the availability of grants under this section in appropriate periodicals, in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.

(c) Applications

An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—

(1) demonstrate that the institution is an eligible institution described in subsection (b)(4);

(2) specify the amount of funds requested;

(3) demonstrate the need of low-income students at the institution for campus-based child care services by including in the application—

- (A) information regarding student demographics;
- (B) an assessment of child care capacity on or near campus;
- (C) information regarding the existence of waiting lists for existing child care;
- (D) information regarding additional needs created by concentrations of poverty or by geographic isolation; and
- (E) other relevant data;

(4) contain a description of the activities to be assisted, including whether the grant funds will support an existing child care program or a new child care program;

(5) identify the resources, including technical expertise and financial support, the institution will draw upon to support the child care program and the participation of low-income students in the program, such as accessing social services funding, using student activity fees to help pay the costs of child care, using resources obtained by meeting the needs of parents who are not low-income students, and accessing foundation, corporate or other institutional support, and demonstrate that the use of the resources will not result in increases in student tuition;

(6) contain an assurance that the institution will meet the child care needs of low-income students through the provision of services, or through a contract for the provision of services;

(7) describe the extent to which the child care program will coordinate with the institution's early childhood education curriculum, to the extent the curriculum is available, to meet the needs of the students in the early childhood education program at the institution, and the needs of the parents and children participating in the child care program assisted under this section;

(8) in the case of an institution seeking assistance for a new child care program—

- (A) provide a timeline, covering the period from receipt of the grant through the provision of the child care services, delineating the specific steps the institution will take to achieve the goal of providing low-income students with child care services;
- (B) specify any measures the institution will take to assist low-income students with child care during the period before the institution provides child care services; and
- (C) include a plan for identifying resources needed for the child care services, including space in which to provide child care services, and technical assistance if necessary;

(9) contain an assurance that any child care facility assisted under this section will meet the applicable State or local government licensing, certification, approval, or registration requirements; and

(10) contain a plan for any child care facility assisted under this section to become accredited within 3 years of the date the institution first receives assistance under this section.

(d) Priority

The Secretary shall give priority in awarding grants under this section to institutions of higher education that submit applications describing programs that—

(1) leverage significant local or institutional resources, including in-kind contributions, to support the activities assisted under this section; and

(2) utilize a sliding fee scale for child care services provided under this section in order to support a high number of low-income parents pursuing postsecondary education at the institution.

(e) Reporting requirements; continuing eligibility

(1) Reporting requirements

(A) Reports

Each institution of higher education receiving a grant under this section shall report to the Secretary annually.

(B) Contents

The report shall include—

(i) data on the population served under this section;

(ii) information on campus and community resources and funding used to help low-income students access child care services;

(iii) information on progress made toward accreditation of any child care facility; and

(iv) information on the impact of the grant on the quality, availability, and affordability of campus-based child care services.

(2) Continuing eligibility

The Secretary shall make continuation awards under this section to an institution of higher education only if the Secretary determines, on the basis of the reports submitted under paragraph (1), that the institution is making a good faith effort to ensure that low-income students at the institution have access to affordable, quality child care services.

(f) Construction

No funds provided under this section shall be used for construction, except for minor renovation or repair to meet applicable State or local health or safety requirements.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title IV, § 419N, as added Pub. L. 105-244, title IV, § 410, Oct. 7, 1998, 112 Stat. 1668; amended Pub. L. 110-315, title IV, § 410, Aug. 14, 2008, 122 Stat. 3225.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1070e, Pub. L. 89-329, title IV, § 420, as added Pub. L. 99-498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1346, related to payments to institutions of higher education, prior to repeal by Pub. L. 102-325, title IV, § 407, July 23, 1992, 106 Stat. 510.

Another prior section 1070e, Pub. L. 89-329, title IV, § 420, formerly § 419, as added Pub. L. 92-318, title X, §1001(a), June 23, 1972, 86 Stat. 375; amended Pub. L. 96-374, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1503; renumbered Pub. L. 98-558, title VIII, §801(b)(1), Oct. 30, 1984, 98 Stat. 2902, related to payments to institutions of higher education, prior to the general amendment of this part by Pub. L. 99-498.

A prior section 1070e-1, Pub. L. 89-329, title IV, §420A, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1348; amended Pub. L. 100-50, §8, June 3, 1987, 101 Stat. 341; Pub. L. 102-54, §13(g)(2), June 13, 1991, 105 Stat. 275; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, related to veterans education outreach program, prior to repeal by Pub. L. 102-325, title IV, §408, July 23, 1992, 106 Stat. 510.

Another prior section 1070e-1, Pub. L. 89-329, title IV, §420A, formerly §420, as added Pub. L. 92-318, title X, §1001(a), June 23, 1972, 86 Stat. 378; amended Pub. L. 93-380, title VIII, §834(a), Aug. 21, 1974, 88 Stat. 604; Pub. L. 94-482, title I, §126(a)-(c), Oct. 12, 1976, 90 Stat. 2098; Pub. L. 95-336, §6(a), Aug. 4, 1978, 92 Stat. 453; Pub. L. 96-49, §5(a)(7), Aug. 13, 1979, 93 Stat. 352; Pub. L. 96-374, title IV, §407, Oct. 3, 1980, 94 Stat. 1412; Pub. L. 97-300, title I, §183, Oct. 13, 1982, 96 Stat. 1357; renumbered §420A, Pub. L. 98-558, title VIII, §801(b)(2), Oct. 30, 1984, 98 Stat. 2902, related to veterans' cost-of-instruction payments to institutions of higher education, prior to the general amendment of this part by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (b)(2)(B). Pub. L. 110-315, §410(a), designated existing provisions as cl. (i), inserted heading, substituted “Except as provided in clause (ii), a grant” for “A grant”, and added cl. (ii).

Subsec. (b)(4). Pub. L. 110-315, §410(b), inserted “, except that for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than \$20,000,000, this sentence shall be applied by substituting ‘\$250,000’ for ‘\$350,000’” before period at end.

Subsec. (b)(7). Pub. L. 110-315, §410(c), amended par. (7) generally. Prior to amendment, text read as follows: “For the purpose of this section, the term ‘low-income student’ means a student who is eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made.”

Subsec. (b)(8). Pub. L. 110-315, §410(d), added par. (8).

Subsec. (e)(1)(A). Pub. L. 110-315, §410(e)(1), substituted “annually” for “18 months, and 36 months, after receiving the first grant payment under this section”.

Subsec. (e)(2). Pub. L. 110-315, §410(e)(2), substituted “continuation awards” for “the third annual grant payment” and “the reports” for “the 18-month report”.

Subsec. (g). Pub. L. 110-315, §410(f), substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$45,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

SUBPART 8—[REPEALED]

Editorial Notes

CODIFICATION

Subpart 8 of part A of title IV of the Higher Education Act of 1965, which comprised this subpart, was originally added to Pub. L. 89-329, title IV, by Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1352, and amended by Pub. L. 100-50, June 3, 1987, 101 Stat. 335;

Pub. L. 102-325, July 23, 1992, 106 Stat. 448. Subpart 8, which related to learning anytime anywhere partnerships, was set out as having been added by Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1671, without reference to those intervening amendments because of the extensive revision of subpart 8 by Pub. L. 105-244.

§§ 1070f to 1070f-6. Repealed. Pub. L. 110-315, title IV, § 411, Aug. 14, 2008, 122 Stat. 3226

Section 1070f, Pub. L. 89-329, title IV, §420D, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1671, set out congressional findings.

A prior section 1070f, Pub. L. 89-329, title IV, §420B, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1352; amended Pub. L. 100-50, §9, June 3, 1987, 101 Stat. 341; Pub. L. 102-325, title IV, §409, July 23, 1992, 106 Stat. 510, related to special child care services for disadvantaged college students, prior to the general amendment of this subpart by Pub. L. 105-244.

Section 1070f-1, Pub. L. 89-329, title IV, §420E, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1672, related to the purpose of this subpart and the program authorized.

Section 1070f-2, Pub. L. 89-329, title IV, §420F, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1672, related to grant application.

Section 1070f-3, Pub. L. 89-329, title IV, §420G, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1672, set out authorized activities for funding.

Section 1070f-4, Pub. L. 89-329, title IV, §420H, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1673, provided for a matching requirement limiting Federal funds to not more than 50 percent of the cost of a project.

Section 1070f-5, Pub. L. 89-329, title IV, §420I, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1673, required that the Secretary use a peer review process to review applications and make recommendations for funding.

Section 1070f-6, Pub. L. 89-329, title IV, §420J, as added Pub. L. 105-244, title IV, §411, Oct. 7, 1998, 112 Stat. 1673, authorized appropriations for fiscal year 1999 and each of the 4 succeeding fiscal years.

SUBPART 9—TEACH GRANTS

§ 1070g. Definitions

For the purposes of this subpart:

(1) Eligible institution

The term “eligible institution” means an institution of higher education, as defined in section 1002 of this title, that the Secretary determines—

(A) provides high quality teacher preparation and professional development services, including extensive clinical experience as a part of pre-service preparation;

(B) is financially responsible;

(C) provides pedagogical course work, or assistance in the provision of such coursework, including the monitoring of student performance, and formal instruction related to the theory and practices of teaching; and

(D) provides supervision and support services to teachers, or assistance in the provision of such services, including mentoring focused on developing effective teaching skills and strategies.

(2) Post-baccalaureate

The term “post-baccalaureate” means a program of instruction for individuals who have completed a baccalaureate degree, that does not lead to a graduate degree, and that con-