

Section 1102j, Pub. L. 89-329, title V, §510A, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 674, authorized appropriations for State and local programs for teacher excellence.

#### PART C—GENERAL PROVISIONS

##### Editorial Notes

###### CODIFICATION

Pub. L. 110-315, title V, §502(a)(1), Aug. 14, 2008, 122 Stat. 3331, redesignated part B of this subchapter as part C of this subchapter.

###### PRIOR PROVISIONS

A prior part C consisted of sections 1104 to 1104k and related to teacher scholarships and fellowships prior to the general amendment of this subchapter by Pub. L. 105-244.

### § 1103. Eligibility; applications

#### (a) Institutional eligibility

Each Hispanic-serving institution desiring to receive assistance under this subchapter shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Hispanic-serving institution as defined in section 1101a of this title, along with such other data and information as the Secretary may by regulation require.

#### (b) Applications

##### (1) Applications required

Any institution which is eligible for assistance under this subchapter shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate the institution's need for assistance. Subject to the availability of appropriations to carry out this subchapter, the Secretary may approve an application for a grant under this subchapter only if the Secretary determines that—

(A) the application meets the requirements of subsection (c); and

(B) the institution is eligible for assistance in accordance with the provisions of this subchapter under which the assistance is sought.

##### (2) Preliminary applications

In carrying out paragraph (1), the Secretary may develop a preliminary application for use by Hispanic-serving institutions applying under this subchapter prior to the submission of the principal application.

#### (c) Contents

A Hispanic-serving institution, in the institution's application for a grant, shall—

(1) set forth, or describe how the institution will develop, a comprehensive development plan to strengthen the institution's academic quality and institutional management, and otherwise provide for institutional self-sufficiency and growth (including measurable objectives for the institution and the Secretary to use in monitoring the effectiveness of activities under this subchapter);

(2) include a 5-year plan for improving the assistance provided by the Hispanic-serving

institution to Hispanic students and other low-income individuals;

(3) set forth policies and procedures to ensure that Federal funds made available under this subchapter for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purposes of section 1101(b) of this title, and in no case supplant those funds;

(4) set forth policies and procedures for evaluating the effectiveness in accomplishing the purpose of the activities for which a grant is sought under this subchapter;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available to the institution under this subchapter;

(6) provide that the institution will comply with the limitations set forth in section 1103e of this title;

(7) describe in a comprehensive manner any proposed project for which funds are sought under the application and include—

(A) a description of the various components of the proposed project, including the estimated time required to complete each such component;

(B) in the case of any development project that consists of several components (as described by the institution pursuant to subparagraph (A)), a statement identifying those components which, if separately funded, would be sound investments of Federal funds and those components which would be sound investments of Federal funds only if funded under this subchapter in conjunction with other parts of the development project (as specified by the institution);

(C) an evaluation by the institution of the priority given any proposed project for which funds are sought in relation to any other projects for which funds are sought by the institution under this subchapter, and a similar evaluation regarding priorities among the components of any single proposed project (as described by the institution pursuant to subparagraph (A));

(D) a detailed budget showing the manner in which funds for any proposed project would be spent by the institution; and

(E) a detailed description of any activity which involves the expenditure of more than \$25,000, as identified in the budget referred to in subparagraph (D);

(8) provide for making reports, in such form and containing such information, as the Secretary may require to carry out the Secretary's functions under this subchapter, including not less than one report annually setting forth the institution's progress toward achieving the objectives for which the funds were awarded and for keeping such records and affording such access to such records, as the Secretary may find necessary to assure the correctness and verification of such reports; and

(9) include such other information as the Secretary may prescribe.

#### (d) Priority

With respect to applications for assistance under this section, the Secretary shall give pri-

ority to an application that contains satisfactory evidence that the Hispanic-serving institution has entered into or will enter into a collaborative arrangement with at least one local educational agency or community-based organization to provide such agency or organization with assistance (from funds other than funds provided under this subchapter) in reducing dropout rates for Hispanic students, improving rates of academic achievement for Hispanic students, and increasing the rates at which Hispanic secondary school graduates enroll in higher education.

#### (e) Eligibility data

The Secretary shall use the most recent and relevant data concerning the number and percentage of students receiving need-based assistance under subchapter IV in making eligibility determinations and shall advance the base-year for the determinations forward following each annual grant cycle.

(Pub. L. 89-329, title V, § 521, formerly § 511, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1770; renumbered § 521 and amended Pub. L. 110-315, title V, §§ 502(a)(2), (b)(2), 503, Aug. 14, 2008, 122 Stat. 3331, 3333.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 1103, Pub. L. 89-329, title V, § 511, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 674, established program of grants for National Teacher Academies, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103, Pub. L. 89-329, title V, § 511, as added Pub. L. 99-498, title V, § 501(a), Oct. 17, 1986, 100 Stat. 1496, set forth statement of purpose for former part A of this subchapter relating to midcareer teacher training for nontraditional students, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1103, Pub. L. 89-329, title V, § 513, Nov. 8, 1965, 79 Stat. 1256; Pub. L. 90-35, § 3(a)(3), (c)-(f), June 29, 1967, 81 Stat. 85, 86; Pub. L. 91-230, title VIII, §§ 803, 804(c), (d), 805(b), Apr. 13, 1970, 84 Stat. 190, 191; Pub. L. 93-380, title VIII, § 835(a)(2), (3), Aug. 21, 1974, 88 Stat. 605; Pub. L. 94-482, title I, §§ 151(a)(5)(C), 152(b)-(d), Oct. 12, 1976, 90 Stat. 2152, 2153; Pub. L. 96-374, title V, § 502(a)-(d), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1459, 1503, related to recruitment, enrollment, training, etc., of members for program, prior to repeal by Pub. L. 97-35, title V, § 587(a)(2), Aug. 13, 1981, 95 Stat. 480.

A prior section 521 of Pub. L. 89-329 was classified to section 1104 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 521 of Pub. L. 89-329 was classified to section 1105 of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 521 of Pub. L. 89-329 was classified to section 1111 of this title, prior to repeal by Pub. L. 94-482.

#### AMENDMENTS

2008—Subsec. (b)(1)(A). Pub. L. 110-315, § 503, substituted “subsection (c)” for “subsection (b)”.

Subsec. (c)(6). Pub. L. 110-315, § 502(b)(2), made technical amendment to reference in original act which appears in text as reference to section 1103e of this title.

### § 1103a. Waiver authority and reporting requirement

#### (a) Waiver requirements; need-based assistance students

The Secretary may waive the requirements set forth in section 1101a(a)(2)(A)(i) of this title in the case of an institution—

(1) that is extensively subsidized by the State in which the institution is located and charges low or no tuition;

(2) that serves a substantial number of low-income students as a percentage of the institution's total student population;

(3) that is contributing substantially to increasing higher education opportunities for educationally disadvantaged, underrepresented, or minority students, who are low-income individuals;

(4) which is substantially increasing higher educational opportunities for individuals in rural or other isolated areas which are unserved by postsecondary institutions; or

(5) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of Hispanic Americans.

#### (b) Waiver determinations; expenditures

##### (1) Waiver determinations

The Secretary may waive the requirements set forth in section 1101a(a)(2)(A)(ii) of this title if the Secretary determines, based on persuasive evidence submitted by the institution, that the institution's failure to meet the requirements is due to factors which, when used in the determination of compliance with the requirements, distort such determination, and that the institution's designation as an eligible institution under part A is otherwise consistent with the purposes of this subchapter.

##### (2) Expenditures

The Secretary shall submit to Congress every other year a report concerning the institutions that, although not satisfying the requirements of section 1101a(a)(2)(A)(ii) of this title, have been determined to be eligible institutions under part A. Such report shall—

(A) identify the factors referred to in paragraph (1) that were considered by the Secretary as factors that distorted the determination of compliance with clauses (i) and (ii) of section 1101a(a)(2)(A) of this title; and

(B) contain a list of each institution determined to be an eligible institution under part A including a statement of the reasons for each such determination.

(Pub. L. 89-329, title V, § 522, formerly § 512, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1772; renumbered § 522, Pub. L. 110-315, title V, § 502(a)(2), Aug. 14, 2008, 122 Stat. 3331.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 1103a, Pub. L. 89-329, title V, § 512, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 674, related to eligible recipients, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103a, Pub. L. 89-329, title V, § 512, as added Pub. L. 99-498, title V, § 501(a), Oct. 17,