

Student Support Services Program
Request for Approval under the Paperwork Reduction Act
Supporting Statement for the Revision of the Annual Performance Report

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section¹. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

The Department of Education (Department) is requesting approval of a revision of a collection that is currently active. The Student Support Services (SSS) Program Annual Performance Report (APR) will expire on August 31, 2017 (OMB No.: 1840-0525). The SSS Program provides Federal financial assistance in the form of discretionary grants to institutions of higher education for the purpose of providing academic and other support services to low-income, first-generation college students or college students with disabilities. These support services are intended to increase students' retention and graduation rates, facilitate their transfer from two-year to four-year institutions, and foster an institutional climate supportive of the success of low-income individuals, first-generation college students, or individuals with disabilities.

The information submitted in the annual performance report is used to assign prior experience points. The SSS Program authorizing statute, Title IV, Part A, Subpart 2, Chapter 1, Section 402A(c)(2)(A) of the Higher Education Act of 1965, as amended, states that "in making grants under this chapter, the Secretary shall consider each applicant's prior experience of high quality service delivery...under the particular program for which funds are sought." The current SSS regulations 34 CFR 646.22 provide for the awarding of up to 15 points for prior experience. The data provided in the annual performance report are compared with the grantee's approved project objectives to determine the grantee's accomplishments and to award prior experience points.

During a competition for new awards, the prior experience points are added to the average of the field readers' scores to derive a total score for an application. A slate of all applicants is developed on the basis of the total scores of the applications. Funding recommendations and decisions are based on the rank order of applicants on the slate. Therefore, the assessment of prior experience points is a crucial part of the overall application process.

¹ Please limit pasted text to no longer than 3 paragraphs.

In addition, during non-competitive years, the reports are used to verify that grantees are making substantial progress toward the achievement of approved objectives prior to issuing non-competing continuation awards.

Further, this APR form collects aggregate and quantifiable data needed to respond to the requirements of the Government Performance and Results Act (GPRA). In the Department's Fiscal Year 2013 Annual Performance Plan, the overall objective for the SSS Program is to: "Increase the percentage of low-income, first-generation college students who successfully pursue postsecondary education opportunities."

Information is collected under the authority of Title IV, Part A, Subpart 2, Chapter 1, Section 402D of the Higher Education Act of 1965, as amended; the program regulations in 34 CFR Part 646; and the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.590 and 75.720. (A copy of the current SSS Program regulations is attached.)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Department uses the data collected to: (a) evaluate a grantee's accomplishments; (b) determine, in part, the number of prior experience points to be awarded to a grantee; and (c) aid in compliance monitoring.

In addition, the annual performance reports are used to collect programmatic data for purposes of annual reporting; budget submissions to OMB; Congressional hearings and testimonials; Congressional inquiries; and responding to inquiries from higher education interest groups and the general public.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The data being requested allows the grantees to use computerized data systems to collect, retrieve, and report the requested information. A web-based software application has been developed for grantees to use to enter the data online and submit the entire report via the Internet. SSS Program grantees have been submitting the APR via the Internet since the 2000-2001 project year, and all grantees are currently required to submit the APR data via a web-based system.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.

The information submitted in this report is unique to each respondent: therefore no duplication exists as far as can be determined. There is no other collection instrument available to collect the information the Department is required to assess to determine grantees' prior experience points and program outcomes, as described in item 2, above.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000**

This information collection does not involve small businesses or other small entities.

- 6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Performance information is collected annually. Collection of information on a less frequent basis is not feasible. These reports are used to determine whether the grantee is making satisfactory progress in meeting the goals and objectives proposed in its initial application, prior to awarding continuation funding. In addition, the information is needed to award prior experience points to grantees. Without this data collection, the Student Service Office would be unable to make continuation awards, comply with the prior experience provision of the authorizing statute, respond to the GPRA requirements, and develop improved policies for program administration.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe or student;**

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

With one exception, no information will be collected in the manner covered under any of the special circumstances outlined. The exception is that respondents are required to retain participant records for more than three years as required under CFR 74.53(b). In order to assess the impact of the program services on participating students' academic progress, grantees are required to track the academic progress of all participants for a period of 4 years in the case of a two-year institution and 6 years in the case of a four-year institution.

- 8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Department staff interacts with the SSS grantees as well as with members of the constituent organization for these forums at a number of state, regional, and national meetings to solicit informal views and comments on the SSS reporting requirements. In addition, SSS Program grantees frequently send Department staff suggestions and recommendations regarding the APR form.

The 60-day FR notice was published on 7/29/2016 on page 49965. Public comments have been received and responses have been provided. Some minor changes to the APR that are of a technical nature (e.g., typographical errors) are not discussed below but have been made to the revised form and instructions.

The 30-day FR notice was published on 3/9/2017. Public comments have been received and responses have been provided. Some minor changes to the APR that are of a technical nature (e.g., typographical errors) are not discussed below but have been made to the revised form and instructions.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The Department will not provide payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.² If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

The Department's disclosure policies adhere to the provisions of the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a) and Title IV of the Higher Education Act of 1965, as amended (P.L. 102-325, Sec. 402D). The Department receives and maintains personal information on participants in the SSS Program. The principal purpose for collecting this information is to administer the program, including tracking and evaluating participant progress. Participants are informed that provision of information for use by the grantee or the Department on the APR form, including a social security number (SSN), is voluntary and that the failure to disclose a SSN will not result in the denial of any right, benefit or privilege to which the participant is entitled.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The APR form does not include questions about sexual behavior and attitudes, religious beliefs, or other items that are commonly considered sensitive and private.

² Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated burden hours for this collection of information are 16,348 hours. We estimate approximately 1072 respondents x 1 (one) APR each @ 15.25 hours per respondent. The APR will be submitted once a year (annually).

Estimated number of respondents	1072
Estimated preparation time	15.25 hours
Total estimated burden hours	16,348

(Estimated Burden: 16,348 hours. Total number of hours [preparation time] multiplied by the total number of respondents equals estimated burden hours).

Most of the costs of this data collection are those of the Federal Government, since the respondents are project staff paid for the most part with Federal grant funds. Nonetheless, the annual cost to the grantees to respond to this data collection is estimated as follows:

Estimated annual costs to respondents:

Professionals
 (1072 personnel X 12.25 hours @ \$39 per hour) \$512,148

Clerical
 (1072 clerical X 3 hours @ \$18 per hour) \$ 57,888

Total estimated cost to respondents \$570,036

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- **The costs estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use exiting economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep record for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12.**

Total Annualized Capital/Startup Cost :
 Total Annual Costs (O&M) :

 • Total Annualized Costs Requested :

There are no other costs to the respondents associated with this information collection. Grantees are required by program regulations to collect and maintain this information. The costs to transmit the data electronically via the Web reflect customary and usual business practices.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Estimated annual costs to the Federal Government:

The largest portion of the Government’s cost is borne directly by the Department in designing the report form, securing clearance of the form, and in collecting, aggregating and disseminating the information.

14. Estimated annual costs to the Federal Government:	
Professional staff to update report form and prepare clearance package (GS 12 employee) \$39 per hour X 80 hours	\$3,120.00
Overhead costs related to facilities, administration and other indirect costs, plus accrual of leave and fringe benefits, estimated at 50% of salary \$3,120 X 50 percent	\$1,560.00
Clerical staff to type, route, and copy report form \$18 per hour X 10 hours Overhead costs: \$180 X 50 percent	\$180.00 \$90.00
Other Department staff to review and approve the request (GS 15 employee) \$71 per hour X 5 hours Overhead costs: \$355 X 50 percent	\$355.00 \$177.50
OMB review (estimated)	
\$39 per hour X 8 hours Overhead Costs: \$312 X 50 percent	\$312.00 \$156.00
Other Administrative Costs	
Posting annual performance report to World Wide Web (2 hours X 1 staff @ \$39 per hour)	\$78.00
Annual updates to web application, web-site hosting, help desk and data processing (contractor costs)	\$102,192.00
Analyses of data and preparation of national summary and individual project reports (contractor costs)	\$155,000.00
Professional staff to review and edit reports for dissemination \$39 per hour X 40 hours Overhead Costs: \$1,560X 50 percent	\$1,560.00 \$780.00
Total Annual Government Cost	\$265,560.50

- 15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

There is an hour burden difference of 943 burden hours. This is due to increases in the number of respondents and the burden hours per respondent since the last APR clearance. As a result of increased funding, the number of respondents (grantees) increased from 1027 to 1072.

In addition, four new data fields have been added to the SSS APR: Field 6b – IPEDS Unit ID; Section I, Part 3 – Competitive Preference Priorities; Field 38 – Participant's Case Number; and Field 39 – Deceased participant status. Field 6b – IPEDS Unit ID: [pre-populated] Integrated Postsecondary Education Data System (IPEDS) is the primary source for data on colleges, universities, and technical and vocational postsecondary institutions in the United States. The Unit ID is the number assigned by the U.S. Department of Education to every institution of higher education that is eligible for Title IV federal student aid. Section I, Part 3- Competitive Preference Priorities was added to collect information on proposed strategies to develop participants' non-cognitive skills and provide greater individualized counseling. Field 38 – Participant's Case Number has been added to provide greater accuracy and consistency in matching participant records across reporting periods. Field 39 – Deceased participant status is for reporting on those current or prior year participants who by the time the APR is submitted are deceased. This field is important as the data will be used to calculate Prior Experience Points.

Regarding burden hours, fields 6b and 38 will not increase burden because the information will be provided by the Department. Section I, Part 3 – Competitive Preference Priorities will slightly increase the burden as grantees will need to provide the number of students receiving the intervention as well as a brief description of the intervention provided. Field 39, Deceased Participant, will slightly increase burden for a few grantees that have participants who are deceased.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Collected information will be analyzed annually to determine if each grantee is meeting its approved goals and objectives and to award prior experience points. Performance measures and efficiency measures for SSS, based on data conveyed in grantees' APRs, are disseminated in the Department's Annual Program Performance Plan. In addition, the Department's Web site provides data on performance and efficiency measures, beginning with the 2007–08 performance period, at the grantee level. This more detailed reporting has been made possible due to improvements in accuracy resulting from incorporating the standard objectives into the report form.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This report form and the web site will display the expiration date for the OMB approval of the information collection.

18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.

There are no exceptions to the certification statement.

Attachment (1):

SSS Program Regulations

PART 646—STUDENT SUPPORT SERVICES PROGRAM

Contents

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AUTHORITY: 20 U.S.C. 1070a-11 and 1070a-14, unless otherwise noted.

SOURCE: 61 FR 38537, July 24, 1996, unless otherwise noted.

Subpart A—General

§646.1 What is the Student Support Services Program?

The Student Support Services Program provides grants for projects designed to—

(a) Increase the college retention and graduation rates of eligible students;

(b) Increase the transfer rate of eligible students from two-year to four-year institutions; and

(c) 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, individuals with disabilities, homeless children and youth, foster care youth, or other disconnected students; and

(d) Improve the financial and economic literacy of students in areas such as—

(1) Basic personal income, household money management, and financial planning skills; and

(2) Basic economic decision-making skills.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65790, Oct. 26, 2010]

§646.2 Who is eligible to receive a grant?

An institution of higher education or a combination of institutions of higher education is eligible to receive a grant to carry out a Student Support Services project.

(Authority: 20 U.S.C. 1070a-14)

§646.3 Who is eligible to participate in a Student Support Services project?

A student is eligible to participate in a Student Support Services project if the student meets all of the following requirements:

(a) Is a citizen or national of the United States or meets the residency requirements for Federal student financial assistance.

(b) Is enrolled at the grantee institution or accepted for enrollment in the next academic term at that institution.

(c) Has a need for academic support, as determined by the grantee, in order to pursue successfully a postsecondary educational program.

(d) Is—

- (1) A low-income individual;
- (2) A first generation college student; or
- (3) An individual with disabilities.

(Authority: 20 U.S.C. 1070a-14)

§646.4 What activities and services does a project provide?

(a) A Student Support Services project must provide the following services:

(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)(i) 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

(ii) Assistance in completing financial aid applications, including the Free Application for Federal Student Aid.

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

(5) Activities designed to assist participants enrolled in four-year institutions of higher education in applying for admission to, and obtaining financial assistance for enrollment in, graduate and professional programs.

(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.

(b) A Student Support Services project may provide the following services:

(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—

(i) Students who are homeless children and youths or were formerly homeless children and youths; and

(ii) Foster care youths.

(6) Programs and activities as described in paragraph (a) of this section or paragraphs (b)(1) through (b)(4) of this section that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students who are individuals with disabilities, students who are homeless children and youths, students who are foster care youth, or other disconnected students.

(7) Other activities designed to meet the purposes of the Student Support Services Program in §646.1.

(Authority: 20 U.S.C. 1070a-14)

[75 FR 65790, Oct. 26, 2010]

§646.5 How long is a project period?

A project period under the Student Support Services program is five years.

(Authority: 20 U.S.C. 1070a-11)

[75 FR 65790, Oct. 26, 2010]

§646.6 What regulations apply?

The following regulations apply to the Student Support Services Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75 (except for §§75.215 through 75.221), 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99.

(b) The regulations in this part 646.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65790, Oct. 26, 2010]

§646.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant

Application

Award

Budget

Budget Period

Department

EDGAR

Equipment

Facilities

Fiscal year

Grant

Grant Period

Grantee

Project

Project period

Public

Secretary

Supplies

(b) *Other definitions.* The following definitions also apply to this part:

Academic need with reference to a student means a student whom the grantee determines needs one or more of the services stated under §646.4 to succeed in a postsecondary educational program.

Combination of institutions of higher education means two or more institutions of higher education that have entered into a cooperative agreement for the purpose of carrying out a common objective, or an entity designated or created by a group of

institutions of higher education for the purpose of carrying out a common objective on their behalf.

Different campus means a site of an institution of higher education that—

- (1) Is geographically apart from the main campus of the institution;
- (2) Is permanent in nature; and
- (3) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

Different population means a group of individuals that an eligible entity desires to serve through an application for a grant under the Student Support Services program and that—

- (1) Is separate and distinct from any other population that the entity has applied for a grant to serve; or
- (2) While sharing some of the same needs as another population that the eligible entity has applied for a grant to serve, has distinct needs for specialized services.

Financial and economic literacy means knowledge about personal financial decision-making, which may include but is not limited to knowledge about—

- (1) Personal and family budget planning;
- (2) Understanding credit building principles to meet long-term and short-term goals (e.g., loan to debt ratio, credit scoring, negative impacts on credit scores);
- (3) Cost planning for postsecondary or postbaccalaureate education (e.g., spending, saving, personal budgeting);
- (4) College cost of attendance (e.g., public vs. private, tuition vs. fees, personal costs);
- (5) Financial assistance (e.g., searches, application processes, differences between private and government loans, assistanceships); and
- (6) Assistance in completing the Free Application for Federal Student Aid (FAFSA).

First generation college student means—

- (1) A student neither of whose natural or adoptive parents received a baccalaureate degree;

(2) A student who, prior to the age of 18, regularly resided with and received support from only one parent and whose supporting parent did not receive a baccalaureate degree; or

(3) An individual who, prior to the age of 18, did not regularly reside with or receive support from a natural or an adoptive parent.

Foster care youth means youth who are in foster care or are aging out of the foster care system.

Homeless children and youth means persons defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143a).

Individual with a disability means a person who has a disability, as that term is defined in section 12102 of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*).

Institution of higher education means an educational institution as defined in sections 101 and 102 of the Act.

Limited English proficiency with reference to an individual, means a person whose native language is other than English and who has sufficient difficulty speaking, reading, writing, or understanding the English language to deny that individual the opportunity to learn successfully in classrooms in which English is the language of instruction.

Low-income individual means an individual whose family's taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participated in the project. The poverty level amount is determined by using criteria of poverty established by the Bureau of the Census of the U.S. Department of Commerce.

Participant means an individual who—

(1) Is determined to be eligible to participate in the project under §646.3; and

(2) Receives project services that the grantee has determined to be sufficient to increase the individual's chances for success in a postsecondary educational program.

Sufficient financial assistance means the amount of financial aid offered a Student Support Services student, inclusive of Federal, State, local, private, and institutional aid which, together with parent or student contributions, is equal to the cost of attendance as determined by a financial aid officer at the institution.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65790, Oct. 26, 2010]

Subpart B—How Does One Apply for an Award?

SOURCE: 75 FR 65791, Oct. 26, 2010, unless otherwise noted.

§646.10 How many applications may an eligible applicant submit and for what different populations may an eligible application be submitted?

(a) An eligible applicant may submit more than one application as long as each application describes a project that serves a different campus or a designated different population.

(b) For each grant competition, the Secretary designates, in the FEDERAL REGISTER notice inviting applications and other published application materials for the competition, the different populations for which an eligible entity may submit a separate application.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14; 20 U.S.C. 1221e-3)

§646.11 What assurances and other information must an applicant include in an application?

(a) An applicant must assure the Secretary in the application that—

(1) Not less than two-thirds of the project participants will be—

(i) Low-income individuals who are first generation college students; or

(ii) Individuals with disabilities;

(2) The remaining project participants will be low-income individuals, first generation college students, or individuals with disabilities; and

(3) Not less than one-third of the individuals with disabilities served also will be low-income individuals.

(b) The applicant must describe in the application its efforts, and where applicable, past history, in—

(1) Providing sufficient financial assistance to meet the full financial need of each student in the project; and

(2) Maintaining the loan burden of each student in the project at a manageable level.

(c) The applicant must assure the Secretary in the application that a student will not be served by more than one SSS project at any one time and that the SSS project will collaborate with other SSS and McNair projects and other State and institutional programs at the grantee-institution so that more students can be served.

(d) The applicant must assure the Secretary in the application that the institution's financial aid office will consult with the SSS project with respect to which SSS participants should receive grant aid and the amount of the grant aid awards.

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(Authority: 20 U.S.C. 1070a-14)

Subpart C—How Does the Secretary Make a Grant?

§646.20 How does the Secretary decide which new grants to make?

(a) The Secretary evaluates an application for a new grant as follows:

(1)(i) The Secretary evaluates the application on the basis of the selection criteria in §646.21.

(ii) The maximum score for all the criteria in §646.21 is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(2)(i) If an application for a new grant proposes to continue to serve substantially the same population and campus that the applicant is serving under an expiring grant, the Secretary evaluates the applicant's prior experience of high quality service delivery under the expiring grant on the basis of the outcome criteria in §646.22.

(ii) The maximum total score for all the criteria in §646.22 is 15 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(iii) The Secretary evaluates the PE of an applicant for each of the three project years that the Secretary designates in the FEDERAL REGISTER notice inviting applications and the other published application materials for the competition.

(iv) An applicant may earn up to 15 PE points for each of the designated project years for which annual performance report data are available.

(v) The final PE score is the average of the scores for the three project years assessed.

(b) The Secretary makes new grants in rank order on the basis of the applications' total scores under paragraphs (a)(1) and (a)(2) of this section.

(c) If the total scores of two or more applications are the same and there is insufficient money available to fully fund them both after funding the higher-ranked applications, the Secretary chooses among the tied applications so as to serve geographic areas that have been underserved by the Student Support Services Program.

(d) The Secretary does not make a new grant to an applicant if the applicant's prior project involved the fraudulent use of program funds.

(Authority: 20 U.S.C. 1070a-11 and 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65791, Oct. 26, 2010]

§646.21 What selection criteria does the Secretary use to evaluate an application?

The Secretary uses the following criteria to evaluate an application for a new grant:

(a) *Need for the project* (24 points). The Secretary evaluates the need for a Student Support Services project proposed at the applicant institution on the basis of the extent to which the application contains clear evidence of—

(1) (8 points) A high number or percentage, or both, of students enrolled or accepted for enrollment at the applicant institution who meet the eligibility requirements of §646.3;

(2) (8 points) The academic and other problems that eligible students encounter at the applicant institution; and

(3) (8 points) The differences between eligible Student Support Services students compared to an appropriate group, based on the following indicators:

(i) Retention and graduation rates.

(ii) Grade point averages.

(iii) Graduate and professional school enrollment rates (four-year colleges only).

(iv) Transfer rates from two-year to four-year institutions (two-year colleges only).

(b) *Objectives* (8 points). The Secretary evaluates the quality of the applicant's proposed objectives in the following areas on the basis of the extent to which they are both ambitious, as related to the need data provided under paragraph (a) of this section, and attainable, given the project's plan of operation, budget, and other resources.

(1) (3 points) Retention in postsecondary education.

(2) (2 points) In good academic standing at grantee institution.

(3) Two-year institutions only. (i) (1 point) Certificate or degree completion; and

(ii) (2 points) Certificate or degree completion and transfer to a four-year institution.

(4) Four-year institutions only. (3 points) Completion of a baccalaureate degree.

(c) *Plan of operation* (30 points). The Secretary evaluates the quality of the applicant's plan of operation on the basis of the following:

(1) (3 points) The plan to inform the institutional community (students, faculty, and staff) of the goals, objectives, and services of the project and the eligibility requirements for participation in the project.

(2) (3 points) The plan to identify, select, and retain project participants with academic need.

(3) (4 points) The plan for assessing each individual participant's need for specific services and monitoring his or her academic progress at the institution to ensure satisfactory academic progress.

(4) (10 points) The plan to provide services that address the goals and objectives of the project.

(5) (10 points) The applicant's plan to ensure proper and efficient administration of the project, including the organizational placement of the project; the time commitment of key project staff; the specific plans for financial management, student records management, and personnel management; and, where appropriate, its plan for coordination with other programs for disadvantaged students.

(d) *Institutional commitment* (16 points). The Secretary evaluates the institutional commitment to the proposed project on the basis of the extent to which the applicant has—

(1) (6 points) Committed facilities, equipment, supplies, personnel, and other resources to supplement the grant and enhance project services;

(2) (6 points) Established administrative and academic policies that enhance participants' retention at the institution and improve their chances of graduating from the institution;

(3) (2 points) Demonstrated a commitment to minimize the dependence on student loans in developing financial aid packages for project participants by committing institutional resources to the extent possible; and

(4) (2 points) Assured the full cooperation and support of the Admissions, Student Aid, Registrar and data collection and analysis components of the institution.

(e) *Quality of personnel* (9 points). To determine the quality of personnel the applicant plans to use, the Secretary looks for information that shows—

(1) (3 points) The qualifications required of the project director, including formal education and training in fields related to the objectives of the project, and experience in designing, managing, or implementing Student Support Services or similar projects;

(2) (3 points) The qualifications required of other personnel to be used in the project, including formal education, training, and work experience in fields related to the objectives of the project; and

(3) (3 points) The quality of the applicant's plan for employing personnel who have succeeded in overcoming barriers similar to those confronting the project's target population.

(f) *Budget* (5 points). The Secretary evaluates the extent to which the project budget is reasonable, cost-effective, and adequate to support the project.

(g) *Evaluation plan* (8 points). The Secretary evaluates the quality of the evaluation plan for the project on the basis of the extent to which—

(1) The applicant's methods for evaluation—

(i) (2 points) Are appropriate to the project and include both quantitative and qualitative evaluation measures; and

(ii) (2 points) Examine in specific and measurable ways, using appropriate baseline data, the success of the project in improving academic achievement, retention and graduation of project participants; and

(2) (4 points) The applicant intends to use the results of an evaluation to make programmatic changes based upon the results of project evaluation.

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(Authority: 20 U.S.C. 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65791, Oct. 26, 2010]

§646.22 How does the Secretary evaluate prior experience?

(a) In the case of an application described in §646.20(a)(2)(i), the Secretary—

(1) Evaluates the applicant's performance under its expiring Student Support Services project;

(2) Uses the approved project objectives for the applicant's expiring Student Support Services grant and the information the applicant submitted in its annual performance reports (APRs) to determine the number of prior PE points; and

(3) May adjust a calculated PE score or decide not to award PE points if other information such as audit reports, site visit reports, and project evaluation reports indicates the APR data used to calculate PE points are incorrect.

(b) The Secretary does not award PE points for a given year to an applicant that does not serve at least 90 percent of the approved number of participants. For purposes of this section, the approved number of participants is the total number of participants the project would serve as agreed upon by the grantee and the Secretary.

(c) The Secretary does not award PE points for the criterion specified in paragraph (e)(1) of this section (Number of participants) if the applicant did not serve at least the approved number of participants.

(d) The Secretary uses the approved number of participants, or the actual number of participants served in a given year if greater than the approved number of participants, as the denominator for calculating whether the applicant has met its approved objectives related to paragraph (e)(2) of this section (Postsecondary retention) and paragraph (e)(3) of this section (Good academic standing).

(e) For purposes of the PE evaluation of grants awarded after January 1, 2009, the Secretary evaluates the applicant's PE on the basis of the following outcome criteria:

(1) (3 points) *Number of participants*. Whether the applicant provided services to no less than the approved number of participants.

(2) (4 points) *Postsecondary retention*. Whether the applicant met or exceeded its objective regarding the participants served during the project year who continue to be enrolled in a program of postsecondary education from one academic year to the beginning of the next academic year or who complete a program of postsecondary education at the grantee institution during the academic year or transfer from a two-year institution to a four-year institution during the academic year.

(3) (4 points) *Good academic standing*. Whether the applicant met or exceeded its objective regarding the participants served during the project year who are in good academic standing at the grantee institution.

(4) (4 points) *Degree completion (for an applicant institution of higher education offering primarily a baccalaureate or higher degree)*. Whether the applicant met or exceeded its objective regarding the current and prior participants receiving a baccalaureate degree at the grantee institution within the specified number of years.

(5) *Degree completion and transfer (for an applicant institution of higher education offering primarily an associate degree)*. Whether the applicant met or exceeded its objectives regarding the current and prior participants at the grantee institution who—

(i) (2 points) Complete a degree or certificate within the number of years specified in the approved objective; and

(ii) (2 points) Transfer within the number of years specified in the approved objective to institutions of higher education that offer baccalaureate degrees.

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(Authority: 20 U.S.C. 1070a-11; 1070a-14)

[75 FR 65792, Oct. 26, 2010]

§646.23 How does the Secretary set the amount of a grant?

(a) The Secretary sets the amount of a grant on the basis of—

(1) 34 CFR 75.232 and 75.233, for new grants; and

(2) 34 CFR 75.253, for the second and subsequent years of a project period.

(b) If the circumstances described in section 402A(b)(3) of the HEA exist, the Secretary uses the available funds to set the amount of the grant at the lesser of—

(1) \$200,000; or

(2) The amount requested by the applicant.

(Authority: 20 U.S.C. 1070a-11)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65792, Oct. 26, 2010]

§646.24 What is the review process for unsuccessful applicants?

(a) *Technical or administrative error for applications not reviewed.* (1) An applicant whose grant application was not evaluated during the competition may request that the Secretary review the application if—

(i) The applicant has met all of the application submission requirements included in the FEDERAL REGISTER notice inviting applications and the other published application materials for the competition; and

(ii) The applicant provides evidence demonstrating that the Department or an agent of the Department made a technical or administrative error in the processing of the submitted application.

(2) A technical or administrative error in the processing of an application includes—

(i) A problem with the system for the electronic submission of applications that was not addressed in accordance with the procedures included in the FEDERAL REGISTER notice inviting applications for the competition;

(ii) An error in determining an applicant's eligibility for funding consideration, which may include, but is not limited to—

(A) An incorrect conclusion that the application was submitted by an ineligible applicant;

(B) An incorrect conclusion that the application exceeded the published page limit;

(C) An incorrect conclusion that the applicant requested funding greater than the published maximum award; or

(D) An incorrect conclusion that the application was missing critical sections of the application; and

(iii) Any other mishandling of the application that resulted in an otherwise eligible application not being reviewed during the competition.

(3)(i) If the Secretary determines that the Department or the Department's agent made a technical or administrative error, the Secretary has the application evaluated and scored.

(ii) If the total score assigned the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary funds the application prior to the re-ranking of applications based on the second peer review of applications described in paragraph (c) of this section.

(b) *Administrative or scoring error for applications that were reviewed.* (1) An applicant that was not selected for funding during a competition may request that the Secretary conduct a second review of the application if—

(i) The applicant provides evidence demonstrating that the Department, an agent of the Department, or a peer reviewer made an administrative or scoring error in the review of its application; and

(ii) The final score assigned to the application is within the funding band described in paragraph (d) of this section.

(2) An administrative error relates to either the PE points or the scores assigned to the application by the peer reviewers.

(i) For PE points, an administrative error includes mathematical errors made by the Department or the Department's agent in the calculation of the PE points or a failure to correctly add the earned PE points to the peer reviewer score.

(ii) For the peer review score, an administrative error is applying the wrong peer reviewer scores to an application.

(3)(i) A scoring error relates only to the peer review process and includes errors caused by a reviewer who, in assigning points—

(A) Uses criteria not required by the applicable law or program regulations, the FEDERAL REGISTER notice inviting applications, the other published application materials for the competition, or guidance provided to the peer reviewers by the Secretary; or

(B) Does not consider relevant information included in the appropriate section of the application.

(ii) The term “scoring error” does not include—

(A) A peer reviewer's appropriate use of his or her professional judgment in evaluating and scoring an application;

(B) Any situation in which the applicant did not include information needed to evaluate its response to a specific selection criterion in the appropriate section of the application as stipulated in the FEDERAL REGISTER notice inviting applications or the other published application materials for the competition; or

(C) Any error by the applicant.

(c) *Procedures for the second review.* (1) To ensure the timely awarding of grants under the competition, the Secretary sets aside a percentage of the funds allotted for the competition to be awarded after the second review is completed.

(2) After the competition, the Secretary makes new awards in rank order as described in §646.20 based on the available funds for the competition minus the funds set aside for the second review.

(3) After the Secretary issues a notification of grant award to successful applicants, the Secretary notifies each unsuccessful applicant in writing as to the status of its application and the funding band for the second review and provides copies of the peer reviewers' evaluations of the applicant's application and the applicant's PE score, if applicable.

(4) An applicant that was not selected for funding following the competition as described in paragraph (c)(2) of this section and whose application received a score within the funding band as described in paragraph (d) of this section, may request a

second review if the applicant demonstrates that the Department, the Department's agent, or a peer reviewer made an administrative or scoring error as provided in paragraph (b) of this section.

(5) An applicant whose application was not funded after the first review as described in paragraph (c)(2) of this section and whose application received a score within the funding band as described in paragraph (d) of this section has at least 15 calendar days after receiving notification that its application was not funded in which to submit a written request for a second review in accordance with the instructions and due date provided in the Secretary's written notification.

(6) An applicant's written request for a second review must be received by the Department or submitted electronically to the designated e-mail or Web address by the due date and time established by the Secretary.

(7) If the Secretary determines that the Department or the Department's agent made an administrative error that relates to the PE points awarded, as described in paragraph (b)(2)(i) of this section, the Secretary adjusts the applicant's PE score to reflect the correct number of PE points. If the adjusted score assigned to the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary funds the application prior to the re-ranking of applications based on the second peer review of applications described in paragraph (c)(9) of this section.

(8) If the Secretary determines that the Department, the Department's agent or the peer reviewer made an administrative error that relates to the peer reviewers' score(s), as described in paragraph (b)(2)(ii) of this section, the Secretary adjusts the applicant's peer reviewers' score(s) to correct the error. If the adjusted score assigned to the application would have resulted in funding of the application during the competition and the program has funds available, the Secretary funds the application prior to the re-ranking of applications based on the second peer review of applications described in paragraph (c)(9) of this section.

(9) If the Secretary determines that a peer reviewer made a scoring error, as described in paragraph (b)(3) of this section, the Secretary convenes a second panel of peer reviewers in accordance with the requirements in section 402A(c)(8)(C)(iv)(III) of the HEA.

(10) The average of the peer reviewers' scores from the second peer review are used in the second ranking of applications. The average score obtained from the second peer review panel is the final peer reviewer score for the application and will be used even if the second review results in a lower score for the application than that obtained in the initial review.

(11) For applications in the funding band, the Secretary funds these applications in rank order based on adjusted scores and the available funds that have been set aside for the second review of applications.

(d) *Process for establishing a funding band.* (1) For each competition, the Secretary establishes a funding band for the second review of applications.

(2) The Secretary establishes the funding band for each competition based on the amount of funds the Secretary has set aside for the second review of applications.

(3) The funding band is composed of those applications—

(i) With a rank-order score before the second review that is below the lowest score of applications funded after the first review; and

(ii) That would be funded if the Secretary had 150 percent of the funds that were set aside for the second review of applications for the competition.

(e) *Final decision.* (1) The Secretary's determination of whether the applicant has met the requirements for a second review and the Secretary's decision on re-scoring of an application are final and not subject to further appeal or challenge.

(2) An application that scored below the established funding band for the competition is not eligible for a second review.

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(Authority: 20 U.S.C. 1070a-11)

[75 FR 65792, Oct. 26, 2010]

Subpart D—What Conditions Must Be Met by a Grantee?

§646.30 What are allowable costs?

The cost principles that apply to the Student Support Services Program are in 34 CFR 74.27, 75.530, and 80.22, as applicable. Allowable costs include the following if they are reasonably related to the objectives of the project:

(a) Cost of remedial and special classes if—

(1) These classes are not otherwise available at the grantee institution;

(2) Are limited to eligible project participants; and

(3) Project participants are not charged tuition for classes paid for by the project.

(b) Courses in English language instruction for students of limited English proficiency if these classes are limited to eligible project participants and not otherwise available at the grantee institution.

(c) In-service training of project staff.

(d) Activities of an academic or cultural nature, such as field trips, special lectures, and symposiums, that have as their purpose the improvement of the participants' academic progress and personal development.

(e) Transportation and, with the prior approval of the Secretary, meals and lodging for participants and staff during approved educational and cultural activities sponsored by the project.

(f) Purchase, lease, or rental of computer hardware, software, and other equipment, service agreements for such equipment, and supplies for participant development, project administration, or project recordkeeping.

(g) Professional development travel for staff if directly related to the project's overall purpose and activities, except that these costs may not exceed four percent of total project salaries. The Secretary may adjust this percentage if the applicant demonstrates to the Secretary's satisfaction that a higher percentage is necessary and reasonable.

(h) Project evaluation that is directly related to assessing the project's impact on student achievement and improving the delivery of services.

(i) Grant aid to eligible students who—

(1) Are in their first two years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of title IV of the Act; or

(2) Have completed their first two years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of title IV of the Act if the institution demonstrates to the satisfaction of the Secretary that—

(i) These students are at high risk of dropping out; and

(ii) It will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

(j) Temporary housing during breaks in the academic year for—

(1) Students who are homeless children and youths or were formerly homeless children and youths; and

(2) Students who are foster care youth.

(Authority: 20 U.S.C. 1070a-14)

[61 FR 38537, July 24, 1996, 75 FR 65793, Oct. 26, 2010]

§646.31 What are unallowable costs?

Costs that may not be charged against a grant under the Student Support Services Program include, but are not limited to, the following:

- (a) Costs involved in recruiting students for enrollment at the institution.
- (b) Tuition, fees, stipends, and other forms of direct financial support, except for Grant aid under §646.30(i) for staff or participants.
- (c) Research not directly related to the evaluation or improvement of the project.
- (d) Construction, renovation, or remodeling of any facilities.

(Authority: 20 U.S.C. 1070a-14)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65794, Oct. 26, 2010]

§646.32 What other requirements must a grantee meet?

(a) *Number of Participants.* For each year of the project period, a grantee must serve at least the number of participants that the Secretary identifies in the FEDERAL REGISTER notice inviting applications for a competition. Through this notice, the Secretary also provides the minimum and maximum grant award amounts for the competition.

(b) *Eligibility of participants.* (1) A grantee shall determine the eligibility of each participant in the project when the individual is selected to participate. The grantee does not have to revalidate a participant's eligibility after the participant's initial selection.

(2) A grantee shall determine the low-income status of an individual on the basis of the documentation described in section 402A(e) of the Act.

(c) *Recordkeeping.* A grantee must maintain participant records that show—

(1) The basis for the grantee's determination that each participant is eligible to participate in the project under §646.3;

(2) The grantee's basis for determining the academic need for each participant;

(3) The services that are provided to each participant;

(4) The performance and progress of each participant by cohort for the duration of the participant's attendance at the grantee institution; and

(5) To the extent practicable, any services the participant receives during the project year from another Federal TRIO program or another federally funded program that serves populations similar to those served under the SSS program.

(d) *Project director.* (1) A grantee must employ a full-time project director unless—

(i) The director is also administering one or two additional programs for disadvantaged students operated by the sponsoring institution or agency; or

(ii) The Secretary grants a waiver of this requirement.

(2) The grantee must give the project director sufficient authority to administer the project effectively.

(3) The Secretary waives the requirements in paragraph (d)(1) of this section if the applicant demonstrates that the project director will be able to effectively administer more than three programs and that this arrangement would promote effective coordination between the program and other Federal TRIO programs (sections 402B through 402F of the HEA) or similar programs funded through other sources.

(e) *Project coordination.* (1) The Secretary encourages grantees to coordinate project services with other programs for disadvantaged students operated by the grantee institution provided the Student Support Services grant funds are not used to support activities reasonably available to the general student population.

(2) To the extent practical, the grantee may share staff with programs serving similar populations provided the grantee maintains appropriate records of staff time and effort and does not commingle grant funds.

(3) Costs for special classes and events that would benefit Student Support Services students and participants in other programs for disadvantaged students must be proportionately divided among the benefiting projects.

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(Authority: 20 U.S.C. 1070a-11 and 1070a)

[61 FR 38537, July 24, 1996, as amended at 75 FR 65794, Oct. 26, 2010]

§646.33 What are the matching requirements for a grantee that uses Student Support Services program funds for student grant aid?

(a) Except for grantees described in paragraph (b) of this section, a grantee that uses Student Support Services program funds for grant aid to eligible students described in §646.30(i) must—

(1) Match the Federal funds used for grant aid, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of Federal grant funds used for Grant aid; and

(2) Use no more than 20 percent of the Federal program funds awarded the grantee each year for grant aid.

(b) A grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V of the HEA, as amended, is not required to match the Federal funds used for grant aid.

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(Authority: 20 U.S.C. 1070a-11)

[75 FR 65794, Oct. 26, 2010]