## DEPARTMENT OF EDUCATION

## 34 CFR Part 645

### RIN 1840-AB65

## Upward Bound Program

**AGENCY:** Department of Education. **ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Upward Bound Program in order to further implement statutory changes made to the Upward Bound Program by the Higher Education Amendments of 1992 and to clarify and simplify certain requirements governing the program. The selection criteria, prior experience criteria, and grantee accountability provisions are affected by these changes. **EFFECTIVE DATE:** These regulations take effect February 23, 1995.

## FOR FURTHER INFORMATION CONTACT:

Prince O. Teal, Jr., U.S. Department of Education, 600 Independence Avenue, S.W., Suite 600, Portals Building, Washington, D.C. 20202–5249. Telephone: (202) 708–4804. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1– 800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Upward Bound Program provides grants to institutions of higher education; public and private agencies and organizations; combinations of institutions, agencies, and organizations; and secondary schools under special circumstances. The purpose of the program is to generate the skills and motivation necessary for success in education beyond high school.

The purposes and allowable activities of the Upward Bound Program support the National Education Goals. Specifically, the program supports projects designed to increase high school graduation rates; increase competency in challenging subject matters including English, mathematics, science, foreign language, and literature; encourage more students to pursue programs that lead to careers in mathematics and science; and help gain parental participation in the social, emotional, and academic growth of their children.

On September 2, 1994, the Secretary published a notice of proposed rulemaking (NPRM) for the Upward Bound Program in the **Federal Register** (59 FR 45964–70).

## **Analysis of Comments and Changes**

In response to the Secretary's invitation in the NPRM, 48 persons submitted comments on the proposed regulations. An analysis of the comments and of the changes made in the regulations since publication of the NPRM is published as an appendix to these final regulations.

## **Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

## **Assessment of Educational Impact**

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

### List of Subjects in 34 CFR Part 645

Colleges and Universities, Education of disadvantaged, Grant programseducation, Reporting and recordkeeping requirements, Secondary education.

(Catalog of Federal Domestic Assistance Number 84.047, Upward Bound Program) Dated: January 17, 1995.

## David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 645 to read as follows:

## PART 645—UPWARD BOUND PROGRAM

#### Subpart A—General

Sec.

- 645.1 What is the Upward Bound Program?
- 645.2 Who is eligible for a grant?
- 645.3 Who is eligible to participate in an Upward Bound project?

- 645.4 What are the grantee requirements with respect to low income and first-generation participants?
- 645.5 What regulations apply?
- 645.6 What definitions apply to the Upward Bound Program?

### Subpart B—What Kinds of Projects and Services Does the Secretary Assist Under This Program?

- 645.10 What kinds of projects are supported under the Upward Bound Program?
- 645.11 What services do all Upward Bound projects provide?
- 645.12 How are regular Upward Bound projects organized?
- 645.13 What additional services do Upward Bound Math and Science Centers provide and how are they organized?
- 645.14 What additional services do Veterans Upward Bound projects provide?

## Subpart C—How Does One Apply for An Award?

- 645.20 How many applications for an Upward Bound award may an eligible applicant submit?
- 645.21 What assurances must an applicant include in an application?

# Subpart D—How Does the Secretary Make a Grant?

- 645.30 How does the Secretary decide which grants to make?
- 645.31 What selection criteria does the Secretary use?
- 645.32 How does the Secretary evaluate prior experience?
- 645.33 How does the Secretary set the amount of a grant?
- 645.34 How long is a project period?

## Subpart E—What Conditions Must Be Met by a Grantee?

- 645.40 What are allowable costs?
- 645.41 What are unallowable costs?
- 645.42 What are Upward Bound stipends?
- 645.43 What other requirements must a grantee meet?

Authority: 20 U.S.C. 1070a–11 and 1070a–13, unless otherwise noted.

## Subpart A—General

## §645.1 What is the Upward Bound Program?

(a) The Upward Bound Program provides Federal grants to projects designed to generate in program participants the skills and motivation necessary to complete a program of secondary education and to enter and succeed in a program of postsecondary education.

(b) The Upward Bound Program provides Federal grants for the following three types of projects:

(1) Regular Upward Bound projects.

(2) Upward Bound Math and Science Centers.

(3) Veterans Upward Bound projects.

(Authority: 20 U.S.C. 1070a-11 and 1070a-13)