- (3) The Secretary waives the requirement in paragraph (b)(1) of this section if the applicant demonstrates that the requirement will hinder coordination—
- (i) Among the Federal TRIO Programs; or
- (ii) Between the programs funded under sections 402A through 410 of the HEA and similar programs funded through other sources.
- (c) Recordkeeping. For each participant, a grantee shall maintain a record of—
- (1) The basis for the grantee's determination that the participant is eligible to participate in the project under § 645.3;
- (2) The basis for the grantee's determination that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;
- (3) The services that are provided to the participant;
- (4) The educational progress of the participant during high school and, to the degree possible, during the participant's pursuit of a postsecondary education program.

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

Appendix—Analysis of Comments and Responses

(**Note:** This appendix will not be codified in the Code of Federal Regulations.)

The following is an analysis of the comments and the changes in the regulations since publication of the NPRM on September 2, 1994 (59 FR 45964). Substantive issues are discussed under the section of the regulations to which they pertain. Minor changes made to the language published in the NPRM—and suggested changes the Secretary is not legally authorized to make under applicable statutory authority—are generally not addressed.

What is the Upward Bound Program? (§ 645.1)

Comments: Many commenters objected to the stated purpose in § 645.1(a) of the proposed regulations because of the phrase 'to generate in program participants the skills and motivation necessary to persist in completing a program of secondary education and enter and complete a program of postsecondary education." Some commenters suggested that the phrase extends the stated purpose of the Upward Bound program beyond the scope of the purpose as defined in the law. Other commenters stated that this language would put an unwarranted burden upon grantees to collect enrollment and persistence data on participants through completion of a postsecondary education program.

Discussion: The Secretary does not believe that the regulations extend the purpose of the program beyond that stated in the law. The Secretary believes that the most important

measure of success in education beyond secondary school is the completion of a postsecondary education program, but the Secretary recognizes that there may be other measures of success in postsecondary education besides graduation.

Changes: This section of the regulations has been changed to show that the purpose of Upward Bound is to "complete a program of secondary education and to enter and succeed in a program of postsecondary education."

Comments: Several commenters objected to the omission of the words "regional center" in § 645.1(b)(2) (Upward Bound Math and Science Centers) of the proposed regulations. The commenters did not want projects limited to local target areas.

Discussion: The Secretary believes that it is unwise to add "regional centers" to § 645.1(b)(2) of the regulations since it would indicate that the Secretary would fund only projects with a regional concept. The regulations as written do not eliminate the regional concept; in fact, the Secretary supports the regional concept of Upward Bound Math and Science Centers. The Secretary believes, however, that substituting the word "center" for the word "project" will better emphasize the broader mission and scope of the Upward Bound Math and Science Centers.

Changes: The word "project" has been replaced with the word "center" throughout the regulations. The definition of "target area" has also been revised to reinforce the Secretary's support of regional centers.

Who is eligible to participate in an Upward Bound project? (§ 645.3): Two commenters observed that § 645.3 does not include a waiver that would allow an Upward Bound project to serve youths who are less than 13 or who have not completed eighth grade, if the secondary schools in the project's target area have an unusually high dropout rate. The commenters felt that this waiver, which has been in all Upward Bound regulations since 1977, should be included in these Upward Bound regulations.

Discussion: The Secretary agrees with the commenters.

Changes: Section 645.3 has been revised to include a waiver of the age limit requirement.

Comments: One commenter objected to the omission of a provision that awards additional points, equal to 10 percent of the applicant's score, to applications from Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. The commenter stated that the bonus points enable the applicants from these areas to compete for TRIO projects.

Discussion: The requirement that priority be given to proposals submitted by the territories was required by the Higher Education Amendments of 1992 but has been deleted from the Higher Education Act by the Higher Education Technical Amendments of 1993.

Changes: None.

Documentation of Low-income Status. (§ 645.4(b) (1) and (2))

Comments: One commenter stated that this section was confusing. The commenter

suggested that the section leads one to believe that verification of low-income status must include a signed statement from a parent or guardian, an independent verification of family income, a signed financial aid application, and a signed income tax return. The commenter also stated that high school students would be required to complete financial aid applications. The commenter believes that the Secretary is requesting that all of these items be submitted in determining low-income status.

Discussion: The commenter is in error. The conditions described in § 645.4(b)(1) and (2) are alternative requirements, as indicated by the word "or" between the next to last and last conditions. The Secretary does not require all of these forms of documentation for each participant. Low-income status can be determined by submitting any one of the items listed.

Changes: None.

What Definitions Apply to the Upward Bound Program? (§ 645.6)

Comments: Several commenters disagreed with the definition of "participant." Some commenters stated that the proposed definition, which requires that an individual receive more than one month of project services prior to being considered a participant of the project, was too restrictive. Others stated that the new definition would require grantees to devote significant resources for follow-up activities for many more participants. They further stated that the restrictive definition would not allow project staff to determine when an individual has engaged in sufficient project activities necessary to demonstrate the individual's commitment to the project.

Discussion: The Secretary agrees with the commenter that a fixed 30-day period may be too inflexible. Therefore, the Secretary has adopted a dual time period depending on whether the student first participated in a summer component or, an academic year component.

Because summer components only last six weeks and provide intensive services to students, the Secretary believes that if a project director allows a student to participate in that component for at least 10 days, which is approximately 25 percent of the summer component, the project director believes that the student is committed to the project. On the other hand, given the nature of an academic year component, the Secretary believes a 60-day period may be needed to establish an individual's commitment to the program.

Changes: The Secretary has revised the definition of "participant."

Comments: Several commenters questioned whether the proposed definition of "participant," which requires that a participant be enrolled in a target school, would prohibit individuals who reside in the target area but attend school outside of the target area from participating in an Upward Bound project. The commenters further stated that individuals whose families choose private education or participate in either voluntary or involuntary desegregation plans might be eliminated from receiving the benefits of an Upward Bound project.