



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

Issue Paper 6: Federal TRIO Programs
Session 3: March 4-7, 2024

Commented [A1]: Note: Changes made from session 2 are indicated in yellow highlighting.

Draft Consensus Language from March 5, 2024. Note that the language in the Notice of Proposed Rulemaking may differ slightly due to technical corrections and formatting.

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Issue: Federal TRIO Programs

Statutory cites: § 402A of the Higher Education Act of 1965, as amended (HEA)

Regulatory cites: 34 CFR 643.3, 644.3 and 645.3

Summary of issues:

The regulations in 643.3, 644.3 and 645.3 currently impose citizenship requirements to participate in Federal TRIO programs (TRIO) - the Talent Search program, the Educational Opportunity Centers program and the Upward Bound program.

The Department proposes to expand participation in several TRIO programs to more students from disadvantaged backgrounds to align with the goals of the statute. The TRIO programs are Federal outreach and student services programs designed to identify and provide services for individuals from disadvantaged backgrounds. TRIO programs serve and assist low-income individuals, first-generation college students, students with disabilities, students with limited English proficiency, students experiencing homelessness, and students in foster care to progress through the academic pipeline from middle school to postbaccalaureate programs. Limitations in the current regulation do not allow for TRIO programs to reach all students in the geographic areas for whom the programs were meant to serve.

Proposal:

Under § 643.3, 644.3 and 645.3 the Department proposes to:

- 1. Open eligibility to more students from disadvantaged backgrounds.** Current regulations limit services to an individual that is a citizen or national of the United States, a permanent resident of the United States, a permanent resident of Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands (Palau), or a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands. An individual is also eligible to participate in the TRIO programs if they are in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident (i.e., conditional resident aliens, conditional entrants, self-petitioners under the Violence Against Women Act (battered immigrants), refugees, asylees, victims of human trafficking, Cuban-Haitian entrants, persons paroled into the US for at least one year and Jay Treaty students).

The Department proposes to broaden participation by adding language that expands eligibility for all students who have enrolled in or who seek to enroll in a high school in the United States, territories, or Freely Associated States, which are the geographic areas served by the TRIO

programs. This proposal will allow the specified TRIO programs to serve additional students who are already receiving public educational services from middle and high schools, without requiring additional determinations to enable students to participate.

Proposed Regulations Redline

§ 643.3 Who is eligible to participate in a project?

(a) An individual is eligible to participate in a Talent Search project if the individual meets all the following requirements:

(1)

(i) Is a citizen or national of the United States;

(ii) Is a permanent resident of the United States;

(iii) Is in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident;

(iv) Is a permanent resident of Guam, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands (Palau); ~~or~~

(v) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands; ~~or~~

(vi) If an individual does not meet the requirements of paragraph (a)(1)(i)-(v), then the individual is enrolled in or seeks to enroll in a high school in the United States, territories, or Freely Associated States.

(2)

(i) Has completed five years of elementary education or is at least 11 years of age but not more than 27 years of age.

(ii) However, an individual who is more than 27 years of age may participate in a Talent Search project if the individual cannot be appropriately served by an Educational Opportunity Center project under 34 CFR part 644 and if the individual's participation would not dilute the Talent Search project's services to individuals described in paragraph (a)(2)(i) of this section.

(3)

(i) Is enrolled in or has dropped out of any grade from six through 12, or has graduated from secondary school; or

(ii) Has undertaken, but is not presently enrolled in, a program of postsecondary education,

§ 644.3 Who is eligible to participate in a project?

(a) An individual is eligible to participate in an Educational Opportunity Centers project if the individual meets all of the following requirements:

(1)

- (i) Is a citizen or national of the United States;
- (ii) Is a permanent resident of the United States;
- (iii) Is in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident;
- (iv) Is a permanent resident of Guam, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands (Palau); ~~or~~
- (v) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands; ~~or~~
- (vi) If an individual does not meet the requirements of paragraph (a)(1)(i)-(v), then the individual is enrolled in or seeks to enroll in a high school in the United States, territories, or Freely Associated States.

(2)

- (i) Is at least 19 years of age; or
- (ii) Is less than 19 years of age, and the individual cannot be appropriately served by a Talent Search project under 34 CFR part 643, and the individual's participation would not dilute the Educational Opportunity Centers project's services to individuals described in paragraph (a)(2)(i) of this section.

(3) Expresses a desire to enroll, or is enrolled, in a program of postsecondary education, and requests information or assistance in applying for admission to, or financial aid for, such a program.

§ 645.3 Who is eligible to participate in an Upward Bound project?

An individual is eligible to participate in a Regular, Veterans, or a Math and Science Upward Bound project if the individual meets all of the following requirements:

(a)

- (1) Is a citizen or national of the United States; ~~or~~
- (2) Is a permanent resident of the United States; ~~or~~
- (3) Is in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident; ~~or~~
- (4) Is a permanent resident of Guam, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; ~~or~~
- (5) Is a resident of the Freely Associated States—the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; ~~or~~
- (6) If an individual does not meet the requirements of paragraph (a)(1)-(5), then the individual is enrolled in or seeks to enroll in a high school in the United States, territories, or Freely Associated States, provided further that ~~an such individual who is eligible to participate under this subparagraph~~ is not eligible for a direct cash stipend.

(b) Is—

- (1)** A potential first-generation college student;
- (2)** A low-income individual; or
- (3)** An individual who has a high risk for academic failure.

(c) Has a need for academic support, as determined by the grantee, in order to pursue successfully a program of education beyond high school.

(d) At the time of initial selection, has completed the eighth grade and is at least 13 years old but not older than 19, although the Secretary may waive the age requirement if the applicant demonstrates that the limitation would defeat the purposes of the Upward Bound program. However, a veteran as defined in § 645.6, regardless of age, is eligible to participate in an Upward Bound project if he or she satisfies the eligibility requirements in paragraphs (a), (b), and (c) of this section.