Archived Information

To: State Representatives for the
Robert C. Byrd Honors Scholarship Program

From: James E. Laws, Jr., Ed.D.
Director
Institutional Development and Undergraduate
Education Service (IDUES)

Date: February 27, 2009

Subject: Robert C. Byrd Honors Scholarship
Requirements for the 2009-2010 Award Year

The purpose of this memorandum is to convey the requirements states must meet to participate in the Robert C. Byrd Honors Scholarship Program for the 2009-2010-award year. Currently, the Federal Government is operating on a Continuing Resolution approximately through March 6, 2009. The Department is unable to provide preliminary estimates of state grants for the 2009-10 award year, as we do not have an appropriation for fiscal year (FY) 2009 at this time. Subsequent to receiving an appropriation from Congress, we will provide each state with preliminary estimates for the grant awards for 2009-2010.

Participation Agreements:

To apply for a grant under this program, the Secretary must have a copy of the approved participation agreement (fiscal year 1993 or thereafter) on file. A state is not required to submit a new participation agreement in subsequent years for funding under this program; however, changes in the state's criteria and procedures must be incorporated in a revised participation agreement, which must be submitted to the Secretary for review and approval.

Each State that wishes to participate in the Robert C. Byrd Honors Scholarship Program for the 2009-10-award year must comply with all statutory and regulatory requirements. Information on the program, including the law and regulations, is available at: www.ed.gov/programs/iduesbyrd/legislation.html. Copies of applicable program regulations are attached for your convenience (34 CFR Part 654, Subpart 6 of Part A of Title IV of the Higher Education Act (HEA) of 1965, as amended, is enclosed). Additional applicable regulations are available in the Education Department General Administrative Regulations (EDGAR), which is available at www.ed.gov/policy/fund/reg/edgarReg/edgar.html.

Changes in Eligibility for Home Schooled Students

On December 15, 2008, all states were notified via e-mail that the Higher Education Opportunity Act (Public Law 110-315) (HEOA) enacted on August 14, 2008, amended the Robert C. Byrd Honors Scholarship Program eligibility requirements in section 419F of the Higher Education Act (HEA) of 1965, as amended. The Byrd program now provides that a home schooled student is eligible for a scholarship without consideration of how the home schooled student is treated under state law. Please refer to www.ed.gov/HEOA for the full text of the change.

The General Education Provisions Act (GEPA):

GEPA, section 427, requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, Federally-assisted program for students, teachers, and other program beneficiaries with special needs. To be in compliance with this requirement, please include such steps stating how the state education agency has implemented this requirement for the Robert C. Byrd Honors Scholarship Program. A "Notice to All Applicants" concerning Section 427 is enclosed, along with a blank page that may be used to address the Section 427 requirement, or it may be included in the state's Participation Agreement.

Certification and Enclosures

The Department of Education (ED) requires that you provide the following annual certifications, as appropriate, to receive funds for FY 2009 (2009-10 award year):

(1) Nonprocurement Debarment and Suspension Certification (required of all States).

(2) Drug-Free Workplace Certification (the State has the option to provide either a separate certification for each ED program in which the state participates, a single state-agency wide Drug-Free Workplace certification, or a single state-wide Drug-Free Workplace certification).

(3) Disclosure of Lobbying Activities and Instructions-Form SF-LLL (only required for states scheduled to receive an allotment exceeding $100,000).

ED form 80-0013 consolidates the three certifications into one form. Both ED form 80-0013 and form SF-LLL are enclosed.

Submissions to the Department:

Participation Agreements or acknowledgments of no changes, GEPA, and certification forms are due to the Department by April 3, 2009. If you wish to submit revisions or amendments to your agreement, you are required to submit such changes for review and approval at this time. All agreements must incorporate provisions to include home schooled students.

If your current participation agreement:

- does not address this change in the law amend your state's agreement and provide the Department with a copy (see instructions in the Participation Agreement section above).
- already addresses the change in eligibility requirement pertaining to home schooled students, and the state is not making any revisions or amendments to the agreement at this time, we must receive a written acknowledgement of this, by April 3, 2009.

Each state must submit ED Form 80-0013 (enclosed) and respond to the Department's GEPA by April 3, 2009.

Please note that **you must submit the amendments to your participation agreements or acknowledgments of no changes, and all applicable certifications by April 3, 2009.** Your cooperation will enable us to issue your grants for the 2009-2010 award year in a timely manner.

Please submit all documents to:

Darryl G. Davis
Federal Administrator for
Robert C. Byrd Honors Scholarship Program
1990 K Street, N.W.
6th floor, Room 6051
Washington, DC 20006-8513

Note that under 419 (d) of the Higher Education Act (HEA) of 1965, as amended, the process for the selection of scholars must be completed and awards made before the end of each secondary school year. If you have any questions or require additional information or clarification, please contact Mr. Davis at (202) 502-7657 or via e-mail at Darryl.Davis@ed.gov.

Enclosures:

A. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED Form 80-0013) and Disclosure of Lobbying Activities (SF-LLL).

B. 34 CFR Part 650 –Final Program regulations for Robert C. Byrd Scholarship Program.

C. Subpart 6 of Part A of Title IV of the HEA of 1965, as amended (Authorizing legislation).

D. OMB notice in reference to Section 427 of the General Education Provisions Act (GEPA).

E. Section 472 of the HEA of 1965, as amended (Cost of Attendance definition).

F. Robert C. Byrd Honors Scholarship Program questions and answers.

G. Federal Register Commentary (1993)