

Off. of Postsecondary Educ., Education

§ 645.6

low-income individual by obtaining and maintaining—

- (i) A signed statement from the student’s parent or legal guardian regarding family income;
- (ii) Verification of family income from another governmental source;
- (iii) A signed financial aid application; or
- (iv) A signed United States or Puerto Rican income tax return.

(2) In the case of a student who is an independent student, an institution shall document that the student is a low-income individual by obtaining and maintaining—

- (i) A signed statement from the student regarding family income;
- (ii) Verification of family income from another governmental source;
- (iii) A signed financial aid application; or
- (iv) A signed United States or Puerto Rican income tax return.

(c) For purposes of documenting potential first generation college student status, documentation consists of a signed statement from a dependent participant’s parent, or a signed statement from an independent participant.

(d) A grantee does not have to revalidate a participant’s eligibility after the participant’s initial selection.

(Approved by the Office of Management and Budget under control number 1840-0550)

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

§ 645.5 What regulations apply?

The following regulations apply to the Upward Bound Program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

- (1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations);
- (2) 34 CFR part 75 (Direct Grant Programs), except for §75.511;
- (3) 34 CFR part 77 (Definitions that Apply to Department Regulations), except for the definition of “secondary school” in 34 CFR 77.1;
- (4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities);
- (5) 34 CFR part 82 (New Restrictions on Lobbying);

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants));

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 645.

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

§ 645.6 What definitions apply to the Upward Bound Program?

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

| | |
|---------------|----------------|
| Applicant | Grant |
| Application | Grantee |
| Award | Project |
| Budget | Project period |
| Budget period | Secretary |
| EDGAR | State |
| Equipment | Supplies |
| Facilities | |

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

Family taxable income means—

(1) With regard to a dependent student, the taxable income of the individual’s parents;

(2) With regard to a dependent student who is an orphan or ward of the court, no taxable income;

(3) With regard to an independent student, the taxable income of the student and his or her spouse.

HEA means the Higher Education Act of 1965, as amended.

Independent student means a student who—

(1) Is an orphan or ward of the court;

(2) Is a veteran of the Armed Forces of the United States (as defined in this section);

(3) Is a married individual; or

(4) Has legal dependents other than a spouse.

Institution of higher education means an educational institution as defined in sections 1201(a) and 481 of the HEA.

Limited English proficiency with reference to an individual, means an individual 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.

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Low-income individual means an individual whose family taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participates 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.

Organization/Agency means an entity that is legally authorized to operate programs such as Upward Bound in the State where it is located.

Participant means an individual who—

- (1) Is determined to be eligible to participate in the project under § 645.3;
- (2) Resides in the target area, or is enrolled in a target school at the time of acceptance into the project; and
- (3) Has been determined by the project director to be committed to the project, as evidenced by being allowed to continue in the project for at least—
 - (i) Ten days in a summer component if the individual first enrolled in an Upward Bound project's summer component; or
 - (ii) Sixty days if the individual first enrolled in an Upward Bound project's academic year component.

Potential first-generation college student means—

- (1) An individual neither of whose natural or adoptive parents received a baccalaureate degree; or
- (2) A student who, prior to the age of 18, regularly resided with and received support from only one natural or adoptive parent and whose supporting parent did not receive a baccalaureate degree.

Secondary school means a school that provides secondary education as determined under State law.

Target area means a discrete local or regional geographical area designated by the applicant as the area to be served by an Upward Bound project.

Target school means a school designated by the applicant as a focus of project services.

Veteran means a person who served on active duty as a member of the Armed Forces of the United States—

- (1) For a period of more than 180 days, any part of which occurred after January 31, 1955, and who was dis-

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charged or released from active duty under conditions other than dishonorable; or

- (2) After January 31, 1955, and who was discharged or released from active duty because of a service-connected disability.

(Authority: 20 U.S.C. 1001 et seq., 1070a-11, 1070a-13, 1088, 1141, 1141a, and 3283(a)).

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?

The Secretary provides grants to the following three types of Upward Bound projects:

- (a) Regular Upward Bound projects designed to prepare high school students for programs of postsecondary education.
- (b) Upward Bound Math and Science Centers designed to prepare high school students for postsecondary education programs that lead to careers in the fields of math and science.
- (c) Veterans Upward Bound projects designed to assist veterans to prepare for a program of postsecondary education.

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

§ 645.11 What services do all Upward Bound projects provide?

- (a) An Upward Bound project that has received funds under this part for at least two years shall include as part of its core curriculum, instruction in—

- (1) Mathematics through pre-calculus;
- (2) Laboratory science;
- (3) Foreign language;
- (4) Composition; and
- (5) Literature.

- (b) All Upward Bound projects may provide such services as—

- (1) Instruction in subjects other than those listed in § 645.11(a) that are necessary for success in education beyond high school;
- (2) Personal counseling;
- (3) Academic advice and assistance in secondary school course selection;
- (4) Tutorial services;