

reserved funds to the Secretary for distribution to other grantees under this division in accordance with the funding rules described in section 1070a-22(a) of this title.

(B) Nonparticipating entity

Notwithstanding subparagraph (A), in the case of an eligible entity that does not receive assistance under this subpart for six fiscal years, the eligible entity shall return any funds held in reserve under paragraph (1) that are not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this division.

(f) Relation to other assistance

Scholarships provided under this section shall not be considered for the purpose of awarding Federal grant assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, except that in no case shall the total amount of student financial assistance awarded to a student under this subchapter and part C of subchapter I of chapter 34 of title 42 exceed such student's total cost of attendance.

(g) Eligible students

A student eligible for assistance under this section is a student who—

- (1) is less than 22 years old at time of first scholarship award under this section;
- (2) receives a secondary school diploma or its recognized equivalent on or after January 1, 1993;
- (3) is enrolled or accepted for enrollment in a program of undergraduate instruction at an institution of higher education that is located within the State's boundaries, except that, at the State's option, an eligible entity may offer scholarship program portability for recipients who attend institutions of higher education outside such State; and
- (4) who participated in the activities required under section 1070a-24(a) of this title.

(Pub. L. 89-329, title IV, § 404E, as added Pub. L. 105-244, title IV, § 403, Oct. 7, 1998, 112 Stat. 1661; amended Pub. L. 110-315, title IV, § 404(e), Aug. 14, 2008, 122 Stat. 3213.)

PRIOR PROVISIONS

A prior section 1070a-25, Pub. L. 89-329, title IV, § 404E, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 495; amended Pub. L. 103-208, § 2(b)(20), Dec. 20, 1993, 107 Stat. 2459, related to distribution of funds, prior to the general amendment of this division by Pub. L. 105-244.

AMENDMENTS

2008—Subsecs. (b), (c). Pub. L. 110-315, § 404(e)(3), added subsecs. (b) and (c). Former subsecs. (b) and (c) redesignated (d) and (f), respectively.

Subsec. (d). Pub. L. 110-315, § 404(e)(4), substituted “the minimum Federal Pell Grant award under section 1070a of this title for such award year” for “the lesser of—

- “(1) 75 percent of the average cost of attendance for an in-State student, in a 4-year program of instruction, at public institutions of higher education in such State, as determined in accordance with regulations prescribed by the Secretary; or
- “(2) the maximum Federal Pell Grant funded under section 1070a of this title for such fiscal year”.

Pub. L. 110-315, § 404(e)(2), redesignated subsec. (b) as (d). Former subsec. (d) redesignated (g).

Subsec. (e). Pub. L. 110-315, § 404(e)(1), (5), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “The Secretary shall ensure that each eligible entity places a priority on awarding scholarships to students who will receive a Federal Pell Grant for the academic year for which the scholarship is awarded under this section.”

Subsec. (f). Pub. L. 110-315, § 404(e)(1), (2), redesignated subsec. (c) as (f) and struck out former subsec. (f). Text read as follows: “An eligible entity may consider students who have successfully participated in programs funded under division 1 of this subpart to have met the requirements of subsection (d)(4) of this section.”

Subsec. (g). Pub. L. 110-315, § 404(e)(2), redesignated subsec. (d) as (g).

Subsec. (g)(4). Pub. L. 110-315, § 404(e)(6), substituted “activities required under section 1070a-24(a) of this title” for “early intervention component required under section 1070a-24 of this title”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IV, § 404(i), as added by Pub. L. 111-39, title IV, § 401(c), July 1, 2009, 123 Stat. 1940, provided that:

“(1) IN GENERAL.—The amendments made by subsection (e) [amending this section] shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-21 et seq.) on or after the date of enactment of this Act [Aug. 14, 2008], except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

“(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.”

§ 1070a-26. 21st Century Scholar Certificates

(a) In general

An eligible entity that receives a grant under this division shall provide certificates, to be known as 21st Century Scholar Certificates, to all students served by the eligible entity who are participating in a program under this division.

(b) Information required

A 21st Century Scholar Certificate shall be personalized for each student and indicate the amount of Federal financial aid for college and the estimated amount of any scholarship provided under section 1070a-25 of this title, if applicable, that a student may be eligible to receive.

(Pub. L. 89-329, title IV, § 404F, as added Pub. L. 105-244, title IV, § 403, Oct. 7, 1998, 112 Stat. 1662; amended Pub. L. 106-78, title VII, § 752(b)(8), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 110-315, title IV, § 404(f), Aug. 14, 2008, 122 Stat. 3214.)

PRIOR PROVISIONS

A prior section 1070a-26, Pub. L. 89-329, title IV, § 404F, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 496; amended Pub. L. 103-208, § 2(b)(21), (22), Dec. 20, 1993, 107 Stat. 2459, related to evaluation and report, prior to the general amendment of this division by Pub. L. 105-244. See section 1070a-27 of this title.

AMENDMENTS

2008—Pub. L. 110-315 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b), which related to

the provision of 21st Century Scholar Certificates and required that such Certificates be personalized for each student.

1999—Subsec. (a)(2). Pub. L. 106-78 substituted “Richard B. Russell National School Lunch Act” for “National School Lunch Act”.

§ 1070a-27. Evaluation and report

(a) Evaluation

Each eligible entity receiving a grant under this division shall biennially evaluate the activities assisted under this division in accordance with the standards described in subsection (b) of this section and shall submit to the Secretary a copy of such evaluation. The evaluation shall permit service providers to track eligible student progress during the period such students are participating in the activities and shall be consistent with the standards developed by the Secretary pursuant to subsection (b) of this section.

(b) Evaluation standards

The Secretary shall prescribe standards for the evaluation described in subsection (a) of this section. Such standards shall—

- (1) provide for input from eligible entities and service providers; and
- (2) ensure that data protocols and procedures are consistent and uniform.

(c) Federal evaluation

In order to evaluate and improve the impact of the activities assisted under this division, the Secretary shall, from not more than 0.75 percent of the funds appropriated under section 1070a-28 of this title for a fiscal year, award one or more grants, contracts, or cooperative agreements to or with public and private institutions and organizations, to enable the institutions and organizations to evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation shall include a separate analysis of—

- (1) the implementation of the scholarship component described in section 1070a-25 of this title; and
- (2) the use of methods for complying with matching requirements described in paragraphs (1) and (2) of section 1070a-23(c) of this title.

(d) Report

The Secretary shall biennially report to Congress regarding the activities assisted under this division and the evaluations conducted pursuant to this section.

(Pub. L. 89-329, title IV, §404G, as added Pub. L. 105-244, title IV, §403, Oct. 7, 1998, 112 Stat. 1662; amended Pub. L. 110-315, title IV, §404(g), Aug. 14, 2008, 122 Stat. 3215.)

PRIOR PROVISIONS

A prior section 1070a-27, Pub. L. 89-329, title IV, §404G, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 496; amended Pub. L. 103-208, §2(b)(23), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 103-382, title III, §354, Oct. 20, 1994, 108 Stat. 3967, authorized appropriations for grants under this division, prior to the general amendment of this division by Pub. L. 105-244. See section 1070a-28 of this title.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-315 inserted at end “Such evaluation shall include a separate analysis of—” and pars. (1) and (2).

§ 1070a-28. Authorization of appropriations

There are authorized to be appropriated to carry out this division \$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

(Pub. L. 89-329, title IV, §404H, as added Pub. L. 105-244, title IV, §403, Oct. 7, 1998, 112 Stat. 1663; amended Pub. L. 110-315, title IV, §404(h), Aug. 14, 2008, 122 Stat. 3215.)

AMENDMENTS

2008—Pub. L. 110-315 substituted “\$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years” for “\$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Division 3—[Repealed]

CODIFICATION

Chapter 3 of subpart 2 of part A of title IV of the Higher Education Act of 1965, which comprised this division, was originally added to Pub. L. 89-329, title IV, by Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 497. Chapter 3, which related to academic achievement incentive scholarships, was set out as having been added by Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1663, without reference to Pub. L. 102-325 because of the extensive revision of chapter 3 by Pub. L. 105-244.

§§ 1070a-31 to 1070a-35. Repealed. Pub. L. 110-315, title IV, §405, Aug. 14, 2008, 122 Stat. 3215

Section 1070a-31, Pub. L. 89-329, title IV, §406A, as added Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1663, authorized scholarships to students who graduate from secondary school after May 1, 2000.

A prior section 1070a-31, Pub. L. 89-329, title IV, §406A, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 497, authorized award of Presidential Access Scholarships, prior to the general amendment of this division by Pub. L. 105-244.

Section 1070a-32, Pub. L. 89-329, title IV, §406B, as added Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1663, related to scholarship program requirements.

A prior section 1070a-32, Pub. L. 89-329, title IV, §406B, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 497, related to scholarship program requirements, prior to the general amendment of this division by Pub. L. 105-244.

Section 1070a-33, Pub. L. 89-329, title IV, §406C, as added Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1664, related to eligibility of scholars.

A prior section 1070a-33, Pub. L. 89-329, title IV, §406C, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 497, related to eligibility of scholars, prior to the general amendment of this division by Pub. L. 105-244.

Section 1070a-34, Pub. L. 89-329, title IV, §406D, as added Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1664, related to student requirements.

A prior section 1070a-34, Pub. L. 89-329, title IV, §406D, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 498, related to eligible early intervention programs, prior to the general amendment of this division by Pub. L. 105-244.

Section 1070a-35, Pub. L. 89-329, title IV, §407E [406E], as added Pub. L. 105-244, title IV, §404, Oct. 7, 1998, 112 Stat. 1664, authorized appropriations for fiscal year 1999 and the 4 succeeding fiscal years.