

under this subsection shall remain available until expended.

(Pub. L. 89-329, title VIII, §893, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3439.)

PART Y—EARLY FEDERAL PELL GRANT  
COMMITMENT DEMONSTRATION PROGRAM

**§ 1161y. Early Federal Pell Grant Commitment Demonstration Program**

**(a) Demonstration program authority**

**(1) In general**

The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

(A) the Secretary awards grants to four State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section and consistent with section 1070a of this title.

**(2) Grants**

**(A) In general**

From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to four State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in the demonstration program under this section by carrying out a demonstration project under which eighth grade students described in subsection (b)(1)(B) receive a commitment early in the students' academic careers to receive a Federal Pell Grant.

**(B) Equal amounts**

The Secretary shall award grants under this section in equal amounts to each of the four participating State educational agencies.

**(b) Demonstration project requirements**

Each of the four demonstration projects assisted under this section shall meet the following requirements:

**(1) Participants**

**(A) In general**

The State educational agency shall make participation in the demonstration project available to two cohorts of students, which shall consist of—

(i) one cohort of eighth grade students who begin participating in the first academic year for which funds have been appropriated to carry out this section; and

(ii) one cohort of eighth grade students who begin participating in the academic year succeeding the academic year described in clause (i).

**(B) Students in each cohort**

Each cohort of students shall consist of not more than 10,000 eighth grade students

who qualify for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

**(2) Student data**

The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, and are made available in accordance with the requirements of section 1232g of this title (commonly known as the "Family Educational Rights and Privacy Act of 1974").

**(3) Federal Pell Grant commitment**

Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, provided that the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) for such academic year.

**(4) Application process**

Each State educational agency shall establish an application process to select local educational agencies within the State to participate in the demonstration project in accordance with subsection (d)(2).

**(5) Local educational agency participation**

Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), shall be eligible to participate in the demonstration project.

**(c) State educational agency applications**

**(1) In general**

Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

**(2) Contents**

Each application shall include—

(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

(D) such other information as the Secretary may require.

**(d) Selection considerations****(1) Selection of State educational agencies**

In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

- (A) the number and quality of State educational agency applications received;
- (B) a State educational agency's—
  - (i) financial responsibility;
  - (ii) administrative capability;
  - (iii) commitment to focusing resources, in addition to any resources provided on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311 et seq.];
  - (iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and
  - (v) ability to ensure the participation in the demonstration project of a diverse group of students, including with respect to ethnicity and gender.

**(2) Local educational agency**

In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

- (A) the number and quality of local educational agency applications received;
- (B) a local educational agency's—
  - (i) financial responsibility;
  - (ii) administrative capability;
  - (iii) commitment to focusing resources on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965;
  - (iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and
  - (v) ability to ensure the participation in the demonstration project of a diverse group of students.

**(e) Evaluation****(1) In general**

From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than \$1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

**(2) Competitive basis**

The grant or contract shall be awarded on a competitive basis.

**(3) Matters evaluated**

The evaluation described in this subsection shall—

- (A) determine the number of students who were encouraged by the demonstration program to pursue higher education;
- (B) identify the barriers to the effectiveness of the demonstration program;

(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

- (i) were more likely to take a college-preparatory curriculum while in secondary school;
- (ii) submitted any applications to institutions of higher education; and
- (iii) took the PSAT, SAT, or ACT;

(F) identify the number of students participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

(H) identify the impact of the demonstration program on the parents of students eligible to participate in the program.

**(4) Dissemination**

The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

**(f) Targeted information campaign****(1) In general**

Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration project assisted under this section.

**(2) Plan**

Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for the State educational agency proposed targeted information campaign. The plan shall include the following:

**(A) Outreach**

A description of the outreach to students and the students' families at the beginning and end of each academic year of the demonstration project, at a minimum.

**(B) Distribution**

A description of how the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

**(C) Information**

The annual provision by the State educational agency to all students and families participating in the demonstration project of information regarding—

- (i) the estimated statewide average cost of attendance for an institution of higher

education for each academic year, which cost data shall be disaggregated by—

(I) type of institution, including—

- (aa) two-year public degree-granting institutions of higher education;
- (bb) four-year public degree-granting institutions of higher education; and
- (cc) four-year private degree-granting institutions of higher education;

(II) component, including—

- (aa) tuition and fees; and
- (bb) room and board;

(ii) Federal Pell Grants, including—

(I) the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student may be eligible for each award year;

(II) when and how to apply for a Federal Pell Grant; and

(III) what the application process for a Federal Pell Grant requires;

(iii) State-specific postsecondary education savings programs;

(iv) State merit-based financial aid;

(v) State need-based financial aid; and

(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs under subchapter IV, such as the Student Guide published by the Department (or any successor to such document).

### (3) Cohorts

The information described in paragraph (2)(C) shall be provided annually to the two successive cohorts of students described in subsection (b)(1)(A) for the duration of the students' participation in the demonstration project.

### (4) Reservation

Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

### (g) Supplement, not supplant

A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such grant funds, be made available from non-Federal sources for students participating in the demonstration project under this section, and not to supplant such funds.

### (h) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 894, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3440; amended Pub. L. 111-39, title VIII, § 801(14), July 1, 2009, 123 Stat. 1956; Pub. L. 111-152, title II, § 2101(b)(6), Mar. 30, 2010, 124 Stat. 1073.)

#### REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (b)(1)(B), (5), is act June 4, 1946,

ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Child Nutrition Act of 1966, referred to in subsec. (b)(1)(B), (5), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(1)(B)(iii), (2)(B)(iii), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

#### AMENDMENTS

2010—Subsec. (f)(2)(C)(ii)(I). Pub. L. 111-152 substituted “the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student may be eligible for each award year” for “the maximum Federal Pell Grant for each award year”.

2009—Subsec. (b)(2). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-152 effective July 1, 2010, see section 2101(c) of Pub. L. 111-152, set out as a note under section 1070a of this title.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

#### PART Z—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

### § 1161z. Henry Kuualoha Giugni Kupuna Memorial Archives

#### (a) Grants authorized

From the amounts appropriated under subsection (c), the Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

#### (b) Use of funds

The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

(1) to facilitate the acquisition of a secure web-accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

(2) to award scholarships to facilitate access to postsecondary education for students who cannot afford such education;

(3) to support programmatic efforts associated with the web-based media projects of the archives;

(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as