

105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1765, without reference to those intervening amendments because of the extensive revision of title V by Pub. L. 105-244.

PART A—HISPANIC-SERVING INSTITUTIONS

Editorial Notes

PRIOR PROVISIONS

A prior part A consisted of sections 1102 to 1102j and related to State and local programs for teacher excellence prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1101. Findings; purpose; and program authority

(a) Findings

Congress makes the following findings:

(1) Hispanic Americans are at high risk of not enrolling or graduating from institutions of higher education.

(2) Disparities between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education are increasing. Between 1973 and 1994, enrollment of white secondary school graduates in 4-year institutions of higher education increased at a rate two times higher than that of Hispanic secondary school graduates.

(3) Despite significant limitations in resources, Hispanic-serving institutions provide a significant proportion of postsecondary opportunities for Hispanic students.

(4) Relative to other institutions of higher education, Hispanic-serving institutions are underfunded. Such institutions receive significantly less in State and local funding, per full-time equivalent student, than other institutions of higher education.

(5) Hispanic-serving institutions are succeeding in educating Hispanic students despite significant resource problems that—

(A) limit the ability of such institutions to expand and improve the academic programs of such institutions; and

(B) could imperil the financial and administrative stability of such institutions.

(6) There is a national interest in remedying the disparities described in paragraphs (2) and (4) and ensuring that Hispanic students have an equal opportunity to pursue postsecondary opportunities.

(b) Purpose

The purpose of this subchapter is to—

(1) expand educational opportunities for, and improve the academic attainment of, Hispanic students; and

(2) expand and enhance the academic offerings, program quality, and institutional stability of colleges and universities that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and other low-income individuals complete postsecondary degrees.

(c) Program authority

The Secretary shall provide grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic students and other low-income individuals.

(Pub. L. 89-329, title V, § 501, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1765.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1101, Pub. L. 89-329, title V, § 500, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 653, set forth findings of Congress and purpose of this subchapter, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1101, Pub. L. 89-329, title V, § 501, as added Pub. L. 99-498, title V, § 501(a), Oct. 17, 1986, 100 Stat. 1495, related to statement of purpose and applicability of this subchapter, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1101, Pub. L. 89-329, title V, § 511, Nov. 8, 1965, 79 Stat. 1255; Pub. L. 90-35, § 3(a)(3), (b), June 29, 1967, 81 Stat. 85; Pub. L. 90-575, title II, § 231(a), (b)(1), Oct. 16, 1968, 82 Stat. 1039; Pub. L. 91-230, title VIII, §§ 804(b), 805(a), Apr. 13, 1970, 84 Stat. 190, 191; Pub. L. 92-318, title I, § 141(a)(1)(A), (c)(1)(C), June 23, 1972, 86 Stat. 284, 285; Pub. L. 93-380, title VIII, § 835(a)(1), Aug. 21, 1974, 88 Stat. 605; Pub. L. 94-482, title I, §§ 151(a)(5)(A), 152(a), Oct. 12, 1976, 90 Stat. 2152; Pub. L. 96-49, § 6(a), Aug. 13, 1979, 93 Stat. 353; Pub. L. 96-374, title V, § 501(a), Oct. 3, 1980, 94 Stat. 1459, set forth statement of purpose and authorization of appropriations for Teacher Corps program, prior to repeal by Pub. L. 97-35, title V, § 587(a)(2), Aug. 13, 1981, 95 Stat. 480, eff. Oct. 1, 1982.

A prior section 501 of Pub. L. 89-329 was classified to section 1102 of this title prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 501 of Pub. L. 89-329 was classified to section 1091 of this title prior to repeal by Pub. L. 94-482.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subchapter effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

NATIONAL JOB BANK FOR TEACHER RECRUITMENT

Pub. L. 102-325, title XIV, § 1412, July 23, 1992, 106 Stat. 822, authorized Secretary of Education to conduct study on feasibility of establishing national and regional clearinghouses to operate national and regional teacher job banks and to contract one or more entities to establish a national or regional teacher job bank clearinghouse, prior to repeal by Pub. L. 105-332, § 6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

TRAINING AND TECHNICAL ASSISTANCE FOR SCHOOL-BASED DECISIONMAKERS DEMONSTRATION PROGRAM

Pub. L. 102-325, title XV, § 1531, July 23, 1992, 106 Stat. 834, authorized Secretary of Education to make grants to local education agencies, in consortia with one or more institutions of higher education, to establish programs to provide training and technical assistance to school-based decisionmakers in local education agencies implementing system-wide reform, prior to repeal by Pub. L. 105-332, § 6(b)(3), Oct. 31, 1998, 112 Stat. 3128.

§ 1101a. Definitions; eligibility

(a) Definitions

For the purpose of this subchapter:

(1) Educational and general expenditures

The term “educational and general expenditures” means the total amount expended by an institution for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation and maintenance expenditures for the physical plant, and any mandatory transfers that the institution is required to pay by law.

(2) Eligible institution

The term “eligible institution” means—

(A) an institution of higher education—

(i) that has an enrollment of needy students as required by subsection (b);

(ii) except as provided in section 1103a(b) of this title, the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;

(iii) that is—

(I) legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelor’s degree; or

(II) a junior or community college;

(iv) that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be reliable authority as to the quality of training offered or that is, according to such an agency or association, making reasonable progress toward accreditation;

(v) that meets such other requirements as the Secretary may prescribe; and

(vi) that is located in a State; and

(B) any branch of any institution of higher education described under subparagraph (A) that by itself satisfies the requirements contained in clauses (i) and (ii) of such subparagraph.

For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described under subparagraph (A)(i) shall be given twice the weight of the factor described under subparagraph (A)(ii).

(3) Endowment fund

The term “endowment fund” means a fund that—

(A) is established by State law, by a Hispanic-serving institution, or by a foundation that is exempt from Federal income taxation;

(B) is maintained for the purpose of generating income for the support of the institution; and

(C) does not include real estate.

(4) Full-time equivalent students

The term “full-time equivalent students” means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

(5) Hispanic-serving institution

The term “Hispanic-serving institution” means an institution of higher education that—

(A) is an eligible institution; and

(B) has an enrollment of undergraduate full-time equivalent students that is at least

25 percent Hispanic students at the end of the award year immediately preceding the date of application.

(6) Junior or community college

The term “junior or community college” means an institution of higher education—

(A) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(B) that does not provide an educational program for which the institution awards a bachelor’s degree (or an equivalent degree); and

(C) that—

(i) provides an educational program of not less than 2 years in duration that is acceptable for full credit toward such a degree; or

(ii) offers a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(b) Enrollment of needy students

For the purpose of this subchapter, the term “enrollment of needy students” means an enrollment at an institution with respect to which—

(1) at least 50 percent of the degree students so enrolled are receiving need-based assistance under subchapter IV in the second fiscal year preceding the fiscal year for which the determination is made (other than loans for which an interest subsidy is paid pursuant to section 1078 of this title); or

(2) a substantial percentage of the students so enrolled are receiving Federal Pell Grants in the second fiscal year preceding the fiscal year for which the determination is made, compared to the percentage of students receiving Federal Pell Grants at all such institutions in the second fiscal year preceding the fiscal year for which the determination is made, unless the requirement of this paragraph is waived under section 1103a(a) of this title.

(Pub. L. 89-329, title V, § 502, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1766; amended Pub. L. 108-375, div. A, title X, § 1087, Oct. 28, 2004, 118 Stat. 2066; Pub. L. 109-292, § 4(a), Sept. 30, 2006, 120 Stat. 1341; Pub. L. 110-315, title V, § 502(b)(1), Aug. 14, 2008, 122 Stat. 3333; Pub. L. 111-39, title V, § 501, July 1, 2009, 123 Stat. 1953.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 1101a, Pub. L. 89-329, title V, § 502, as added Pub. L. 99-498, title V, § 501(a), Oct. 17, 1986, 100 Stat. 1496, authorized appropriations for this subchapter, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 502 of Pub. L. 89-329 was classified to section 1102a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 502 of Pub. L. 89-329 was classified to section 1091a of this title, prior to repeal by Pub. L. 94-482.

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111-39 substituted “for which the determination is made, compared to” for “for which determination is made, compared to”.

2008—Subsecs. (a)(2)(A)(ii), (b)(2). Pub. L. 110-315 made technical amendment to reference in original act which appears in text as reference to section 1103a of this title.

2006—Subsec. (a)(5). Pub. L. 109-292, §4(a)(1), inserted “and” at end of subpar. (A), in subpar. (B), struck out “at the time of application,” before “has an enrollment”, substituted “at the end of the award year immediately preceding the date of application.” for “; and”, and struck out subpar. (C) which read as follows: “provides assurances that not less than 50 percent of the institution’s Hispanic students are low-income individuals, which assurances—

“(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

“(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements.”

Subsec. (a)(7). Pub. L. 109-292, §4(a)(2), struck out par. (7) which defined “low-income individual”.

2004—Subsec. (a)(5)(C). Pub. L. 108-375 inserted “, which assurances—” and cls. (i) and (ii) before period at end.

Statutory Notes and Related Subsidiaries

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.

§ 1101b. Authorized activities

(a) Types of activities authorized

Grants awarded under this subchapter shall be used by Hispanic-serving institutions of higher education to assist the institutions to plan, develop, undertake, and carry out programs to improve and expand the institutions’ capacity to serve Hispanic students and other low-income students.

(b) Authorized activities

Grants awarded under this section shall be used for one or more of the following activities:

(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities.

(3) Support of faculty exchanges, faculty development, curriculum development, academic instruction, and faculty fellowships to assist in attaining advanced degrees in the fellow’s field of instruction.

(4) Purchase of library books, periodicals, and other educational materials, including telecommunications program material.

(5) Tutoring, counseling, and student service programs designed to improve academic success, including innovative and customized instruction courses (which may include remedial

education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion.

(6) Articulation agreements and student support programs designed to facilitate the transfer from two-year to four-year institutions.

(7) Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.

(8) Joint use of facilities, such as laboratories and libraries.

(9) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.

(10) Establishing or improving an endowment fund.

(11) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

(12) Establishing or enhancing a program of teacher education designed to qualify students to teach in public elementary schools and secondary schools.

(13) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

(14) Expanding the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.

(15) Providing education, counseling services, or financial information designed to improve the financial literacy and economic literacy of students or the students’ families, especially with regard to student indebtedness and student assistance programs under subchapter IV.

(16) Other activities proposed in the application submitted pursuant to section 1101c of this title that—

(A) contribute to carrying out the purposes of this subchapter; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(c) Endowment fund limitations

(1) Portion of grant

A Hispanic-serving institution may not use more than 20 percent of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund.

(2) Matching required

A Hispanic-serving institution that uses any portion of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund shall provide from non-Federal funds an amount equal to or greater than the portion.

(3) Comparability

The provisions of part C of subchapter III regarding the establishment or increase of an endowment fund, that the Secretary deter-