

services for infants, toddlers, children, and youth with disabilities; and

(3) The extent to which findings and reports will be useful to both State and national audiences in understanding the impact and effectiveness of programs assisted under the Individuals with Disabilities Education Act.

(h) *Technical soundness.* (40 points). The Secretary reviews each application to determine the technical soundness of the research or evaluation plan, including, where appropriate—

- (1) The design;
- (2) The proposed sample;
- (3) Instrumentation;
- (4) Data analysis procedures; and
- (5) Procedures for the development of the project report.

(Approved by the Office of Management and Budget under control number 1820–0028)

(Authority: 20 U.S.C. 1418)

[50 FR 35484, Aug. 30, 1985, as amended at 53 FR 28351, July 27, 1988; 56 FR 54701, Oct. 22, 1991]

**§§ 327.32—327.39 [Reserved]**

**Subpart E—What Conditions Must Be Met by a Grantee?**

**§ 327.40 What are the requirements for conducting projects?**

Each State educational agency or other State agency receiving an award for a State Agency/Federal Evaluation Studies project under §327.10(c) shall—

- (a) Contribute an amount not less than 40 percent of the total cost of the study, which amount may be paid from a State's allocation of funds for State administration of part B of the Act; and
- (b) Develop the study in consultation with the State advisory panel established under the Act, local educational agencies and others involved in, or concerned with, the education of children and youth with disabilities and the provision of early intervention services to infants and toddlers with disabilities.

(Authority: 20 U.S.C. 1418(c), (d)(2))

[50 FR 35484, Aug. 30, 1985, as amended at 53 FR 28351, July 27, 1988; 56 FR 54701, Oct. 22, 1991]

**§ 327.41 What conditions must be met by a recipient of an award under this program?**

Recipients of awards under §327.10(e) must prepare their procedures, findings, and other relevant information in a form that will maximize their dissemination and use, especially through dissemination networks and mechanisms authorized by the Act, and in a form for inclusion in the annual report to Congress under section 618(g) of the Act.

(Authority: 20 U.S.C. 1418(c))

(Approved by the Office of Management and Budget under control number 1820–0028)

[56 FR 54701, Oct. 22, 1991, as amended at 57 FR 14315, Apr. 17, 1992]

**§§ 327.42—327.49 [Reserved]**

**PART 328—PROGRAM FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE**

**Subpart A—General**

Sec.

- 328.1 What is the Program for Children and Youth with Serious Emotional Disturbance?
- 328.2 Who is eligible for an award?
- 328.3 What priorities may the Secretary fund under this program?
- 328.4 What priorities may the Secretary establish?
- 328.5 What regulations apply?
- 328.6 What definitions apply?

**Subpart B—[Reserved]**

**Subpart C—How Does the Secretary Make an Award?**

- 328.20 How does the Secretary evaluate an application?
- 328.21 What selection criteria does the Secretary use for applications for research projects?
- 328.22 What selection criteria does the Secretary use for applications for development or demonstration projects?
- 328.23 When does the Secretary propose new selection criteria?

**Subpart D—What Conditions Must Be Met After an Award?**

- 328.30 What special conditions apply to projects assisted under this program?

AUTHORITY: 20 U.S.C. 1426, unless otherwise noted.

SOURCE: 56 FR 56457, Nov. 4, 1991, unless otherwise noted.

**Subpart A—General**

**§328.1 What is the Program for Children and Youth With Serious Emotional Disturbance?**

Under this program, the Secretary may support—

(a) Projects, including research projects, for the purpose of improving special education and related services to children and youth with serious emotional disturbance; and

(b) Demonstration projects to provide services for children and youth with serious emotional disturbance. Funds for projects under this paragraph may also be used—

(1) To facilitate interagency and private sector resource pooling to improve services for children and youth with serious emotional disturbance; and

(2) To provide information and training for those involved with, or who could be involved with, children and youth with serious emotional disturbance.

(Authority: 20 U.S.C. 1426 (a), (b))

**§328.2 Who is eligible for an award?**

(a) To carry out the purpose in §328.1(a), the Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, State and local educational agencies, and other appropriate public and private non-profit institutions or agencies.

(b) *Demonstration service projects.* To carry out the purposes in §328.1(b), the Secretary may make grants to local educational agencies in collaboration with mental health entities.

(Authority: 20 U.S.C. 1426 (a), (b))

**§328.3 What priorities may the Secretary fund under this program?**

(a) Under §328.2(a), the Secretary may support projects that include, but are not limited to—

(1) Studies regarding the present state of special education and related services to children and youth with serious emotional disturbance and their families, including information and

data to enable assessments of the status of those services over time;

(2) Developing methodologies and curricula designed to improve special education and related services for these children and youth;

(3) Developing and demonstrating strategies and approaches to reduce the use of out-of-community residential programs and to encourage the increased use of school district-based programs, which may include day treatment programs, after-school programs, and summer programs;

(4) Developing the knowledge, skills and strategies for effective collaboration among special education, regular education, related services, and other professionals and agencies; or

(5) Developing and demonstrating innovative approaches to assist and to prevent children with emotional and behavioral problems from developing serious emotional disturbances that require the provision of special education and related services.

(b) Under §328.2(b), the Secretary may support demonstration projects that include, but are not limited to—

(1) Increasing the availability, access, and quality of community services for children and youth with serious emotional disturbance and their families;

(2) Improving working relationships among education, school, and community mental health and other relevant personnel, families of those children and youth, and their advocates;

(3) Targeting resources to school settings, such as providing access to school or community mental health professionals or both and other community resources for students with serious emotional disturbance who are in community school settings; and

(4) Taking into account the needs of minority children and youth in all phases of project activity.

(Authority: 20 U.S.C. 1426 (a), (b))

**§328.4 What priorities may the Secretary establish?**

(a) Each year the Secretary may select as a priority one or more of the types of activities listed in §328.3.

(b) The Secretary announces these priorities in a notice published in the FEDERAL REGISTER.

(c) In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105, the Secretary may also propose new priorities for assistance under this program through publication of a notice in the FEDERAL REGISTER.

(Authority: 20 U.S.C. 1426(a), and 20 U.S.C. 3474)

**§ 328.5 What regulations apply?**

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in title 34 of the Code of Federal Regulations—

(1) Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions that Apply to Department Regulations);

(4) Part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(5) Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);

(6) Part 81 (General Education Provisions Act—Enforcement);

(7) Part 82 (New Restrictions on Lobbying);

(8) Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and

(9) Part 86 (Drug-Free Schools and Campuses).

(b) The Federal Acquisition Regulation (FAR) in 48 CFR chapter 1 and the Education Department Acquisition Regulation (EDAR) in 48 CFR chapter 34.

(c) The regulations in this part 328.

(Authority: 20 U.S.C. 1426)

**§ 328.6 What definitions apply?**

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

- Application
- EDGAR
- Grant
- Local educational agency (LEA)

- Project
- Public
- Secretary
- State
- State educational agency (SEA)

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

*Act* means the Individuals with Disabilities Education Act, as amended (20 U.S.C. 1400–1485).

*Free appropriate public education* is defined in 34 CFR part 300.4.

(Authority: 20 U.S.C. 1426)

**Subpart B—[Reserved]**

**Subpart C—How Does the Secretary Make an Award?**

**§ 328.20 How does the Secretary evaluate an application?**

(a) The Secretary evaluates an application on the basis of the criteria in §§ 328.21, 328.22, and 328.23.

(b) The Secretary awards up to 100 points under these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1426)

**§ 328.21 What selection criteria does the Secretary use for applications for research projects?**

The Secretary uses the following criteria to evaluate an application for a research project:

(a) *Plan of operation.* (10 points) (1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color,

national origin, gender, age, or disabling condition.

(3) The Secretary reviews each application to determine the quality of the evaluation plans for the project, and considers the extent to which the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

CROSS REFERENCE: 34 CFR 75.590, *Evaluation by the grantee.*

(b) *Quality of key personnel.* (10 points) (1) The Secretary reviews each application to determine the qualifications of the key personnel that the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project and other evidence that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points) (1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application to determine if the applicant plans to devote adequate resources to the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(e) *Importance.* (15 points) The Secretary reviews each application to determine the importance of the project in lending to the understanding of, remediation of, or compensation for, the problem or issue that relates to the early intervention with or special education of infants, toddlers, children, and youth with disabilities.

(f) *Impact.* (15 points) The Secretary reviews each application to determine the probable impact of the proposed research products on infants, toddlers, children, and youth with disabilities, or personnel responsible for their education.

(g) *Organizational capability.* (5 points) The Secretary considers—

(1) The applicant's experience in special education; and

(2) The ability of the applicant to disseminate the findings of the project to appropriate groups to ensure that the findings can be used effectively.

(h) *Technical soundness.* (35 points) The Secretary reviews each application to determine the technical soundness of the research or evaluation plan, including—

(1) The design;

(2) The proposed sample;

(3) The instrumentation; and

(4) The data analysis procedures.

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(Authority: 20 U.S.C. 1426)

**§ 328.22 What selection criteria does the Secretary use for applications for development or demonstration projects?**

The Secretary uses the following criteria to evaluate an application for a development or demonstration project:

(a) *Plan of operation.* (10 points) (1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disabling condition.

(b) *Quality of key personnel.* (10 points) (1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project and other evidence that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points) (1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points) (1) The Secretary reviews each application to determine the quality of the evaluation plan for the project.

CROSS REFERENCE: 34 CFR 75.590, *Evaluation by the grantee.*

(2) The Secretary considers the extent to which the methods of evaluation are appropriate for the project

and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application to determine if the applicant plans to devote adequate resources to the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Importance.* (10 points) The Secretary reviews each application to determine—

(1) The extent to which the service delivery problem addressed by the proposed project is of concern to others in the Nation; and

(2) The importance of the project in addressing the problem or issue.

(g) *Innovativeness.* (15 points) (1) The Secretary reviews each application to determine the innovativeness of the proposed project.

(2) The Secretary looks for a conceptual framework that—

(i) Is founded on previous theory and research; and

(ii) Provides a basis for the unique strategies and approaches to be incorporated into the model.

(h) *Organizational capability.* (10 points) The Secretary considers—

(1) The applicant's experience in special education or early intervention services; and

(2) The applicant's ability to disseminate findings of the project to appropriate groups to ensure that they can be used effectively.

(i) *Technical soundness.* (25 points) The Secretary reviews each application to determine the technical soundness of the plan for the development, implementation, and evaluation of the model with respect to such matters as—

(1) The population to be served;

(2) The model planning process;

(3) Recordkeeping systems;

(4) Coordination with other service providers;

(5) The identification and assessment of students;

(6) Interventions to be used, including proposed curricula;

- (7) Individualized educational program planning; and
- (8) Parent and family participation.

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(Authority: 20 U.S.C. 1426)

**§ 328.23 When does the Secretary propose new selection criteria?**

- (a) The Secretary may propose new selection criteria for applications for projects when the applications cannot be appropriately evaluated using the selection criteria in either § 328.21 or § 328.22.
- (b) The Secretary announces the new selection criteria in a notice published in the FEDERAL REGISTER.

(Authority: 20 U.S.C. 1426)

**Subpart D—What Conditions Must be Met After an Award?**

**§ 328.30 What special conditions apply to projects assisted under this program?**

- (a) Each project assisted under this program must—
  - (1) Apply existing research outcomes from multi-disciplinary fields; and
  - (2) In complying with 34 CFR 75.590 (Evaluation by the grantee), use a grant evaluation plan that is outcome-oriented and that focuses on the benefits to individual children and youth.
- (b) A grantee, if appropriate, must prepare reports describing procedures, findings, and other relevant information in a form that will maximize the dissemination and use of these procedures, findings, and information.
- (c) The Secretary requires delivery of those reports, as appropriate, to—
  - (1) The regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D of the Act;
  - (2) The National Diffusion Network;
  - (3) The ERIC Clearinghouse on the Handicapped and Gifted;
  - (4) The Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health;
  - (5) Appropriate parent and professional organizations;
  - (6) Organizations representing individuals with disabilities; and

- (7) Such other networks as the Secretary may determine to be appropriate.

(Approved by the Office of Management and Budget under control number 1820-0028)  
(Authority: 20 U.S.C. 1426(c))

**PART 330—CAPTIONED FILMS INCLUDING VIDEOS LOAN SERVICE PROGRAM FOR DEAF AND HARD OF HEARING INDIVIDUALS**

**Subpart A—General**

- Sec.
- 330.1 Captioned Films Including Videos Loan Service Program.
- 330.2 Who is eligible to apply under the Captioned Films Including Videos Loan Service Program?
- 330.3 [Reserved]
- 330.4 What definitions apply to the captioned films loan service for the deaf program?

**Subparts B—D [Reserved]**

**Subpart E—What Conditions Must Be Met by a Borrower?**

- 330.50 What are the limitations on use of the loan service?  
AUTHORITY: 20 U.S.C. 1451, 1452, unless otherwise noted.  
SOURCE: 45 FR 52130, Aug. 5, 1980, unless otherwise noted. Redesignated at 45 FR 77368, Nov. 21, 1980.

**Subpart A—General**

**§ 330.1 Captioned Films Including Videos Loan Service Program.**

- The Captioned Films Including Videos Loan Service Program promotes the general welfare for deaf and hard of hearing individuals by—
- (a) Bringing to deaf and hard of hearing individuals understanding and appreciation of those films that play an important part in the general and cultural advancement of hearing individuals;
  - (b) Providing enriched educational and cultural experiences through which deaf and hard of hearing individuals can be brought into better touch with the realities of their environment;
  - (c) Providing a wholesome and rewarding experience that deaf and hard