

§§ 304.53—304.59

34 CFR Ch. III (7–1–98 Edition)

§§ 304.53—304.59 [Reserved]

Subpart C [Reserved]

Subpart G—What Are the Administrative Responsibilities of an SEA?

Subpart D—How Does the Secretary Make a Grant?

§ 304.60 Amount available for SEA administration.

An SEA may use up to five percent of its grant for the cost of administering funds provided under this part.

(Authority: 20 U.S.C. 1406)

305.30 May the Secretary require the Centers to give priority to certain services?

305.31 What are the selection criteria for evaluating applications under this program?

305.32—305.39 [Reserved]

§ 304.61 Administrative responsibilities and allowable costs.

Administrative costs under this part include—

(a) Planning of programs and projects assisted by funds under this part;

(b) Approval, supervision, monitoring, and evaluation by an SEA of the effectiveness of projects assisted by funds made available under this part; and

(c) Technical assistance that an SEA provides to LEAs and IEUs with respect to the requirements of this part.

(Authority: 20 U.S.C. 1406)

Subpart E—What Conditions Must Be Met by the Recipient of an Award?

305.40 What additional activities must each Center perform?

305.41—305.49 [Reserved]

AUTHORITY: 20 U.S.C. 1421, unless otherwise noted.

SOURCE: 49 FR 25997, June 25, 1984, unless otherwise noted.

EFFECTIVE DATE NOTE: At 63 FR 23601, Apr. 29, 1998, part 305 was removed, effective Oct. 1, 1998.

§§ 304.62—304.69 [Reserved]

Subpart A—General

PART 305—REGIONAL RESOURCE AND FEDERAL CENTERS

Subpart A—General

Sec.

305.1 What are the Regional Resource and Federal Centers?

305.2 Who is eligible to apply for an award under this program?

305.3 What regulations apply to this program?

305.4 What definitions apply to this program?

305.5—305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

305.10 What kinds of services are provided by Regional Resource Centers under this part?

305.11 What kinds of services are provided by the Federal Center under this part?

305.12 What is the composition of the regions?

305.13—305.19 [Reserved]

§ 305.1 What are the Regional Resource and Federal Centers?

(a) This program supports the establishment and operation of Regional Resource Centers that focus on special education and related services and early intervention services. Regional Resource Centers shall provide consultation, technical assistance, and training, as requested, to State educational agencies and through those State educational agencies, to local educational agencies and to other appropriate public agencies providing special education and related services and early intervention services. The purpose of this assistance is to aid these agencies in providing early intervention, special education, and related services to infants, toddlers, children, and youth with disabilities and their families.

(b) This program also supports the establishment and operation of a Federal Center that provides assistance to the Regional Resource Centers in the delivery of technical assistance focusing on national priorities established by the Secretary.

(Authority: 20 U.S.C. 1421)

[53 FR 3525, Feb. 5, 1988, as amended at 56 FR 54689, Oct. 22, 1991]

§ 305.2 Who is eligible to apply for an award under this program?

The Secretary may provide assistance under this part through a grant to, or cooperative agreement or contract with—

- (a) Institutions of higher education;
- (b) Private nonprofit organizations;
- (c) State educational agencies;
- (d) Public agencies; or
- (e) Combinations of these agencies and institutions, such as combinations including one or more local educational agencies within particular regions of the United States.

(Authority: 20 U.S.C. 1421)

[53 FR 3525, Feb. 5, 1988]

§ 305.3 What regulations apply to this program?

(a) The following regulations apply to grants and cooperative agreements for Regional Resource Centers:

- (1) The regulations in this part 305.
- (2) The Education Department General Administrative Regulations (EDGAR) at title 34 of the Code of Federal Regulations in—
 - (i) Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations);
 - (ii) Part 75 (Direct Grant Programs);
 - (iii) Part 77 (Definitions that Apply to Department Regulations);
 - (iv) Part 79 (Intergovernmental Review of Department of Education Programs and Activities);
 - (v) Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);
 - (vi) Part 81 (General Education Provisions Act—Enforcement);
 - (vii) Part 82 (New Restrictions on Lobbying);
 - (viii) Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirement for Drug-Free Workplace (Grants)); and
 - (ix) Part 86 (Drug-Free Schools and Campuses).

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

34 apply to contracts for Regional Resource and Federal Centers.

(Authority: 20 U.S.C. 1421)

[53 FR 3525, Feb. 5, 1988, as amended at 56 FR 54690, Oct. 22, 1991]

§ 305.4 What definitions apply to this program?

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

- Applicant
- Application
- Award
- Budget period
- Contract
- EDGAR
- Fiscal Year
- Grant
- Grant period
- Local educational agency
- Nonprofit
- Private
- Project
- Project period
- Public
- Secretary
- State
- State educational agency

(Authority: 20 U.S.C. 1421; 20 U.S.C. 3474(a))

§§ 305.5—305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 305.10 What kinds of services are provided by Regional Resource Centers under this part?

Each Regional Resource Center shall—

- (a) Assist State educational agencies and through such State educational agencies, local educational agencies and other appropriate public agencies, through services such as consultation, technical assistance, and training, to provide more effectively special education, related services, and early intervention services to infants, toddlers, children, and youth with disabilities, and their families;
- (b) Assist in identifying and solving persistent problems, and in identifying emerging issues and trends in providing quality special education, related services, and early intervention services to infants, toddlers, children, and

youth with disabilities, and their families;

(c) Assist in developing, identifying, and replicating successful programs and practices that will improve special education, related services, and early intervention services to infants, toddlers, children, and youth with disabilities, and their families;

(d) Gather and disseminate information to all State educational agencies in the region and coordinate activities with other Regional Resource Centers and with other relevant programs and projects conducted by the Department;

(e) Assist in the improvement of information dissemination to, and training activities for, professionals and parents of infants, toddlers, children, and youth with disabilities; and

(f) Provide information to and training for agencies, institutions, and organizations regarding techniques and approaches for submitting applications for grants and cooperative agreements under this part and parts D through G of the Act.

(Authority: 20 U.S.C. 1421)

[53 FR 3525, Feb. 5, 1988, as amended at 56 FR 54690, Oct. 22, 1991; 58 FR 9462, Feb. 19, 1993]

§305.11 What kinds of services are provided by the Federal Center under this part?

The Federal Center shall—

(a) Provide a national perspective for establishing technical assistance activities within and across regions by identifying and synthesizing emerging issues and trends and establishing a panel to interpret this information. This panel must be broadly representative of the special education constituency, including representatives of State and local educational agencies, parent organizations, consumer and advocacy organizations, professional organizations, and consumers, with particular attention being given to individuals from minority backgrounds. This information must be shared with Regional Resource Centers and State educational agencies and may serve as a basis for multi-State and multi-regional technical assistance activities;

(b) Assist in linking and coordinating the Regional Resource Centers with each other and with other technical assistance providers, including health-re-

lated entities as well as organizations representing persons with disabilities, professional organizations, and parent projects. Information from these activities must be shared with the Regional Resource Centers as well as the States;

(c) Provide information to, and training for, agencies, institutions, and organizations regarding techniques and approaches for submitting applications for grants, contracts, and cooperative agreements under parts C through G of the Act, and make that information available to the Regional Resource Centers on request;

(d) Give priority to providing technical assistance concerning the education of children with disabilities from minority backgrounds and exchanging information with and, if appropriate, cooperating with other centers addressing the needs of these children; and

(e) Provide assistance to State educational agencies, through Regional Resource Centers, for the training of hearing officers.

(Authority: 20 U.S.C. 1421)

[58 FR 9462, Feb. 19, 1993]

§305.12 What is the composition of the regions?

The Secretary establishes the following regions:

(a) Region 1: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.

(b) Region 2: Maryland, Delaware, Virginia, West Virginia, Washington, DC, Kentucky, Tennessee, North Carolina, and South Carolina.

(c) Region 3: Georgia, Alabama, Florida, Mississippi, Puerto Rico, the Virgin Islands, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

(d) Region 4: Illinois, Ohio, Indiana, Pennsylvania, Wisconsin, Minnesota, and Michigan.

(e) Region 5: Montana, Wyoming, North Dakota, South Dakota, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, and the Bureau of Indian Affairs.

(f) Region 6: Oregon, Idaho, Washington, Alaska, California, Arizona, Nevada, the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia, Guam,

American Samoa, Hawaii, and the Commonwealth of the Northern Mariana Islands.

(Authority: 20 U.S.C. 1421)

[49 25997, June 25, 1984, as amended at 53 FR 3525, Feb. 5, 1988. Redesignated at 58 FR 9462, Feb. 19, 1993]

§§ 305.13—305.19 [Reserved]

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 305.30 May the Secretary require the Centers to give priority to certain services?

For any fiscal year, the Secretary may, in the application notice, require the Centers to give priority to one or more of the services listed in § 305.10 and § 305.11.

(Authority: 20 U.S.C. 1421)

[49 FR 25997, June 25, 1984, as amended at 58 FR 9463, Feb. 19, 1993]

§ 305.31 What are the selection criteria for evaluating applications under this program?

The Secretary uses the criteria in this section to evaluate applications for new grants. The maximum number of points for each criterion is stated in parentheses. The maximum score for all of the criteria is 100 points.

(a) *Need for the project.* (5 points) (1) The Secretary reviews each application for a Regional Resource Center for information that shows the needs of the States in the region and support for the applicant's project by the agencies to be served by the project.

(2) The Secretary reviews each application for a Federal Center for information that identifies potential issues and trends of national concern and procedures for obtaining broad based input in validating, interpreting, synthesizing, and updating information on emerging issues and trends on a regular basis.

(b) *Capability of applicant.* (5 points) (1) The Secretary reviews each application for information that shows the capability of the applicant to fulfill the responsibilities of a Center under this part.

(2) In making this determination, the Secretary considers evidence of relevant experience which demonstrates the capacity to provide technical assistance to State educational agencies, commitment to the accomplishment of the project, and timely completion of previous comparable work.

(c) *Plan of operation.* (40 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

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

(ii) An effective plan of management that ensures 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;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Individuals with disabilities; and

(D) The elderly.

(d) *Quality of key personnel.* (25 points) (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(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 (d) (1) and (2) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that

have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Individuals with disabilities; and
- (D) The elderly.

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

(e) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

- (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.

(f) *Evaluation plan.* (10 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and, to the extent possible, are objective and produce data that are quantifiable. For Regional Resource Centers, evaluation methods must include evaluation of changes in State capacity to work with local educational agencies to improve services for students with disabilities.

(g) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

- (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.

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

(Authority: 20 U.S.C. 1421)

[49 FR 25997, June 25, 1984, as amended at 56 FR 54690, Oct. 22, 1991; 58 FR 9463, Feb. 19, 1993]

§§ 305.32—305.39 [Reserved]

Subpart E—What Conditions Must Be Met by the Recipient of an Award?

§ 305.40 What additional activities must each Center perform?

Each Regional Resource or Federal Center shall—

(a) Report a summary of materials produced or developed in the manner and at the time the Secretary may establish.

(b) Assist in the evaluation of the effectiveness of Regional Resource Center activities through cooperation with other projects under this part and with other appropriate projects such as the program evaluations under section 610(d) of the Act.

(c) Assure that the services provided are consistent with the priority needs identified by the States served by the Center.

(d) If appropriate, prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of those procedures, findings, and information. The Secretary shall require their delivery, as appropriate, to the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Program (TAPP) assisted under parts C and D of the Act, as well as the national Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental

Health, appropriate parent and professional organizations, organizations representing individuals with disabilities, and 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. 1409(g); 20 U.S.C. 1421)

[49 FR 25997, June 25, 1984, as amended at 53 FR 3525, Feb. 5, 1988; 56 FR 54690, Oct. 22, 1991; 58 FR 9463, Feb. 19, 1993]

§§ 305.41—305.49 [Reserved]

PART 307—SERVICES FOR CHILDREN WITH DEAF-BLINDNESS

Subpart A—General

Sec.

- 307.1 What is the Services for Children with Deaf-Blindness program?
- 307.2 Who is eligible to apply for an award under the Services for Children with Deaf-Blindness program?
- 307.3 What regulations apply to the Services for Children with Deaf-Blindness program?
- 307.4 What definitions apply to the Services for Children with Deaf-Blindness program?
- 307.5—307.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

- 307.10 What types of activities are considered for support under this part?
- 307.11 What types of services and technical assistance by State and multi-State projects are considered for support under this part?
- 307.12 What types of technical assistance to grantees under §307.11 are considered for support under this part?
- 307.13 What types of technical assistance for transitional services are considered for support under this part?
- 307.14 What types of pilot projects are considered for support to successful §307.11 applicants under this part?
- 307.15 What types of activities are supported in a national clearinghouse for children with deaf-blindness?
- 307.16—307.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

- 307.20—307.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

- 307.30 What priorities are considered for support by the Secretary?
- 307.31 How does the Secretary determine the amount of an award under §307.11?
- 307.32 How does the Secretary evaluate an application?
- 307.33 What criteria does the Secretary use to evaluate a State or multi-State application under §307.11?
- 307.34 What procedures does the Secretary use if more than one application for an award under §307.11 proposes to serve the same State?
- 307.35 What criteria are used to evaluate a technical assistance application under §307.10, §307.12, or §307.13?
- 307.36 What criteria are used to evaluate an application for other than technical assistance under §307.10, or for an application under §307.14 or §307.15?
- 307.37 What additional consideration will be given by the Secretary in carrying out this part?
- 307.38—307.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under This Program?

- 307.40 [Reserved]
- 307.41 What advisory committees are to be established under this program?
- 307.42 What other conditions must be met by a grantee under this program?
- 307.43—307.49 [Reserved]

AUTHORITY: 20 U.S.C. 1422, unless otherwise noted.

SOURCE: 49 FR 28364, July 11, 1984, unless otherwise noted.

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Subpart A—General

§ 307.1 What is the Services for Children with Deaf-Blindness program?

This program supports projects that enhance services to children with deaf-blindness, particularly by providing technical assistance to State educational agencies, local educational agencies, designated lead agencies under part H, and others who are involved in the early intervention or education of children with deaf-blindness.

(Authority: 20 U.S.C. 1422)

[49 FR 28364, July 11, 1984, as amended at 56 FR 51585, Oct. 11, 1991]