

or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) Who, because of those impairments, need special education and related services.

(2) The term includes infants and toddlers, birth through age two, who need early intervention services because they—

(i) Are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Cognitive development, physical development including vision and hearing, language and speech development, psychosocial development, or self-help skills, or

(ii) Have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

(3) The term also includes individuals from birth through age two who are at risk of having substantial developmental delays if early intervention services are not provided.

(4) For children aged three to five, inclusive, the term may, at a State's discretion, include children—

(i) Who are experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(ii) Who, for that reason, need special education and related services.

(Authority: 20 U.S.C. 1401(a)(1); 20 U.S.C. 1423(a)(1); 20 U.S.C. 1472(1))

[52 FR 29817, Aug. 11, 1987, as amended at 56 FR 54691, Oct. 22, 1991; 57 FR 28965, June 29, 1992]

### Subpart B—How Does One Apply for an Award?

#### § 309.10 What separate applications must an applicant submit?

Applicants for assistance under this part must submit a separate applica-

tion for each activity in § 309.3 that is announced for competition.

(Authority: 20 U.S.C. 1423)

#### § 309.11 How does the Secretary select and announce funding priorities under the program?

The Secretary may establish as a priority any activity in § 309.3.

(Authority: 20 U.S.C. 1423)

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

#### § 309.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under this part on the basis of the criteria in § 309.21.

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

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

(Authority: 20 U.S.C. 1423)

#### § 309.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate applications unless, with regard to training projects, he determines that the selection criteria in 34 CFR part 318 are more appropriate:

(a) *Importance.* (15 points) (1) The Secretary reviews each application to determine the extent to which the proposed project addresses concerns in light of the purposes of this part.

(2) The Secretary considers—

(i) The significance of the problem or issue to be addressed;

(ii) The extent to which the project is based on previous research findings related to the problem or issue;

(iii) The numbers of individuals who will benefit; and

(iv) How the project will address the identified problem or issue.

(b) *Impact.* (15 points) (1) The Secretary reviews each application to determine the probable impact of the proposed project in meeting the needs of children with disabilities, birth through age eight, and their families.

(2) The Secretary considers—

(i) The contribution that project findings or products will make to current knowledge and practice;

(ii) The methods used for dissemination of project findings or products to appropriate target audiences; and

(iii) The extent to which findings or products are replicable, if appropriate.

(c) *Technical soundness.* (35 points) (1) The Secretary reviews each application to determine the technical soundness of the project plan.

(2) In reviewing applications under this part, the Secretary considers—

(i) The quality of the design of the project;

(ii) The proposed sample or target population, including the numbers of participants involved and methods that will be used by the applicant to ensure that participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability;

(iii) The methods and procedures used to implement the design, including instrumentation and data analysis; and

(iv) The anticipated outcomes.

(3) With respect to training projects in applying the criterion in paragraph (c)(2)(iii) of this section, the Secretary considers—

(i) The curriculum, course sequence, and practice leading to specific competencies; and

(ii) The relationship of the project to the comprehensive system of personnel development plans required by parts B and H of the Act, and State licensure or certification standards.

(4) In addition to the criteria in paragraph (c)(2) of this section, the Secretary, in reviewing outreach projects, also considers—

(i) The agencies to be served through outreach activities;

(ii) The current services, their location, and anticipated impact of outreach assistance for each of those agencies;

(iii) The model demonstration project upon which the outreach project is based, including the effectiveness of the model program with children, families, or other recipients of project services; and

(iv) The likelihood that the demonstration project will be continued and supported by funds other than those available through this part.

(d) *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 considers—

(i) The extent to which the management plan will ensure proper and efficient administration of the project;

(ii) Clarity in the goals and objectives of the project;

(iii) The quality of the activities proposed to accomplish the goals and objectives;

(iv) The adequacy of proposed timeliness for accomplishing those activities; and

(v) Effectiveness in the ways in which the applicant plans to use the resources and personnel to accomplish the goals and objectives.

(e) *Evaluation plan.* (5 points) (1) The Secretary reviews each application to determine the quality of the plan for evaluating project goals, objectives, and activities.

(2) The Secretary considers the extent to which the methods of evaluation are appropriate and produce objectives and quantifiable data.

(f) *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.

(2) The Secretary considers—

(i) The qualifications of the project director and project coordinator (if one is used);

(ii) The qualifications of each of the other key project personnel;

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

(iv) How the applicant will ensure that personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(3) The Secretary considers experience and training in areas related to project goals to determine qualifications of key personnel.

(g) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application to determine adequacy of resources allocated to the project.

(2) The Secretary considers the adequacy of the facilities and the equipment and supplies that the applicant plans to use.

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

(2) The Secretary considers the extent to which—

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

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

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

(Authority: 20 U.S.C. 1423)

[52 FR 29817, Aug. 11, 1987, as amended at 53 FR 49145, Dec. 6, 1988; 56 FR 54691, Oct. 22, 1991]

**§ 309.22 Are awards for experimental, demonstration, outreach, and statewide data systems projects geographically dispersed?**

To the extent feasible, the Secretary, in addition to using the selection criteria in §309.21, geographically disperses awards for experimental, demonstration, outreach, and statewide data systems projects throughout the Nation in urban and rural areas.

(Authority: 20 U.S.C. 1423(a)(3))

[57 FR 28965, June 29, 1992]

**Subpart D—What Conditions Must Be Met After an Award by Experimental, Demonstration, Technical Assistance, Statewide Data Systems, and Outreach Projects?**

**§ 309.30 What conditions must be met by recipients of experimental, demonstration, and outreach projects?**

(a) Experimental, demonstration, and outreach projects must include services and activities that are designed to—

(1) Facilitate the intellectual, emotional, physical, mental, social, speech or other communication mode, language development, and self-help skills of children with disabilities;

(2) Provide family education and include a parent or their representative, as well as encourage the participation

of parents of children with disabilities, in the development and operation of projects under this section;

(3) Acquaint the community in which the project is located with the special needs and potentialities of children with disabilities;

(4) Offer training about exemplary models and practices, including interdisciplinary models and practices, to State and local personnel who provide services to children with disabilities, and to the parents of these children;

(5) Support the adoption of exemplary models and practices in States and local communities, including the involvement of adult role models with disabilities at all levels of the program;

(6) Facilitate and improve the early identification of infants and toddlers with disabilities or those infants and toddlers at risk of having developmental disabilities;

(7) Facilitate the transition of infants with disabilities or infants at risk of having developmental delays, from medical care to early intervention services, and the transition from early intervention services to preschool special education or regular education services (especially where the lead agency for early intervention services under part H of the Act is not the State educational agency);

(8) Promote the use of assistive technology devices and assistive technology services, if appropriate, to enhance the development of infants and toddlers with disabilities;

(9) Increase the understanding of, and address, the early intervention and preschool needs of children exposed prenatally to maternal substance abuse;

(10) Facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H of the Act; and

(11) Support statewide projects, in conjunction with a State's application under part H of the Act and a State's plan under part B or the Act, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments.