

(1) The regional and Federal resource centers, the clearinghouses, and the technical assistance to parents programs 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.

(c) Each grantee shall participate in the evaluation conducted by the institution of higher education or nonprofit public or private organization supported to implement section 626(f)(3)(A) of the Act.

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

(Authority: 20 U.S.C. 1410(g), 1425(f)(3))

PART 326—SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES PROGRAM

Subpart A—General

Sec.

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326.43—326.49 [Reserved]

AUTHORITY: 20 U.S.C. 1425, unless otherwise noted.

SOURCE: 49 FR 28383, July 11, 1984, unless otherwise noted.

EFFECTIVE DATE NOTE: At 63 FR 23601, Apr. 29, 1998, part 326 was removed, effective Oct. 1, 1998.

Subpart A—General

§326.1 What is the Secondary Education and Transitional Services for Youth with Disabilities program?

(a)(1) The purpose of this program is to assist youth with disabilities in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(2) The Secretary carries out this purpose by providing assistance for projects that—

(i) Strengthen and coordinate education and related services that assist youth with disabilities currently in school or who recently left school to assist them in the transition to competitive or supported employment, postsecondary education, vocational training, continuing education, independent and community living or adult services;

(ii) Stimulate the improvement and development of programs for secondary special education; or

(iii) Stimulate the improvement of the vocational and life skills of students with disabilities to enable them to be better prepared for transition to adult life and services.

(b) The purpose of this program is also to ensure that secondary special education and transitional services result in competitive or supported employment for youth with disabilities.

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 52 FR 34368, Sept. 10, 1987; 56 FR 54698, Oct. 22, 1991]

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

The Secretary may provide assistance under this program by grants to, or contracts with—

- (a) Institutions of higher education;
- (b) State educational agencies;
- (c) Local educational agencies; and
- (d) Other public and private nonprofit institutions or agencies (including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*)).

(Authority: 20 U.S.C. 1425(a))

§ 326.3 What regulations apply to this program?

The following regulations apply to awards under the Secondary Education and Transitional Services for Youth with Disabilities program:

- (a) The regulations in this part 326.
- (b) The Education Department General Administrative Regulations (EDGAR) in title 34 of the Code of Federal regulations in—
 - (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);
 - (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 Requirement for Drug-Free Workplace (Grants)); and

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

(Authority: 20 U.S.C. 1425; 20 U.S.C. 3474(a))

[49 FR 28383, July 11, 1984, as amended at 56 FR 54698, Oct. 22, 1991]

§ 326.4 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
- EDGAR
- Fiscal year
- Grant
- Grantee
- Local educational agency
- Nonprofit
- Private
- Project
- Project period
- Public
- Secondary school
- Secretary
- State
- State educational agency

(Authority: 20 U.S.C. 1425; 20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR part 300.* The following terms used in this part are defined in 34 CFR 300.5, 300.13, and 300.14:

- Children with disabilities
- Related services
- Special education

(Authority: 20 U.S.C. 1401(a) (1), (16), (17))

(c) *Other definitions.* In addition to the definitions referred to in paragraphs (a) and (b) of this section, the following definitions apply to this part:

- (1) *Youth with disabilities* means any child with disabilities who—
 - (i) Is twelve years of age or older;
 - (ii) Is enrolled in the seventh or higher grade in school; or
 - (iii) Was enrolled in the seventh or higher grade in school and recently left school.

(Authority: 20 U.S.C. 1401(b), 1425(a)(1))

(2) *Supported employment* is paid work in a variety of settings, particularly regular work sites, especially designed

for individuals with disabilities—

(i) For whom competitive employment at or above the minimum wage is not immediately obtainable; and

(ii) Who, because of their disability, need intensive on-going support to perform in a work setting.

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 52 FR 34368, Sept. 10, 1987; 56 FR 54698, 54699, Oct. 22, 1991]

§§ 326.5—326.9 [Reserved]

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

§ 326.10 What kinds of projects are authorized under this part?

(a) This program supports research, development, demonstration, evaluation, and other types of projects for the following purposes:

(1) To improve secondary education programs for youth with disabilities.

(2) To coordinate with other activities serving this population.

(3) To provide education and related services to assist youth with disabilities in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, independent or community living, or adult services.

(4) To stimulate the improvement of the vocational and life skills of students with disabilities to enable them to be better prepared for transition to adult life and services.

(b) Projects funded under this part must serve youth with disabilities and may also include other individuals with disabilities who have recently left special education programs.

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 52 FR 34369, Sept. 10, 1987; 56 FR 54698, 54699, Oct. 22, 1991]

§§ 326.11—326.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 326.20 What must an applicant include in its application?

(a) Each applicant must include in its application information demonstrating how the activities it proposes will lead to competitive or supported employment of individuals with disabilities.

(b) Each applicant, other than for the purpose of conducting studies or evaluation, shall—

(1) Describe the procedures to be used for disseminating relevant findings and data to regional resource centers, clearinghouses, and other interested persons, agencies, or organizations;

(2) Describe the procedures to be used for coordinating services among agencies for which youth with disabilities are or will be eligible;

(3) Provide for the direct participation of students with disabilities and the parents of handicapped students in the planning, development, and implementation of such projects.

(c) Each applicant for activities described in § 326.30 (a) and (b) that is not an educational agency must include in its application information demonstrating how it has met, and will meet, the requirements of § 326.41.

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

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 52 FR 34369, Sept. 10, 1987; 56 FR 54698, 54699, Oct. 22, 1991]

§§ 326.21—326.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 326.30 What priorities are considered for support by the Secretary under this part?

The Secretary may select annually one or more of the following priority areas for funding:

(a) *Transition strategies and techniques.* This priority supports research projects designed to develop strategies and techniques for transition to competitive or supported employment

through improvements in independent living skills, secondary and postsecondary education, vocational preparation, and availability of work opportunities.

(b) *Service demonstration models.* This priority supports projects that develop and establish exemplary models for services and individualized education programs, including independent living vocational training and job placement, that result directly in paid employment in regular work settings for youth with disabilities leaving school, or that enhance the effectiveness of secondary and postsecondary services which lead to employment or independent living.

(c) *Demographic studies.* This priority supports demographic studies of the numbers, locations, age levels, types and degrees of disabilities of youth with disabilities, and anticipated transition and adult services needed by those youth to obtain competitive or supported employment.

(d) *Service delivery research projects.* This priority supports research projects, including field testing and evaluation of innovative service approaches to service delivery models or components to assist youth with disabilities in secondary school and in other services that assist transition to employment. These service delivery approaches can be replicated and disseminated.

(e) *Cooperative models for planning and developing transitional services.* This priority supports projects designed to plan and develop cooperative models for activities among State or local educational agencies, developmental disabilities councils, and adult service agencies, including vocational rehabilitation, mental health, mental retardation, and public employment agencies, and private employers, which will facilitate effective planning for services to meet the employment needs of youth with disabilities as they leave school.

(f) *Procedures for evaluation of secondary education, vocational training, and placement services.* This priority supports projects that will develop appropriate procedures for evaluating secondary special education, vocational training, placement, and other transi-

tional services that lead to employment for youth with disabilities.

(g) *Program evaluation.* This priority supports projects that will evaluate the effectiveness of the program carried out under this part to assist youth with disabilities in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(h) *Research projects in secondary education.* This priority supports research projects which focus on secondary level programs for youth with disabilities. These projects will have as their major objective the development and improvement of replicable programs and will focus on the evaluation of the program or the components of the program, such as curricula design, program organization, employer involvement, and instructional methods.

(i) *Drop out studies.* This priority supports studies which provide information on the numbers, age levels, types of disabilities and reasons why some youth with disabilities remain to complete school programs while others drop out of school.

(j) *Curriculum development.* This priority supports the development of curriculum and instructional techniques in special education and related services that will improve students with disabilities acquisition of the skills necessary for transition to adult life and services.

(k) *Physical education and therapeutic recreation.* This priority supports specially designed or adapted physical educational and therapeutic recreation programs to facilitate the full participation of youth with disabilities in community programs.

(l) *Assistive technology.* This priority supports the development and dissemination of exemplary programs and practices that meet the unique needs of students who utilize assistive technology devices and services as these students make the transition to postsecondary education, vocational training, competitive employment (including supported employment), and continuing education or adult services.

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 52 FR 34369, Sept. 10, 1987; 56 FR 54698, 54699, Oct. 22, 1991]

§ 326.31 How does the Secretary establish priorities?

For any fiscal year, the Secretary may select a priority or combination of priorities from among those listed in § 326.30 by publishing a notice in the FEDERAL REGISTER.

(Authority: 20 U.S.C 1425)

§ 326.32 What are the selection criteria for evaluating applications for research and evaluation projects?

The Secretary uses the criteria in this section to evaluate applications for research and evaluation projects, including projects submitted under § 326.30 (a), (c), (d), (f), (g), and (h). The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 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 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) 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.

(b) *Quality of key personnel.* (10 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 (b)(2) (i) and (ii) 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.

(c) *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.

(d) *Evaluation plan.* (5 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 qualifiable.

(e) *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.

(f) *Importance.* (10 points) (1) The Secretary reviews each application for information demonstrating that the proposed project addresses national concerns in light of the purposes of this part.

(2) The Secretary looks for information that shows—

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

(ii) The importance of the proposed project in increasing the understanding of the problem or issue;

(iii) The experiences of service providers related to the problem or issue; and

(iv) Previous research findings related to the problem or issue.

(g) *Impact.* (10 points) The Secretary reviews each application for information that shows the probable impact of the proposed project in educating youth with disabilities, including—

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

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Technical soundness.* (40 points) The Secretary reviews each application for information demonstrating the technical soundness of the research or evaluation plan, including—

(1) The design (10 points);

(2) The proposed sample (10 points);

(3) Instrumentation (10 points); and

(4) Data analysis procedures (10 points).

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

(Authority: 20 U.S.C. 1425)

[49 FR 28383, July 11, 1984, as amended at 53 FR 49145, Dec. 6, 1988; 56 FR 54698, 54699, Oct. 22, 1991]

§ 326.33 What are the selection criteria for evaluating applications for model projects?

The Secretary uses the criteria in this section to evaluate applications for model projects, including projects submitted under § 326.30 (b) and (e). The

maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 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 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) 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.

(b) *Quality of key personnel.* (10 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 (b)(2) (i) and (ii) 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.

(c) *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.

(d) *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.

(e) *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.

(f) *Importance.* (10 points) The Secretary reviews each application for information that shows—

(1) 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 solving the problem.

(g) *Impact.* (10 points) The Secretary reviews each application for information that shows the probable impact of the proposed model in educating youth with disabilities, including—

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

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Innovativeness.* (10 points) (1) The Secretary reviews each application for information that shows the innovativeness of the proposed project.

(2) The Secretary looks for information that shows 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.

(i) *Technical soundness.* (25 points) The Secretary reviews each application for information demonstrating 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. 1425)

[49 FR 28383, July 11, 1984, as amended at 53 FR 49145, Dec. 6, 1988; 56 FR 54698, 54699, Oct. 22, 1991]

§ 326.34 Are awards in this program geographically dispersed?

As much as feasible, the Secretary, in addition to using the criteria in §§ 326.32 and 326.33, geographically disperses awards throughout the Nation in urban as well as rural areas.

(Authority: 20 U.S.C. 1425)

[52 FR 34369, Sept. 10, 1987]

§§ 326.35—326.39

§§ 326.35—326.39 [Reserved]

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

§ 326.40 What is the requirement for participation of students with disabilities and their parents?

Each grantee shall provide for the direct participation of handicapped students and the parents of students with disabilities in the planning, development, and implementation of its project.

(Authority: 20 U.S.C. 1425(d))

[49 FR 28383, July 11, 1984, as amended at 56 FR 54698, 54699, Oct. 22, 1991]

§ 326.41 What coordination requirements must a grantee meet?

A grantee that is not an educational agency shall coordinate with the State educational agency of each affected State in the planning, development, and implementation of any activities described in § 326.30 (a) or (b).

(Authority: 20 U.S.C. 1425(c))

§ 326.42 What other conditions must be met by grantees under this program?

Grantees shall, if appropriate, prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of such 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.

34 CFR Ch. III (7–1–98 Edition)

(Authority: 20 U.S.C. 1409(g))

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

[56 FR 54699, Oct. 22, 1991, as amended at 57 FR 14315, Apr. 17, 1992]

§§ 326.43—326.49 [Reserved]

PART 327—SPECIAL STUDIES PROGRAM

Subpart A—General

Sec.

327.1 What is the Special Studies Program?

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

327.3 What regulations apply to this program?

327.4 What definitions apply to this program?

327.5—327.9 [Reserved]

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

327.10 What kinds of priorities are authorized under this part?

327.11—327.19 [Reserved]

Subpart C [Reserved]

Subpart D—How Does the Secretary Make an Award?

327.30 How does the Secretary establish priorities for an award?

327.31 What are the selection criteria for evaluating applications for awards?

327.32—327.39 [Reserved]

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

327.40 What are the requirements for conducting projects?

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

327.42—327.49 [Reserved]

AUTHORITY: 20 U.S.C. 1418, unless otherwise noted.

SOURCE: 50 FR 35484, Aug. 30, 1985, unless otherwise noted.

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