

**§331.3 [Reserved]**

**§331.4 What definitions apply to the Educational Media and Descriptive Videos Loan Service Program?**

(a) [Reserved]

(b) The following definitions apply to the terms used in this part:

*Act* means Individuals with Disabilities Education Act.

*Borrower* means a user of loan service media.

*Educational media* means those media used for educational purposes.

*Films* means motion pictures and other materials similar in display and function, such as video tapes and video discs.

*Media* means films, filmstrips, photographs and slides, transparencies, television, audio and video tapes, audio and video discs, and similar materials. Printed materials may also be included if in combination with one or more of the preceding.

*Nonprofit purposes* means that the exhibition of media may not result in monetary gain or other tangible economic benefit to the borrower.

(Authority: 20 U.S.C. 1451, 1452)

[54 FR 52131, Aug. 5, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 53 FR 41085, Oct. 19, 1988; 56 FR 54702, Oct. 22, 1991]

**Subparts B—D [Reserved]**

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

**§331.50 What are the limitations on the use of the loan service?**

A borrower shall use the educational media for nonprofit purposes only. Moreover, the sum of any fees collected by the borrower for the use of the educational media may not exceed the reasonable expenses incurred by the borrower in exhibiting the media to eligible parties.

(Authority: 20 U.S.C. 1452(a))

[53 FR 41085, Oct. 19, 1988]

**PART 332—EDUCATIONAL MEDIA RESEARCH, PRODUCTION, DISTRIBUTION, AND TRAINING**

**Subpart A—General**

Sec.

332.1 Educational Media Research, Production, Distribution, and Training Program.

332.2 Who is eligible to apply under the educational media research, production, distribution, and training program?

332.3 What regulations apply to this program?

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**Subpart B—What Kinds of Projects Does the Department of Education Assist Under This Program?**

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332.30 How does the Secretary establish priorities annually?

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332.32 What selection criteria does the Secretary use?

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

332.40 Final products.

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

AUTHORITY: 20 U.S.C. 1451-1452, unless otherwise noted.

SOURCE: 45 FR 52132, Aug. 5, 1980, unless otherwise noted. Redesignated at 45 FR 77368, Nov. 21, 1980.

EFFECTIVE DATE NOTE: At 63 FR 23601, Apr. 29, 1998, part 332 was removed, effective Oct. 1, 1998.

**Subpart A—General**

**§332.1 Educational Media Research, Production, Distribution, and Training Program.**

The purposes of this program are to promote:

(a) The general welfare of deaf and hard of hearing individuals by—

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(1) Bringing to such individuals understanding and appreciation of those films and television programs that play such an important part in the general and cultural advancement of hearing individuals;

(2) Providing through these films and television programs 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;

(3) Providing a wholesome and rewarding experience that deaf and hard of hearing individuals may share together; and

(b) The educational advancement of individuals with disabilities by—

(1) Carrying on research in the use of educational media for individuals with disabilities;

(2) Producing and distributing educational media for the use of individuals with disabilities, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of individuals with disabilities;

(3) Training individuals in the use of educational media for the instruction of individuals with disabilities; and

(4) Utilizing educational media to help eliminate illiteracy among individuals with disabilities; and

(c) The general welfare of visually impaired individuals by—

(1) Bringing to such individuals an understanding and appreciation of textbooks, films, television programs, video material, and other educational publications and materials that play such an important part in the general and cultural advancement of visually unimpaired individuals; and

(2) Ensuring access to television programming and other video materials.

(Authority: 20 U.S.C. 1451)

[56 FR 54702, Oct. 22, 1991]

**§ 332.2 Who is eligible to apply under the educational media research, production, distribution, and training program?**

Parties eligible for grants under this subpart are profit and nonprofit public and private agencies, organizations, and institutions except only the National Theatre of the Deaf, Inc. and

other appropriate non-profit organizations are eligible for a grant, contract, or cooperative agreement under § 332.10(f).

(Authority: 20 U.S.C. 1451, 1452)

[45 FR 52132, Aug. 5, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 56 FR 54702, Oct. 22, 1991]

**§ 332.3 What regulations apply to this program?**

(a) The Education Department General Administrative Regulations (EDGAR) in the following parts of 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 a Drug-Free Workplace (Grants)); and

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

(b) The regulations in this part 332.

(Authority: 20 U.S.C. 1221e-3(a)(1))

[56 FR 54702, Oct. 22, 1991]

**§ 332.4 What definitions apply to the educational media research, production, distribution, and training program?**

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR part 77:

- Applicant
- Application
- Award
- Secretary
- Nonprofit
- Public

(b) *Specific program definitions:*

*Act* means the Individuals with Disabilities Education Act (title VI of Pub. L. 91-230 as amended).

*Distribution* means giving physical access to media and related materials and attendant equipment.

*Educational media* means those media used for educational purposes.

*Films* means motion pictures and other materials similar in display and function, such as video tapes and video discs.

*Media* means films, filmstrips, photographs and slides, transparencies, television, audio and video tapes, audio and video discs, and similar materials. Printed materials may also be included if in combination with one or more of the preceding.

*Media technology* means the methods and processes through which media are provided and encompasses demonstration of the use of modern communication technology in improving the general welfare of handicapped persons.

*Nonprofit purposes* means that the exhibition of media may not result in monetary gain or other tangible economic benefit to the borrower.

*Production* means creating or changing media materials.

*Training* means activities designed to develop facility in the use of media materials and technology and in dissemination and marketing practices.

(Authority: 20 U.S.C. 1451, 1452)

[45 FR 52132, Aug. 5, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 56 FR 54702, Oct. 22, 1991]

### Subpart B—What Kinds of Projects Does the Department of Education Assist Under This Program?

#### **§ 332.10 Projects funded under the educational media research, production, distribution, and training program.**

Projects that may be supported include, but are not limited to the following:

(a) Research in the use of educational and training films and other educational media for individuals with disabilities. This may include research to—

(1) Identify the full range of special needs of individuals with disabilities related to educational media and media technology;

(2) Determine the need for—

(i) Educational media training;

(ii) Media information systems; and

(iii) Media delivery systems;

(3) Determine the extent to which the needs listed in paragraph (a)(2) of this section are being met; and

(4) Develop or demonstrate new or improved techniques that would contribute to the advancement and education of individuals with disabilities through the use of educational media or technology or both.

(b) Creation or adaptation of educational media for use by individuals with disabilities, their parents, their actual or potential employers, and other persons directly involved in activities for the advancement of individuals with disabilities.

(c) Distribution of educational media. This may include the development of delivery systems.

(d) Dissemination of information about practices found effective in regard to the effective use of educational media and technology.

(e) Training of persons in the use and dissemination of educational media for the advancement of individuals with disabilities.

(f) Provision of cultural experiences to enrich the lives of deaf and hard of hearing children and adults, increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard of hearing individuals, and promote the integration of hearing and deaf and hard of hearing individuals through shared cultural, educational, and social experiences.

(g) Captioning for deaf and hard of hearing individuals and video describing for the visually impaired of films, television programs, and video materials.

(h) Provision of current, free textbooks and other educational publications and materials to blind and other print-handicapped students in elementary, secondary, postsecondary, and graduate schools and other institutions

of higher education through the medium of transcribed tapes and cassettes. The term *print-handicapped* refers to any individual who is blind as severely visually impaired, or who, by reason of a physical or perceptual disability, is unable to read printed material unassisted.

(i) Distribution of captioned and video-described films, video materials, and other educational media and equipment through State schools for individuals with disabilities, public libraries, and such other agencies or entities as the Secretary deems appropriate to serve as local or regional centers for such distribution.

(Authority: 20 U.S.C. 1452)

[45 FR 52132, Aug. 5, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 56 FR 54702, Oct. 22, 1991]

### Subpart C [Reserved]

### Subpart D—How Are Grants Made?

#### § 332.30 How does the Secretary establish priorities annually?

(a) The Secretary may select a priority for funding from among those activities listed in § 332.10 by publishing a notice in the FEDERAL REGISTER.

(b) The Secretary may identify a particular disability or disabilities as a priority for assistance under this program through publication of a notice in the FEDERAL REGISTER.

(Authority: 20 U.S.C. 1451, 1452)

[45 FR 52132, Aug. 5, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 56 FR 54703, Oct. 22, 1991]

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

(a) The Secretary evaluates an application on the basis of the criteria in § 332.32. The extent to which an applicant addresses a priority is considered under the *need* criterion of § 332.32(f).

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

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

(Authority: 20 U.S.C. 1451)

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

(a) *Plan of operation.* (25 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;

(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 under represented, such as—

(A) Individuals with disabilities;

(B) Members of racial or ethnic minority groups;

(C) Women; and

(D) The elderly.

(b) *Quality of key personnel.* (20 points) (1) The Secretary reviews each application for information that shows the quality 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 plans to 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 under represented, such as—

(A) Individuals with disabilities;

(B) Members of racial or ethnic minority groups;

(C) Women; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past 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.* (15 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 quantifiable.

(e) *Adequacy of resources.* (10 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources for 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) *Need.* (20 points) (1) The Secretary reviews each application for information that shows the need for the project.

(2) The Secretary looks for information that shows—

(i) The need for the proposed activity with respect to the disability served or to be served by the applicant;

(ii) The potential for using the results in other projects or programs.

(g) *Marketing and dissemination.* (5 points) (1) The Secretary reviews each application for information that shows

adequate provisions for marketing or disseminating results.

(2) The Secretary looks for information that shows—

(i) The provisions for marketing or otherwise disseminating the results of the project; and

(ii) Provisions for making materials and techniques available to the populations for whom the project would be useful.

(Authority: 20 U.S.C. 1451, 1452)

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

[46 FR 3206, Jan. 14, 1981, as amended at 56 FR 54703, Oct. 22, 1991; 57 FR 14315, Apr. 17, 1992]

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

#### § 332.40 Final products.

The Secretary may require any grantee engaged in the actual development of materials to submit up to one original and two copies of those materials.

#### § 332.41 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.

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

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

[56 FR 54703, Oct. 22, 1991, as amended at 57 FR 14315, Apr. 17, 1992]

**PART 333—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES PROGRAM**

**Subpart A—General**

Sec.

333.1 What is the Technology, Educational Media, and Materials for Individuals with Disabilities Program?

333.2 Who is eligible for an award?

333.3 What priorities does the Secretary consider for support under this part?

333.4 How does the Secretary select and announce funding priorities under this program?

333.5 What regulations apply to this program?

333.6 What definitions apply to this program?

333.7—333.9 [Reserved]

**Subpart B [Reserved]**

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

333.20 How does the Secretary evaluate an application?

333.21 What selection criteria does the Secretary use to evaluate applications for research or evaluation activities?

333.22 What selection criteria does the Secretary use to evaluate applications for development or demonstration activities?

333.23—333.29 [Reserved]

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

333.30 What materials must be submitted by the grantee?

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

333.32—333.39 [Reserved]

AUTHORITY: 20 U.S.C. 1461-1462, unless otherwise noted.

SOURCE: 53 FR 6952, Mar. 3, 1988, unless otherwise noted.

EFFECTIVE DATE NOTE: At 63 FR 23601, Apr. 29, 1998, part 333 was removed, effective Oct. 1, 1998.

**Subpart A—General**

**§ 333.1 What is the Technology, Educational Media, and Materials for Individuals with Disabilities Program?**

The purpose of this program is to support projects and centers for advancing the availability, quality, use, and effectiveness of technology, and educational media and materials in the education of children and youth with disabilities, and the provision of related services and early intervention services to infants and toddlers with disabilities.

(Authority: 20 U.S.C. 1461)

[56 FR 54703, Oct. 22, 1991]

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

(a) The Secretary may award grants or contracts, or enter into cooperative agreements with, institutions of higher education, State and local educational agencies, public agencies, and private nonprofit or for-profit organizations.

(b) The Secretary does not award a grant, contract, or cooperative agreement for the activities described in § 333.3 (a) through (f) unless the applicant for such assistance agrees that activities carried out with the assistance will be coordinated, as appropriate, with the State entity receiving funds under the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (title 1 of Public Law 100-407).

(Authority: 20 U.S.C. 1461)

[53 FR 6952, Mar. 3, 1988, as amended at 56 FR 54703, Oct. 22, 1991]

**§ 333.3 What priorities does the Secretary consider for support under this part?**

The Secretary may fund activities that carry out the purpose of the program. These activities may include, but are not limited to, the following:

(a) Conducting research or evaluation on the need, use, design features, implementation, and effectiveness of technology, assistive technology, educational media, and materials.

(b) Demonstrating the effectiveness and the efficient implementation and