

§§ 333.32—333.39 [Reserved]

Subpart A—General

**PART 338—POSTSECONDARY EDUCATION PROGRAMS FOR INDIVIDUALS WITH DISABILITIES**

**§ 338.1 What are the Postsecondary Education Programs for Individuals with Disabilities?**

Subpart A—General

The Postsecondary Education Programs for Individuals with Disabilities provide assistance for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for individuals with disabilities. Such model programs may include joint projects that coordinate with special education and transitional services.

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- 338.1 What are the Postsecondary Education Programs for Individuals with Disabilities?
- 338.2 Who is eligible to apply for an award under these programs?
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- 338.5—338.9 [Reserved]

(Authority: 20 U.S.C. 1424a)

[56 FR 54704, Oct. 22, 1991]

**Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?**

**§ 338.2 Who is eligible to apply for an award under these programs?**

- 338.10 What kinds of activities may be supported under this part?
- 338.11—338.19 [Reserved]

State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other non-profit educational agencies are eligible to apply for awards under this part.

(Authority: 20 U.S.C. 1424a)

**Subpart C—How Does an Applicant Apply for a Grant?**

**§ 338.3 What regulations apply to these programs?**

- 338.20 What are the application requirements under this part?
- 338.21—338.29 [Reserved]

The following regulations apply to awards under the Postsecondary Education Programs for Individuals with Disabilities;

**Subpart D—How Does the Secretary Make a Grant?**

- 338.30 What are the priorities considered for support by the Secretary under this part?
- 338.31 What are the selection criteria used to make awards?
- 338.32 Are awards for regional centers and model projects geographically dispersed?
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- (a) The regulations in this part 338.
- (b) The Education Department General Administrative Regulations (EDGAR) established 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);

**Subpart E—What Conditions Must a Grantee Meet?**

- 338.40 What coordination and dissemination requirements must be met by a grantee?
- 338.41 What other conditions must be met by grantees under this program?
- 338.42—338.49 [Reserved]

AUTHORITY: 20 U.S.C. 1424a, unless otherwise noted.

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§ 338.4

(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).

(Authority: 20 U.S.C. 1424a; 20 U.S.C. 3474(a))

[49 FR 25991, June 25, 1984, as amended at 56 FR 54704, Oct. 22, 1991]

**§ 338.4 What definitions apply to these programs?**

(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
- Nonprofit
- Project
- Secretary
- State educational agency.

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

(b) *Definitions in 34 CFR part 300.* The following term used in this part is defined in 34 CFR 300.5(b)(9):

Specific learning disability

(Authority: 20 U.S.C. 1401(a)(15))

(c) *Other definitions—Individuals with disabilities* means individuals—

(1) With mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(2) Who, by reason thereof, need special education and related services.

(Authority: 20 U.S.C. 1424a(b))

[49 FR 25991, June 25, 1984, as amended at 56 FR 54704, Oct. 22, 1991]

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**§§ 338.5–338.9 [Reserved]**

**Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?**

**§ 338.10 What kinds of activities may be supported under this part?**

(a) The Secretary may support projects and activities under this part including but not limited to—

(1) The operation of centers for deaf individuals, including models of comprehensive supportive services to those individuals;

(2) Model projects of supportive services to individuals with disabling conditions other than deafness that focus on—

(i) Specially adapted or designed educational programs that coordinate, facilitate, and encourage education of individuals with disabilities with their nondisabled peers;

(ii) Expansion of the educational resources and services available to individuals with disabilities in postsecondary programs;

(iii) Outreach activities that include the provision of technical assistance to strengthen efforts in the development, operation, and design of model programs that are adapted to the special needs of individuals with disabilities.

(iv) Development and dissemination of strategies and materials for the in-service training of faculty and administrative personnel involved in the integration of individuals with disabilities in postsecondary institutions in order to improve their understanding of, and attitudes toward, those individuals;

(3) Evaluation of the effectiveness of programs carried out under this part to increase access to postsecondary education for individuals with disabilities; and

(4) Establishment of projects to stimulate and develop model statewide, regional, and national programs to improve access for individuals with disabilities including the fostering of cooperative and consortia arrangements.

(b) The following is an illustrative list of the types of supportive services which may be provided (in whole or in part) in model projects supported under this part:

- (1) Interpreters.
  - (2) Tutors.
  - (3) Notetakers and readers.
  - (4) Wheelchair attendants.
  - (5) Guidance counselors.
  - (6) Speech and auditory training.
  - (7) Job placement and follow-up.
  - (8) Preparatory and orientation services.
  - (9) Supplementary learning experiences.
  - (10) Instructional media adaptations.
  - (11) Inservice training for teachers and other educational staff relating to the participants with disabilities in the program.
  - (12) Administrative expenses, including employment of a director, administrator, or coordinator of the program.
  - (13) Planning and evaluation activities.
- (c) Recipients may not use funds provided under this part for the payment of tuition or subsistence allowances.

(Authority: 20 U.S.C. 1424a)

[49 FR 25991, June 25, 1984, as amended at 52 FR 6143, Mar. 2, 1987; 56 FR 54704, Oct. 22, 1991]

**§§ 338.11—338.19 [Reserved]**

**Subpart C—How Does an Applicant Apply for a Grant?**

**§ 338.20 What are the application requirements under this part?**

Applications for funds under this part must contain—

- (a) A description of the disabling condition(s) of the persons to be served; and
- (b) The estimated number of individuals with disabilities to be served annually in the program and specification of the resources and services needed to

enable them to benefit from an educational program.

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

(Authority: 20 U.S.C. 1424, 1424a)

[49 FR 25991, June 25, 1984, as amended at 56 FR 54704, Oct. 22, 1991]

**§§ 338.21—338.29 [Reserved]**

**Subpart D—How Does the Secretary Make a Grant?**

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

(a) For each fiscal year, the Secretary gives priority consideration to four regional centers for deaf individuals.

(b) For any fiscal year, the Secretary may select priorities from among those activities listed in § 338.10(a) (2) through (4).

(c) The Secretary may identify one or more disabling conditions as a priority for assistance under this part by publishing a notice in the FEDERAL REGISTER.

(Authority: 20 U.S.C. 1424a(a)(2))

[49 FR 25991, June 25, 1984, as amended at 56 FR 54704, Oct. 22, 1991]

**§ 338.31 What are the selection criteria used to make awards?**

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(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 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; 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 plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory 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 the qualifications of a person, 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.* (15 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 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) *Continuation of program.* (5 points) (1) The Secretary reviews each application for information that shows that the activities to be supported are likely to be continued after Federal funding ends.

(2) The Secretary looks for information that shows the likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding, as measured by evidence of financial and other commitment of the applicant to the program.

(g) *Importance.* (10 points) (1) The Secretary reviews each application for information demonstrating that the proposed project is nationally important 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; and in remedying or compensating for it;
- (iii) The experiences of service providers related to the problem or issue; and
- (iv) Previous research findings related to the problem or issue.

(h) *Impact.* (15 points) The Secretary reviews each application for information that shows the probable impact of

the proposed research or demonstration activities in improving postsecondary education for individuals with disabilities, including—

(1) The contribution that the research or demonstration 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.

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(Authority: 20 U.S.C. 1424a)

[49 FR 25991, June 25, 1984, as amended at 53 FR 49145, Dec. 6, 1988; 56 FR 54704, Oct. 22, 1991]

**§338.32 Are awards for regional centers and model projects geographically dispersed?**

To the extent feasible, the Secretary, after applying the selection criteria in §338.31, geographically disperses awards for regional centers and model projects throughout the Nation in urban and rural areas.

(Authority: 20 U.S.C. 1424a)

[52 FR 6143, Mar. 2, 1987]

**§§ 338.33—338.39 [Reserved]**

**Subpart E—What Conditions Must a Grantee Meet?**

**§338.40 What coordination and dissemination requirements must be met by a grantee?**

Grantees operating regional centers and model projects shall coordinate their efforts with, and disseminate information about their activities to, the clearinghouse on postsecondary programs established under 34 CFR 320.1(b).

(Authority: 20 U.S.C. 1424a)

[52 FR 6143, Mar. 2, 1987]

**§338.41 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 pro-

cedures, 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))

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[56 FR 54704, Oct. 22, 1991, as amended at 57 FR 14315, Apr. 17, 1992]

**§§ 338.42—338.49 [Reserved]**

**PART 345—STATE GRANTS PROGRAM FOR TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES**

**Subpart A—General**

Sec.

- 345.1 What is the State Grants Program for Technology-Related Assistance for Individuals with Disabilities?
- 345.2 What are the purposes of the State grants program for technology-related assistance for individuals with disabilities?
- 345.3 What are the types of awards under this program?
- 345.4 Who is eligible to receive a development grant?
- 345.5 What are the responsibilities of the lead agency or public agency in applying for and in administering a development grant?
- 345.6 How does a State designate the lead agency?
- 345.7 Who is eligible to receive an extension grant?
- 345.8 What are the responsibilities of the lead agency in applying for and in administering an extension grant?
- 345.9 What regulations apply to this program?
- 345.10 What definitions apply to this program?