

other rehabilitation services, and research training and career development projects.

(2) Each grantee must participate in the costs of those projects.

(3) The specific amount of cost sharing to be borne by each grantee—

(i) Is negotiated at the time of the award; and

(ii) Is not considered in the selection process.

(b)(1) The Secretary may make grants to pay for part or all of the costs of—

(i) Establishment and support of Rehabilitation Research and Training Centers and Rehabilitation Engineering Research Centers; and

(ii) Specialized research or demonstration activities described in section 204(b)(2)-(16) of the Act.

(2) The Secretary determines at the time of the award whether the grantee must pay a portion of the project or center costs.

(Authority: Sec. 204; 29 U.S.C. 762)

**§ 350.63 What are the requirements of a grantee relative to the Client Assistance Program?**

All Projects and Centers that provide services to individuals with disabilities with funds awarded under this Program must—

(a) Advise those individuals who are applicants for or recipients of services under the Act, or their parents, family members, guardians, advocates, or authorized representatives, of the availability and purposes of the Client Assistance Program (CAP) funded under the Act; and

(b) Provide information on the means of seeking assistance under the CAP.

(Authority: Sec. 20; 29 U.S.C. 718a)

**§ 350.64 What is the required duration of the training in an Advanced Rehabilitation Research Training Project?**

A grantee for an Advanced Rehabilitation Research Training Project shall provide training to individuals that is at least one academic year, unless a longer training period is necessary to ensure that each trainee is qualified to

conduct independent research upon completion of the course of training.

(Authority: Secs. 202-204; 29 U.S.C. 760-762)

**§ 350.65 What level of participation is required of trainees in an Advanced Rehabilitation Research Training Project?**

Individuals who are receiving training under an Advanced Rehabilitation Research Training Project shall devote at least eighty percent of their time to the activities of the training program during the training period.

(Authority: Secs. 202-204; 29 U.S.C. 760-762)

**§ 350.66 What must a grantee include in a patent application?**

Any patent application filed by a grantee for an invention made under a grant must include the following statement in the first paragraph:

The invention described in this application was made under a grant from the Department of Education.

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

**PART 356—DISABILITY AND REHABILITATION RESEARCH: RESEARCH FELLOWSHIPS**

**Subpart A—General**

Sec.

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- 356.40 What is the length of a Fellowship award?
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- 356.42 What acknowledgement of support is required?

**Subpart F—What are the Administrative Responsibilities of a Fellow?**

- 356.50 What kinds of payments are allowed under this program?
- 356.51 What reports are required?
- 356.52 Are there other requirements?

AUTHORITY: 29 U.S.C. 760-762, unless otherwise noted.

SOURCE: 46 FR 45312, Sept. 10, 1981, unless otherwise noted.

**Subpart A—General**

**§356.1 What is the Research Fellowships Program?**

The purpose of this program is to build research capacity by providing support to highly qualified individuals, including those who are individuals with disabilities, to perform research on the rehabilitation of individuals with disabilities.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984, as amended at 58 FR 49419, Sept. 22, 1993]

**§356.2 Who is eligible for assistance under this program?**

(a) Only individuals are eligible to be recipients of Fellowships.

(b) Any individual is eligible for assistance under this program who has training and experience that indicate a potential for engaging in scientific research related to the solution of rehabilitation problems of individuals with disabilities.

(c) This program provides two categories of Fellowships: Merit Fellowships and Distinguished Fellowships.

(1) To be eligible for a Distinguished Fellowship, an individual must have seven or more years of research experience in subject areas, methods, or techniques relevant to rehabilitation research and must have a doctorate, other terminal degree, or comparable academic qualifications.

(2) The Secretary awards Merit Fellowships to individuals in earlier stages of their careers in research. To be eligible for a Merit Fellowship, an individual must have either advanced professional training or experience in independent study in an area which is directly pertinent to disability and rehabilitation.

(d) An applicant for a fellowship under this program must be eligible under 34 CFR 75.60.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984, as amended at 57 FR 30343, July 8, 1992; 58 FR 49419, Sept. 22, 1993]

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

The following regulations apply to this program:

(a) The peer review requirements contained in 34 CFR 350.31-350.32.

(b) The regulations in this part—34 CFR part 356;

(c)(1) Subject to the additional requirement in paragraph (c)(2) of this section, 34 CFR part 97, Protection of Human Subjects.

(2) When an IRB reviews research that purposefully requires inclusion of children with disabilities or individuals with mental disabilities as research subjects, the IRB must include at least one person primarily concerned with the welfare of these research subjects.

(d) The regulations in 34 CFR 75.60-75.61 (regarding the ineligibility of certain individuals to receive assistance).

(Authority: 29 U.S.C. 761a(d), 42 U.S.C. 300v-1(b))

[46 FR 45312, Sept. 10, 1981, as amended at 56 FR 28031, June 18, 1991; 57 FR 30343, July 8, 1992; 58 FR 49419, Sept. 22, 1993; 60 FR 17431, Apr. 5, 1995]

**§ 356.4 What definitions apply to this program?**

The definitions listed in 34 CFR 350.4 apply to this program.

(Authority: Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

**Subpart B—What Kinds of Activities Does the Department Support Under This Program?****§ 356.10 What types of activities are authorized?**

(a) Fellows may conduct original research in any area authorized by section 204 of the Act.

(b) Each year the Secretary may determine that research is needed in certain areas authorized under section 204 of the Act and may set aside funds to provide fellowship assistance for research in these specific areas. The Secretary publishes the selected priorities, if any, in a notice in the FEDERAL REGISTER.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**§ 356.11 What types of problems may be researched under the fellowship program?**

Problems encountered by individuals with disabilities in their daily lives that are due to the presence of a disabling condition, problems associated with the provision of rehabilitation services to individuals with disabilities, and problems connected with the conduct of disability research may be addressed under this program.

(Authority: Secs. 202(d), 202(g)(1), 204; 29 U.S.C. 761a(d), 761a(g)(1), 762)

[58 FR 49419, Sept. 22, 1993]

**Subpart C—How Does One Apply for Assistance Under This Program?****§ 356.20 What are the application procedures under this part?**

From time to time the Secretary will publish in the FEDERAL REGISTER an Application Notice that announces the availability of fellowship assistance under this part.

(Authority: Sec. 202(d); (29 U.S.C. 761a(d)))

**§ 356.21 What is the fellowship review process?**

The Secretary reviews applications for Fellowships in accordance with the peer review requirements governing grants in 34 CFR 350.31 and 350.32 and the selection criteria contained in § 356.30.

(Approved by the Office of Management and Budget under control number 1800-0027)

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**Subpart D—How Does the Secretary Select a Fellow?****§ 356.30 What selection criteria are used for this program?**

The Secretary evaluates an application for a Fellowship on the basis of—

(a) Quality and level of formal education, previous work experience, and recommendations of present or former supervisors or colleagues that include an indication of the applicant's ability to work creatively in scientific research; and

(b) The quality of a research proposal of no more than 12 pages containing the following information:

(1) The importance of the problem to be investigated to the purpose of the Act and the mission of the Institute.

(2) The research hypotheses or related objectives and the methodology and design to be followed.

(3) Assurance of the availability of any necessary data resources, equipment, or institutional support, including technical consultation and support where appropriate, required to carry out the proposed activity.

(Approved by the Office of Management and Budget under control number 1800-0027)

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984, as amended at 52 FR 30065, Aug. 12, 1987]

**§ 356.31 How does the Secretary evaluate an application under this part?**

The Secretary awards the following points for each application based on how well the applicant addresses the two criteria in § 356.30: Outstanding (5);

§ 356.32

Superior (4); Satisfactory (3); Marginal (2); Poor (1).

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**§ 356.32 What are the special considerations in selecting applications for funding under this part?**

(a) The Secretary reserves funds to support some or all of the applications which have been awarded a rating of superior or better (4-5 points) under § 356.31.

(b) In making a final selection of applicants to support under this program, the Secretary considers the extent to which applicants rated outstanding or superior present a unique opportunity to effect a major advance in knowledge, address critical problems in innovative ways, present proposals which are consistent with the Institute's Long-Range Plan, build research capacity within the field, or complement and significantly increases the potential value of already planned research and related activities.

(Approved by the Office of Management and Budget under control number 1800-0027)

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984, as amended at 52 FR 30065, Aug. 12, 1987]

**Subpart E—What Conditions Have To Be Met by a Fellow?**

**§ 356.40 What is the length of a Fellowship award?**

The Secretary awards Fellowships for a period of 12 months. Under exceptional circumstances, the Secretary may extend the period of a Fellowship; such an extension may not exceed 12 months.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**§ 356.41 What are the employment limitations during a fellowship period?**

The Secretary may require a research fellow to work full time on authorized fellowship activities.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

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**§ 356.42 What acknowledgement of support is required?**

Publication, distribution, and disposition of all manuscripts and other materials resulting from a fellowship awarded under this part must acknowledge that assistance was received from the Department and the Institute. Three copies of these publications or other materials must be furnished to the Secretary.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

**Subpart F—What are the Administrative Responsibilities of a Fellow?**

**§ 356.50 What kinds of payments are allowed under this program?**

A Fellowship award in either the Distinguished or Merit category includes a fixed stipend and a flat rate allowance for research and research-related expenses including travel expenses.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**§ 356.51 What reports are required?**

Fellows shall submit final reports. Each report must contain at a minimum an analysis of the significance of the project and an assessment of the degree to which the objectives of the project have been achieved.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**§ 356.52 Are there other requirements?**

The Secretary may require fellows to attend one or more meetings in connection with Fellowship activities.

(Authority: Sec. 202(d); 29 U.S.C. 761a(d))

[49 FR 24979, June 18, 1984]

**PART 359—DISABILITY AND REHABILITATION RESEARCH: SPECIAL PROJECTS AND DEMONSTRATIONS FOR SPINAL CORD INJURIES**

**Subpart A—General**

Sec.

359.1 What is the Special Projects and Demonstrations for Spinal Cord Injuries Program?