

§ 271.30

(4) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, national origin, color, sex, age, or handicapping condition.

(i) The applicant must have familiarity with materials used in providing technical assistance and training in each of the desegregation assistance areas for which it has applied;

(j) The key personnel the applicant plans to use on the project must be qualified, as determined by:

(1) The experience and training of the project director and other key personnel; and

(2) The time that the project director and other key personnel will devote to the project to ensure its success;

(k) The applicant, as part of its non-discriminatory employment practices, shall ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age or handicapping condition.

(l) The project must have an adequate budget to support the project activities, and costs must be reasonable in relation to the objectives of the project; and

(m) The applicant must have an evaluation plan that includes methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(Approved by the Office of Management and Budget under control number 1810-0030)

(Authority: 42 U.S.C. 2000c-2)

Subpart D—How Does the Secretary Make a Grant?

§ 271.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this part on the basis of the requirements in § 271.20.

(b) The Secretary identifies those applications that satisfactorily address each of the factors included in § 271.20.

(c) The Secretary notifies an SEA whose application does not satisfactorily address each of the requirements in § 271.20 and permits the SEA to amend its application. If the amended application meets each of the require-

34 CFR Ch. II (7-1-10 Edition)

ments of § 271.20, the Secretary approves it for funding.

(Authority: 42 U.S.C. 2000c-2)

§ 271.31 How does the Secretary determine the amount of the grant?

The Secretary awards a grant to each SEA whose application meets the requirements of § 271.20. The Secretary determines the amount of a grant, pursuant to the cost analysis under 34 CFR 75.232, on the basis of:

(a) The amount of funds available for all grants under this part;

(b) The magnitude of the expected needs of responsible governmental agencies for desegregation assistance and the cost of providing that assistance to meet those needs, in the State for which an application is approved, as compared with the magnitude of the expected needs for desegregation assistance, and the cost of providing it, in all States for which applications are approved for funding;

(c) The size and the racial or ethnic diversity of the student population of the State;

(d) The extent to which the applicant will effectively and efficiently use funds awarded to it, including, if relevant, consideration of its previous use of funds awarded under this program; and

(e) Any other information concerning desegregation problems and proposed activities that the Secretary finds relevant in the applicant's State.

(Authority: 42 U.S.C. 2000c-2)

PART 272—DESEGREGATION ASSISTANCE CENTER PROGRAM

Subpart A—General

Sec.

272.1 What is the Desegregation Assistance Center Program?

272.2 Who is eligible to receive a grant under this program?

272.3 What regulations apply to this program?

272.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?

272.10 What types of projects may be funded?

Ofc. of Elem. & Secondary Ed., Education

§ 272.11

272.11 Who may receive desegregation assistance under this program?

(a) The regulations in 34 CFR part 270.

272.12 What geographic regions do the DACs serve?

(b) The regulations in this part.

(Authority: 42 U.S.C. 2000c-2)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 272.4 What definitions apply to this program?

272.30 What criteria does the Secretary use to make a grant?

The definitions in 34 CFR 270.3 apply to the DAC program.

272.31 How does the Secretary evaluate an application for a grant?

(Authority: 42 U.S.C. 2000c-2)

272.32 How does the Secretary determine the amount of a grant?

Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?

Subpart E—What Conditions Must Be Met by a Recipient of a Grant?

§ 272.10 What types of projects may be funded?

272.40 What conditions must be met by a recipient of a grant?

(a) The Secretary may award funds to DACs for projects offering technical assistance (including training) to school boards and other responsible governmental agencies, at their request, for assistance in the preparation, adoption, and implementation of desegregation plans.

AUTHORITY: 42 U.S.C. 2000c-2000c-2, 2000c-5, unless otherwise noted.

SOURCE: 52 FR 24965, July 1, 1987, unless otherwise noted.

(b) A project must provide technical assistance in all three of the desegregation assistance areas, as defined in 34 CFR 270.3.

Subpart A—General

§ 272.1 What is the Desegregation Assistance Center Program?

This program provides financial assistance to operate regional Desegregation Assistance Centers (DACs), to enable them to provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools, and in the development of effective methods of coping with special educational problems occasioned by desegregation.

(c) Desegregation assistance may include, among other activities:

(1) Dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation;

(2) Assistance and advice in coping with these problems; and

(3) Training designed to improve the ability of teachers, supervisors, counselors, parents, community members, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.

(Authority: 42 U.S.C. 2000c-2)

§ 272.2 Who is eligible to receive a grant under this program?

A public agency (other than a State educational agency or a school board) or private, nonprofit organization is eligible to receive a grant under this program.

(Authority: 42 U.S.C. 2000c-2)

(Authority: 42 U.S.C. 2000c-2)

§ 272.3 What regulations apply to this program?

The following regulations apply to the DAC program:

§ 272.11 Who may receive desegregation assistance under this program?

(a) The recipient of a grant under this part may provide assistance only if requested by school boards and other responsible governmental agencies located in its geographical service area.

(b) The recipient may provide assistance only to the following persons:

(1) Public school personnel.

§ 272.12

34 CFR Ch. II (7–1–10 Edition)

(2) Students enrolled in public schools, parents of those students, and other community members.

(Authority: 42 U.S.C. 2000c-2)

§ 272.12 What geographic regions do the DACs serve?

The Secretary awards a grant to provide race, sex, and national origin desegregation assistance under this program in each of the following geographic regions:

- (a) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
- (b) New York, New Jersey, Puerto Rico, Virgin Islands.
- (c) Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
- (d) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
- (e) Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
- (f) Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
- (g) Iowa, Kansas, Missouri, Nebraska.
- (h) Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
- (i) Arizona, California, Nevada.
- (j) Alaska, American Samoa, Guam, Hawaii, Idaho, Northern Mariana Islands, Oregon, Trust Territory of the Pacific Islands, Washington.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 272.30 What criteria does the Secretary use to make a grant?

The Secretary uses the following criteria to evaluate applications for DAC grants.

- (a) *Mission and strategy.* (30 points) The Secretary reviews each application to determine the extent to which the applicant understands effective practices for addressing problems in each of the desegregation assistance areas, including the extent to which the applicant:
 - (1) Understands the mission of the proposed DAC;

(2) Is familiar with relevant research, theory, materials, and training models;

(3) Is familiar with the types of problems that arise in each of the desegregation assistance areas;

(4) Is familiar with relevant strategies for technical assistance and training; and

(5) Is familiar with the desegregation needs of responsible governmental agencies in its designated region.

(b) *Organizational capability.* (15 points) The Secretary reviews each application to determine the ability of the applicant to sustain a long-term, high-quality, and coherent program of technical assistance and training, including the extent to which the applicant:

- (1) Demonstrates the commitment to provide the services of appropriate faculty or staff members from its organization;
- (2) Selects project staff with an appropriate mixture of scholarly and practitioner backgrounds; and
- (3) Has had past successes in rendering technical assistance and training in the desegregation assistance areas, including collaborating with other individuals and organizations.

(c) *Plan of operation.* (25 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including the extent to which:

- (1) The design of the project is of high quality;
- (2) The plan of management ensures proper and efficient administration of the project;
- (3) The applicant plans to use its resources and personnel effectively to achieve each objective; and
- (4) The applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, sex, age, or handicapping condition.

(d) *Quality of key personnel.* (15 points)

- (1) The Secretary reviews each application to determine the qualifications of the key personnel that the applicant plans to use on the project, including:
 - (i) The qualifications of the project director;

(ii) The qualifications of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications, under paragraphs (d)(1) (i) and (ii) of this section, the Secretary considers:

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which:

(1) The budget for the project is adequate to support the project activities; and

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

(f) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the methods of evaluation:

(1) Are appropriate for the project; and

(2) To the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

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(Authority: 42 U.S.C. 2000c-2)

§ 272.31 How does the Secretary evaluate an application for a grant?

(a) The Secretary evaluates the application on the basis of the criteria in § 272.30.

(b) The Secretary selects the highest ranking application for each geo-

graphical service area to receive a grant.

(Authority: 42 U.S.C. 2000c-2)

§ 272.32 How does the Secretary determine the amount of a grant?

The Secretary determines the amount of a grant on the basis of:

(a) The amount of funds available for all grants under this part;

(b) A cost analysis of the project (that shows whether the applicant will achieve the objectives of the project with reasonable efficiency and economy under the budget in the application), by which the Secretary:

(1) Verifies the cost data in the detailed budget for the project;

(2) Evaluates specific elements of costs; and

(3) Examines costs to determine if they are necessary, reasonable, and allowable under applicable statutes and regulations;

(c) The magnitude of the expected needs or responsible governmental agencies for desegregation assistance in the geographic region, and the cost of providing that assistance to meet those needs, as compared with the magnitude of the expected needs for desegregation assistance, and the cost of providing it, in all geographic regions for which applications are approved for funding;

(d) The size and the racial or ethnic diversity of the student population of the geographic region for which the DAC will provide services; and

(e) Any other information concerning desegregation problems and proposed activities that the Secretary finds relevant in the applicant's geographic region.

(Authority: 42 U.S.C. 2000c-2)

Subpart E—What Conditions Must Be Met by a Recipient of a Grant?

§ 272.40 What conditions must be met by a recipient of a grant?

A recipient of a grant under this part must:

(a) Operate a DAC in the geographic region to be served;

(b) Have a full-time project director; and

(c) Coordinate assistance in its geographic region with appropriate SEAs funded under 34 CFR part 271. As part of this coordination, the recipient shall develop plans to prevent duplication of assistance when a responsible governmental agency requests assistance from both the DAC and the appropriate SEA.

(Authority: 42 U.S.C. 2000c-2)

PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM

Subpart A—General

Sec.

280.1 What is the Magnet Schools Assistance Program?

280.2 Who is eligible to apply for a grant?

280.3 What regulations apply to this program?

280.4 What definitions apply to this program?

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

280.10 What types of projects does the Secretary assist?

Subpart C—How Does One Apply for a Grant?

280.20 How does one apply for a grant?

Subpart D—How Does the Secretary Make a Grant?

280.30 How does the Secretary evaluate an application?

280.31 What selection criteria does the Secretary use?

280.32 How is priority given to applicants?

280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?

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

280.40 What costs are allowable?

280.41 What are the limitations on allowable costs?

AUTHORITY: 20 U.S.C. 7231–7231j, unless otherwise noted.

Subpart A—General

§ 280.1 What is the Magnet Schools Assistance Program?

The Magnet Schools Assistance Program provides grants to eligible local

educational agencies (LEAs) or consortia of LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic and racial backgrounds together. The purposes of the program are to support, through financial assistance to eligible LEAs or consortia of LEAs—

(a) The elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(b) The development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(c) The development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

(d) Courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;

(e) Improvement of the capacity of LEAs, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(f) Ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

(Authority: 20 U.S.C. 7231)

[51 FR 20414, June 4, 1986, as amended at 60 FR 14865, Mar. 20, 1995; 69 FR 4996, Feb. 2, 2004]