

(20 U.S.C. 1433)

(Approved by the Office of Management and Budget under control number 1820-0028—Expires 2/28/87)

§ 320.31 What are the priorities for funding under this program?

The Secretary may select as annual priorities any of the activities listed in § 320.10 by publishing a notice in the Federal Register.

(20 U.S.C. 1433)

§§ 320.32-320.39 [Reserved]

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

§ 320.40 What evaluation and coordination requirements must be met by a grantee?

(a) Each grantee under this part shall ensure that any printed materials it produces or disseminates have been evaluated by handicapped individuals, parents of handicapped children and youth, and by appropriate professionals

with respect to the quality, currency, and appropriateness of, and the need to develop or disseminate, the materials.

(b) Recipients of awards under § 320.10 (a) and (b) shall coordinate the dissemination of materials and information activities supported under this part.

(20 U.S.C. 1433)

§§ 320.41-320.49 [Reserved]

[FR Doc. 84-16866 Filed 6-22-84; 8:45 am]

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Postsecondary

Monday
June 25, 1984

Part VI

**Department of
Education**

**Office of Special Education and
Rehabilitative Services**

34 CFR Part 338
**Postsecondary Education Programs for
Handicapped Persons; Final Regulations**

DEPARTMENT OF EDUCATION

34 CFR Part 338

Postsecondary Education Programs for Handicapped Persons

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations under Section 625 of Part C of the Education of the Handicapped Act, as amended. Recent amendments to the Act and a review of the existing regulations necessitate the changes incorporated in these final regulations. The Postsecondary Education Programs for Handicapped Persons provide support, through competitive awards to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies, to develop, operate, and disseminate specially designed model programs of postsecondary, vocational and technical, continuing, or adult education for handicapped persons. These regulations, among other things, describe funding priorities and specify numerical weightings for the modified selection criteria.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Rosenstein, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 4084), Washington, D.C. 20202. Telephone: (202) 732-1176.

SUPPLEMENTARY INFORMATION: Authority for the Postsecondary Education Programs for Handicapped Persons was established under Pub. L. 93-380 on August 21, 1974. The program is currently authorized by section 625 of Part C of the Education of the Handicapped Act, as amended (20 U.S.C. 1424a).

A notice of proposed rulemaking was published in the *Federal Register* on April 30, 1984 (49 FR 18396). The comments received in response to this notice and the Secretary's responses are summarized below:

Comment. One commenter expressed concern that restriction of model program activities to a single handicapped group would not meet the

needs of the divergent handicapped population in most postsecondary institutions.

Response. No change has been made. The regulations (§ 338.30(c)) provide that the Secretary may, for any fiscal year, identify one or more handicapping conditions as a priority for assistance, but do not require the Secretary to do so. The Secretary believes that it is important to be able to target funds to a handicapped group when evidence from the field indicates there is insufficient attention being given to the needs of that group.

Comment. One commenter expressed concern about the limitation of eligibility for funding under this program to nonprofit educational agencies.

Response. No change has been made. The statute governing this program specifies eligible parties.

Comment. Several commenters recommended adding State Vocational Rehabilitation agencies as eligible grantees at § 338.2.

Response. No change has been made. The statute specifies eligible parties who are listed in § 338.2.

Comment. Two commenters suggested that special attention be given to adult students who sustain injuries and related disabilities in mid-life and subsequently re-enter postsecondary settings.

Response. No change has been made. Applicants may propose projects that address the needs of those individuals if they are "handicapped individuals" as defined in § 338.4(c).

Comment. One commenter recommended that at § 338.10 the term "students" be changed to "youth," because the former term may be perceived as restricting participation by those not currently enrolled in educational institutions. Another commenter suggested that the term "handicapped students" be changed to "handicapped individuals" throughout the regulations.

Response. A change has been made. The wording in §§ 338.10 and 338.30 has been changed by replacing the term "students" with "individuals," the term used in the statute.

Comment. One commenter proposed expansion of the listing of authorized activities in § 338.10 to include the development and establishment of cooperative recruitment and service models for unskilled youth who have dropped out of school or college, particularly those who are unemployed or underemployed.

Response. No change has been made. Applicants may propose projects that include provision of services to school drop-outs under this program, and under

the program authorized by section 626 of the Act, Secondary Education and Transitional Services for Handicapped Youth program.

Comment. One commenter recommended that § 338.10(a)(1) specify "four regional centers" as opposed to "centers."

Response. No change has been made. Section 338.10(a)(1) is simply a description of the two types of activities authorized under the Act. Section 338.30(a), however, specifies that the Secretary will make awards for the operation of "four regional centers for deaf individuals."

Comment. Several commenters proposed that "rehabilitation counselors" be added to the illustrative list of support services in § 338.10(b).

Response. No change has been made. The illustrative listing in § 338.10(b) does not preclude other services that may be proposed with justification in individual applications submitted for consideration for assistance under this program.

Comment. One commenter proposed expansion of the list of illustrative services under § 338.10(b) to include preservice training for personnel who will teach postsecondary handicapped individuals.

Response. No change has been made. Authority for preservice training exists under Section 631 of the Act. Parties interested in funding for preservice training may submit applications for projects to the Training Personnel for the Education of the Handicapped program under section 631 of the Act and 34 CFR Part 318.

Comment. One commenter recommended addition of "augmentative communication systems" as a supportive service in § 338.10(b).

Response. No change has been made. The illustrative listing in § 338.10(b) does not preclude other services that may be proposed with justification in submissions for assistance under this program.

Comment. Several commenters proposed adding to § 338.20 a statement of coordination with State Vocational Rehabilitation agencies including the provision that all handicapped students will be registered with that agency within a given time frame.

Response. No change has been made. The Secretary has decided not to include any provision that would require registration of all handicapped individuals in postsecondary programs with State Vocational Rehabilitation agencies because not all handicapped persons are eligible to receive services from State Vocational Rehabilitation agencies.

Comment. One commenter proposed that one of the selection criteria include a plan for dissemination.

Response. No change has been made. The Secretary agrees that a dissemination plan is important to the projects supported under this part. For this reason, § 338.31(h)(2) provides for the evaluation of "the extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups."

These final regulations implement section 625 of Part C of the EHA, as recently amended by Pub. L. 98-199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79). These regulations also include:

(a) Subpart A—General

Section 338.1 of the regulations describes the scope and purpose of the program.

Section 338.2 identifies the parties eligible for assistance under this program. It amends the current regulations (§ 338.4) to expressly include State educational agencies.

Section 338.3 indicates what regulations apply to these programs, and includes regulations under this Part 338, and Parts 74, 75, 77, 78, and 79 of EDGAR.

Section 338.4 provides the definitions that apply to this program. It incorporates certain definitions under EDGAR and defines the terms "handicapped individuals" and "specific learning disability." Use of the latter definition, taken from regulations for the Assistance to States for Education of Handicapped Children program (34 CFR Part 300, § 300.5(b)(9)), is consistent with the statute.

(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

Section 338.10 describes the development of demonstration, inservice training, outreach, research, and dissemination activities supported under this program.

Section 338.10(a) (1) and (2) reflects activities specifically authorized by the amended statute. The other provisions in this section provide guidance to applicants on the types of activities consistent with the statutory purposes that may be assisted under this part.

(c) Subpart C—How Does an Applicant Apply for a Grant?

The application requirements for awards are described in § 338.20. These added requirements are necessary to ensure that handicapped individuals receive the types of services that they

require in postsecondary educational settings.

(d) Subpart D—How Does the Secretary Make a Grant?

Section 338.30 describes the priorities considered for support by the Secretary under this program. The final regulations include priorities in addition to those specified in the statute. The additional priorities further describe the kinds of activities to be supported by this program. These activities benefit the general public, educational institutions, and professionals working with handicapped students in the institutions of higher education specified in the statute. The selection criteria used to award a grant are contained in § 338.31. This section modifies and provides weights to the unweighted selection criteria listed in the current regulations (§ 338.18) and adds two new weighted criteria relating to importance and impact. These new criteria will ensure that projects selected through the competitive process account for appropriate participation of handicapped individuals and for effective use of Federal dollars.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirements in these regulations are approved under OMB Control No. 1820-0028 under the Paperwork Reduction Act of 1980.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in these regulations will not place undue burdens

on small entities submitting applications under this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, published in the *Federal Register* on April 30, 1984, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 338

Education, Education of handicapped, Education-research, Grants program-education, Postsecondary.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.078; Postsecondary Education Programs for Handicapped Persons)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 338 of the Code of Federal Regulations as follows:

PART 338—POSTSECONDARY EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

Subpart A—General

Sec.

338.1 What are the Postsecondary Education Programs for Handicapped Persons?

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

338.3 What regulations apply to these programs?

338.4 What definitions apply to these programs?

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?

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?

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?

338.31 What are the selection criteria used to make awards?

338.32–338.39 [Reserved]

Authority: Sec. 625 of the Education of the Handicapped Act (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General**§ 338.1 What are the Postsecondary Education Programs for Handicapped Persons?**

The Postsecondary Education Programs for Handicapped Persons provide assistance for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

(20 U.S.C. 1424a)

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

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

(20 U.S.C. 1424a)

§ 338.3 What regulations apply to these programs?

The following regulations apply to awards under the Postsecondary Education Programs for Handicapped Persons:

- (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);
 - (2) Part 75 (Direct Grant Programs);
 - (3) Part 77 (Definitions);
 - (4) Part 78 (Education Appeal Board);
- and
- (5) Part 79 (Intergovernmental Review of the Department of Education Programs and Activities).

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

§ 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.

(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

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

(c) *Other definitions.* "Handicapped individuals" means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.

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

§§ 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 handicapping conditions other than deafness that focus on—

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

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

(iii) Establishment of outreach activities to provide technical assistance and program information concerning access and support services for handicapped individuals; or

(iv) Development and dissemination of strategies and materials for the inservice training of faculty and administrative personnel involved in the integration of handicapped individuals 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 handicapped individuals;

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

(5) Conducting research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(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 handicapped participants 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.

(20 U.S.C. 1424a)

§§ 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 handicapping condition(s) of the persons to be served; and

(b) The estimated number of handicapped individuals to be served annually in the program and specification of the resources and services needed to enable them to benefit from an educational program.

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

(Approved by the Office of Management and Budget under Control Number 1820-0028—Expires 2/28/87)

§§ 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)-(5).

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

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

§ 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) Handicapped persons; 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) Handicapped persons; 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 handicapped individuals, including—

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

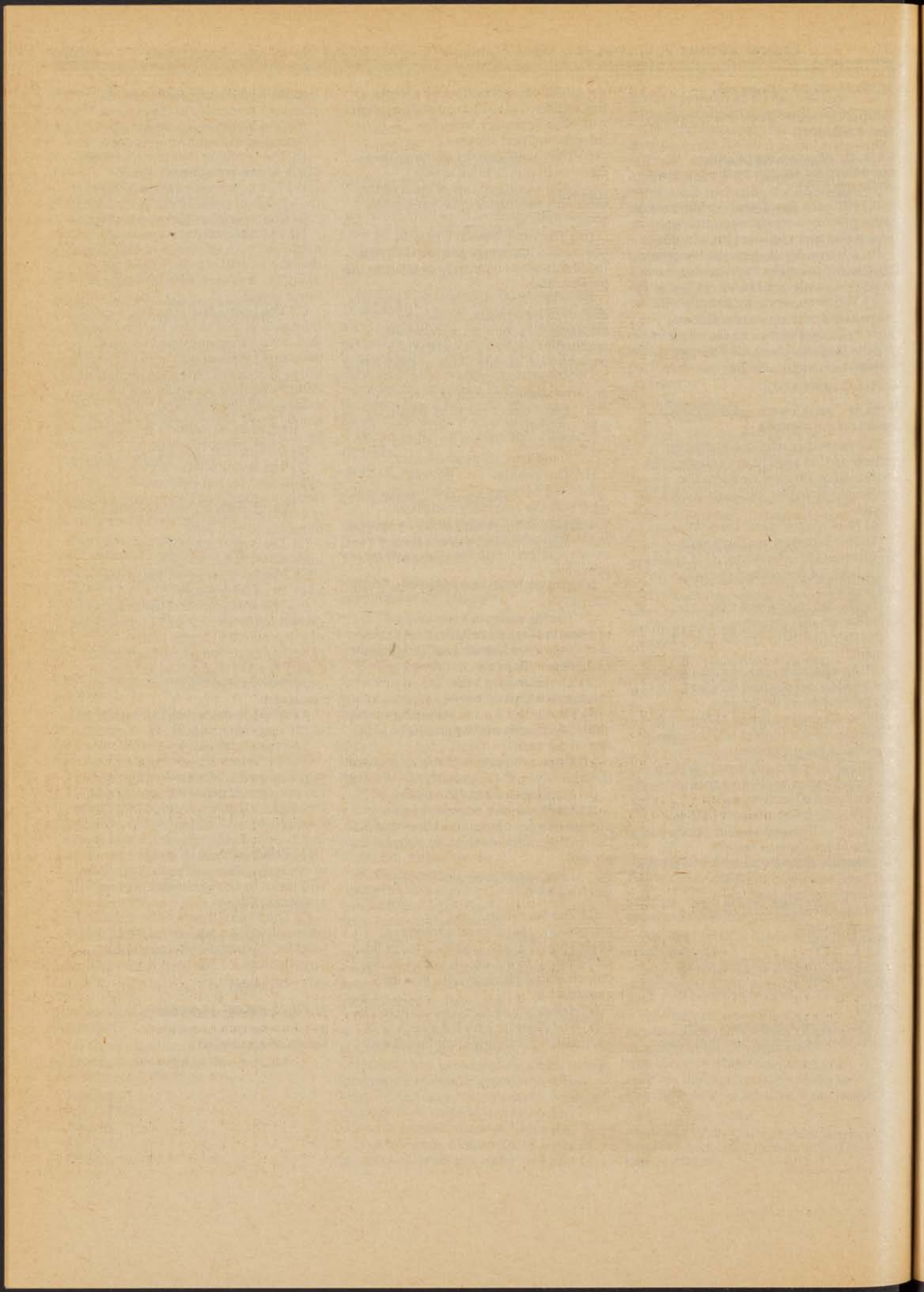
(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(20 U.S.C. 1424a)

§§ 338.32-338.39 [Reserved]

[FR Doc. 84-16867 Filed 6-22-84; 8:45 am]

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34 CFR Part 305

Monday
June 25, 1984

Part VII

**Department of
Education**

**Office of Special Education and
Rehabilitative Services**

**34 CFR Part 305
Regional Resource Centers; Final
Regulations**

DEPARTMENT OF EDUCATION

Office of Special Education and
Rehabilitative Services

34 CFR Part 305

Regional Resource Centers

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations to implement the provisions of section 621 of the Education of the Handicapped Act, as amended by the Education of the Handicapped Act Amendments of 1983. Section 621 supports Regional Resource Centers that assist State and local educational agencies in developing quality programs and services for handicapped children. These regulations include provisions relating to eligible applicants and the services to be provided by Regional Resource Centers.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Etta Waugh, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3628), Washington, D.C. 20202. Telephone: (202) 732-1052.

SUPPLEMENTARY INFORMATION: The Regional Resource Centers program was established under Pub. L. 91-230 on April 13, 1970 and is currently authorized by Section 621 of Part C of the Education of the Handicapped Act (20 U.S.C. 1421).

These final regulations implement the amendments to section 621 of the Act made by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199, which expanded eligibility to include private nonprofit organizations and amended the list of services to be provided by the Regional Resource Centers.

The Regional Resource Centers, through a variety of multistate activities, provide States with information regarding the most recent developments in special education research, technology, and practices to meet identified needs and link States experiencing similar needs for joint problem solving. This linking role is intended to broaden the range of expertise for all State educational agencies.

The description of the services to be provided by the Regional Resource Centers has been amended to reflect the recent statutory amendments. Services to State educational agencies such as information dissemination and training for professionals and parents of handicapped children were not previously required by the statute. Two selection criteria, in addition to the EDGAR selection criteria, have been added at § 305.31 to reflect new statutory requirements.

The Department of Education published a notice of proposed rulemaking in the *Federal Register* on April 30, 1984 (49 FR 18426). The Department of Education received some comments on the proposed regulations. Following is a summary of the comments and the Secretary's responses.

Comment. Two commenters questioned the need for a coordinating center.

Response. No change has been made. The coordination of information and dissemination activities with other Department programs and projects is required of the Regional Resource Centers by section 621(a)(3) of the Act. Establishment of a single coordinating center will ensure that this requirement is effectively carried out.

Comment. Two commenters suggested that the selection criteria in § 305.31 place more emphasis upon the applicant's ability to disseminate information.

Response. No change has been made. As required by section 621 of the Act, § 305.10(a)(4) makes dissemination an absolute requirement for all Regional Resource Centers funded under this part.

A summary of these regulations follows.

(a) Subpart A—General

The scope and purpose of the program are described under § 305.1. Section 305.2 includes a list of eligible applicants, including private nonprofit organizations.

Parts of the Education Department General Administrative Regulations (EDGAR) applicable to the Regional Resource Centers program are listed in § 305.3.

Definitions in EDGAR that are applicable to the Regional Resource Centers are contained in § 305.4. No additional terms are defined specifically for this part.

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

Section 305.10 describes the kinds of services to be made available by each

Regional Resource Center.

Section 305.11 describes the composition of the region to be served by each Center. This provision is necessary in order to notify prospective applicants and program beneficiaries of the number and composition of the regions to be established.

Section 305.12 authorizes the establishment of a Coordinating Center to ensure effective coordination of the Regional Resource Centers with each other and with other Departmental programs and projects.

(c) Subpart C—[Reserved]

(d) Subpart D—How Does the Secretary Make a Grant?

Section 305.30 permits the Secretary to require the Centers to give priority to one or more of the services listed in § 305.10.

The selection criteria used to award a grant are contained in § 305.31. The section incorporates the selection criteria from the Education Department General Administrative Regulations (EDGAR) and adds two criteria (need for the project and capability of applicant), in accordance with section 621(b) of the Act.

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

Section 305.40 describes the coordination and reporting requirements applicable to grantees.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in the

regulations will not place undue burdens on small entities submitting applications under this program.

Assessment of Educational Impact

In the notice of proposed rulemaking published in the *Federal Register* on April 30, 1984, the Department requested comments on whether the proposed regulations required information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 305

Education, Education of handicapped, Grant programs—education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance Number 84.028; Handicapped Regional Resource Centers.)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 305 of Title 34 of the Code of Federal Regulations to read as follows:

PART 305—REGIONAL RESOURCE CENTERS

Subpart A—General

Sec.

305.1 What is the Regional Resource Centers program?

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

305.3 What regulations apply to this program?

305.4 What definitions apply to this program?

305.5–305.9 [Reserved]

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

305.10 What kinds of services are required under this part?

305.11 What is the composition of the regions?

305.12 What is a Coordinating Center?

305.13–305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

305.30 May the Secretary require the Centers to give priority to certain services?

305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?

305.32–305.39 [Reserved]

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

305.40 What additional activities must each Regional Resource Center perform?

305.41–305.49 [Reserved]

Authority: Sec. 621 of the Education of the Handicapped Act (20 U.S.C. 1421), unless otherwise noted.

Subpart A—General

§ 305.1 What is the Regional Resource Centers program?

This program supports the establishment and operation of Regional Resource Centers that assist State educational agencies and, through those State agencies, local educational agencies, in developing quality programs and services for all handicapped children, by providing consultation, technical assistance, and training.

(20 U.S.C. 1421)

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

The Secretary may provide assistance under this part through a grant to, or cooperative agreement or contract with—

- (a) Institutions of higher education;
- (b) Private nonprofit organizations;
- (c) State educational agencies; or
- (d) Combinations of those agencies and institutions. Such a combination may include one or more local educational agencies within particular regions of the United States.

(20 U.S.C. 1421)

§ 305.3 What regulations apply to this program?

The following regulations apply to grants and cooperative agreements under the Regional Resource Centers program:

- (a) The regulations in this Part 305.
- (b) The Education Department General Administration Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—
 - (1) Part 74 (Administration of Grants);
 - (2) Part 75 (Direct Grant Programs);
 - (3) Part 77 (Definitions);
 - (4) Part 78 (Education Appeal Board);

and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§ 305.4 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
Budget period
Contract
EDGAR
Fiscal Year
Grant
Grant period
Local educational agency
Nonprofit
Private
Project
Project period
Public
Secretary
State
State educational agency

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§§ 305.5–305.9 [Reserved]

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

§ 305.10 What kinds of services are required under this part?

(a) Each Regional Resource Center must—

(1) Assist States, through services such as consultation, technical assistance, and training, to provide more effectively special education and related services to handicapped children and youth;

(2) Assist in identifying and solving persistent problems in providing quality special education and related services to handicapped children and youth;

(3) Assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to handicapped children and youth and their families;

(4) Gather and disseminate information to all State educational agencies in the region and coordinate activities with other Regional Resource Centers and with other relevant projects conducted by the Department of Education; and

(5) Assist in the improvement of information dissemination to, and training activities for, professionals and parents of handicapped children.

(b) A Regional Resource Center may conduct research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(20 U.S.C. 1421)

§ 305.11 What is the composition of the regions?

The Secretary establishes the following regions:

(a) Region 1: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.

(b) Region 2: Maryland, Delaware, Virginia, West Virginia, Washington, D.C., Kentucky, Tennessee, North Carolina, and South Carolina.

(c) Region 3: Georgia, Alabama, Florida, Mississippi, Puerto Rico, the Virgin Islands, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

(d) Region 4: Illinois, Ohio, Indiana, Pennsylvania, Wisconsin, Minnesota, and Michigan.

(e) Region 5: Montana, Wyoming, North Dakota, South Dakota, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, and the Bureau of Indian Affairs.

(f) Region 6: Oregon, Idaho, Washington, Alaska, California, Arizona, Nevada, the Trust Territory of the Pacific Islands, Guam, American Samoa, Hawaii, and the Northern Mariana Islands.

(20 U.S.C. 1421)

§ 305.12 What is a Coordinating Center?

(a) The Secretary may establish a Coordinating Center to ensure the coordination of activities and services of the Regional Resource Centers with—

(1) The other Regional Resource Centers; and

(2) Other relevant projects carried out or assisted by the Department of Education.

(b) The Coordinating Center may include any combination of the regions, States, or territories listed in § 305.11.

(20 U.S.C. 1421, 1424)

§§ 305.13-305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 305.30 May the Secretary require the Centers to give priority to certain services?

For any fiscal year, the Secretary may, in the application notice, require the Centers to give priority to one or more of the services listed in § 305.10.

(20 U.S.C. 1421)

§ 305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?

The Secretary uses the criteria in this section to evaluate applications for new grants. The maximum number of points for each criterion is stated in parentheses. The maximum score for all of the criteria is 100 points.

(a) Need for the project. (5 points)

(1) The Secretary reviews each application for information that shows the need for a Center in the region to be served by the applicant.

(2) In making this determination, the Secretary considers information that shows the support for the applicant's project by the agencies to be served by the project.

(b) Capability of applicant. (5 points)

(1) The Secretary reviews each application for information that shows the capability of the applicant to fulfill the responsibilities of a Center under this part.

(2) In making this determination, the Secretary considers evidence of relevant experience which demonstrates the capacity to provide technical assistance to State educational agencies, commitment to the accomplishment of the project, and timely completion of previous comparable work.

(c) Plan of operation. (40 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;

(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) Handicapped persons; and

(D) The elderly.

(d) *Quality of key personnel.* (25 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 (d) (1) and (2) 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) Handicapped persons; 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.

(e) *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.

(f) *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.

(g) *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.

(20 U.S.C. 1421)

§§ 305.32-305.39 [Reserved]

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

§ 305.40 What additional activities must each Regional Resource Center perform?

Each Regional Resource Center must—

(a) Report a summary of materials produced or developed in the manner and at the time the Secretary may establish; and

(b) Assist in the evaluation of the effectiveness of Regional Resource Center activities through cooperation with other projects under this part and

with other appropriate projects such as the program evaluations under section 627 of the Act.

[20 U.S.C. 1421(c)]

§§ 305.41-305.49 [Reserved]

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