

DEPARTMENT OF EDUCATION

34 CFR Parts 75, 206, 231, 235, 369, 371, 373, 375, 376, 378, 380, 381, 385, 386, 387, 388, 389, 390, 396, 610, 612, 630, 637, 658, 660, 661, 669

RIN 1880-AA74

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Education Department General Administrative Regulations (EDGAR) that govern discretionary grant programs. These proposed amendments would reduce the need for specific regulations governing individual programs while ensuring that proposed projects meet the highest standards of professional excellence. These proposed amendments would establish new general selection criteria; allow programs with one or more selection criteria in program regulations to use the criteria in combination with general EDGAR criteria and criteria based on statutory provisions; allow programs to assign weights to criteria; provide for using the new general selection criteria in considering unsolicited applications; and remove a number of regulations made unnecessary by the amendments.

DATES: Comments must be received on or before August 30, 1996.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Margo Anderson, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208-5530. Comments also may be sent through the Internet to "EDGAR__criteria@ed.gov".

Comments that concern information collection requirements must be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. A copy of those comments may also be sent to the Department representative named in the preceding paragraph.

FOR FURTHER INFORMATION CONTACT: Margo Anderson, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208-5530. Telephone: (202) 219-2005. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:**Background**

In January of 1995 the Department developed its "Principles for

Regulating" (Principles) premised on the tenet that the Department will regulate only when absolutely necessary. The Principles were developed to ensure that the Department regulates in the most flexible, most equitable, and least burdensome way possible. The President, on March 4, 1995, announced a Regulatory Reinvention Initiative (Initiative) to reform the Federal regulatory system. The Initiative required all Federal agencies to review their regulations page-by-page. Regulators were asked to eliminate obsolete regulations, revise regulations to reward results instead of rewarding process, and streamline regulations to achieve agency goals in the most efficient and least intrusive way possible. Since March of 1995, the Department has been reviewing thoroughly all of its regulations consistent with the Initiative and the Principles.

Through this process, the Department determined that a number of program regulations resulted from a program's need for tailored selection criteria for evaluating grant applications. Most Department programs require applicants applying for a grant to address numerous selection criteria that are detailed and specific to the particular program. In response to the Principles, some programs, in an effort to eliminate regulations or because the program office determined that general selection criteria were sufficient, used the general EDGAR selection criteria in § 75.210. A number of programs, however, continue to maintain selection criteria designed to evaluate particular elements of a project to ensure that grants will be given only to high quality applicants that meet specific program objectives.

The selection criteria in § 75.210 are necessarily very general and thus, for many programs, inadequate for reviewers to evaluate the quality of an application. The Secretary proposes these amendments to establish a menu of improved selection criteria that can be selected as appropriate to fit the needs of individual programs and eliminate the need for many program-specific selection criteria. With a more uniform approach to selection criteria, applicants will be better able to anticipate the type of information that they may be required to provide in applying for grants. Moreover, application reviewers should have a better understanding of the standards on which the Department evaluates many of its programs. These amendments will create more consistency and predictability for grant applicants.

The Secretary has already taken several steps toward increased flexibility and consistency in establishing selection criteria. On September 14, 1995 the Department published in the Federal Register (60 FR 47808) final regulations that contained the Standards for the Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI Standards). The OERI Standards established evaluation criteria to be used in evaluating grant applications and contract proposals for a variety of educational research, development, and dissemination activities.

The Secretary bases this proposed menu of selection criteria for § 75.210 on the OERI Standards' evaluation criteria, the current EDGAR regulations, and other changes needed to cover the broad spectrum of Department programs that will be affected.

In addition to the OERI Standards, the Department published final regulations in the Federal Register on December 12, 1995 (60 FR 63873) that created a new § 75.209 of EDGAR that authorizes the Secretary to establish selection criteria based on statutory provisions that apply to the program, without notice and comment on the specific criteria established.

These proposed amendments to § 75.210 and § 75.209 would authorize the Secretary to evaluate applications by applying the general selection criteria (§ 75.210), selection criteria based on the statutory provisions that apply to the program (§ 75.209), or any combination of general selection criteria, criteria based on the statute, or criteria in program-specific regulations. The amendments would also allow the Secretary the flexibility to weigh the criteria according to the needs of each individual program.

Proposed Selection Criteria (§ 75.210)

These proposed amendments would establish a menu of selection criteria. For each competition, the Secretary would select from the menu one or more criteria that best enable the Department to identify the highest quality applications consistent with the program purpose, statutory requirements, and any priorities established. Within each criterion, the Secretary could further define the criterion by selecting one or more specific factors.

Two criteria, however, contain factors that would always be considered if the criterion is selected. Under the "quality of project services" criterion, the Secretary would always evaluate the quality and sufficiency of strategies for

ensuring equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented. Under the "quality of project personnel" criterion, the Secretary would always evaluate the extent to which an applicant encourages applications for employment from persons who are members of groups that have been traditionally underrepresented. The Department's consideration of these factors, which first appeared in EDGAR in 1980, continues to reflect the Department's mission to ensure equal access to educational opportunities as embodied in the Department of Education Organization Act and recently reaffirmed by Congress in section 427 of the General Education Provisions Act.

Under this menu approach, in addition to selecting criteria, the Secretary would establish the number of points or the weight to be given to each criterion or factor. The applicable selection criteria and the assigned points or weights would be announced in the application package or in a notice published in the Federal Register. The Secretary would not solicit further public comment on the choice or weighting of the criteria. The public would have some opportunity to comment on criteria through the Paperwork Reduction Act of 1995, which requires an opportunity for public comment on application packages.

The Secretary would select criteria and factors appropriate to the nature and purposes of the grant program. For example, in the case of a national research center competition, the Secretary could select the criterion "Significance" (§ 75.210(b)(2)) and then further select factor (C), "the potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies," and factor (D), "the potential contribution of the proposed project to the development and advancement of theory and knowledge in the field of study." In the case of a competition for demonstration activities, the Secretary could choose other factors under the "Significance" criterion; for example: (E), "the potential for generalizing from the findings or results of the proposed project," and (F) "the extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies." In the case of a competition for training activities, the Secretary could select the criterion "Need for

project" (§ 75.210(b)(1)) and could choose factor (A), "the magnitude or severity of the problem to be addressed by the proposed project," and factor (D), "the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses."

The Secretary could determine that, for some competitions, it is not necessary to further define a criterion by selecting specific factors. If no factors are chosen, the application reviewer would apply the criterion in the context of a particular competition. The reviewer would not have to consider any of the factors.

Advantages and Discussion of Proposed Amendments

The proposed amendments provide an opportunity to improve significantly the grant application review process. This menu of selection criteria would provide the Department the flexibility to choose, from among the criteria and factors established in the regulations, a set of criteria tailored to a given competition. In selecting from the menu a set of criteria and factors for a particular competition, the Secretary would not solicit formal public comment but expects to draw on input from grantees and program beneficiaries; feedback from peer reviewers and program evaluators; discussions among Department employees, grantees, and program beneficiaries; and meetings, conferences, visits to grantees, and other forms of outreach and exchange with the relevant communities.

Also, the menu approach would obviate the need to create specific selection criteria through individual program regulations. Because no time will be spent developing program-specific regulations, the Secretary will be able to make grants earlier or give applicants more time to prepare their applications, or both. The Secretary expects these amendments to allow the Department to conduct grant competitions at a time that would best address grantees' planning and implementation cycles, such as announcing during the spring for programs involving school districts. The Secretary believes applicants would find that criteria selected from the menu for specific competitions would provide them with adequate guidance about review standards, and also with flexibility to design and propose the projects that they believe best serve their needs.

The Secretary is particularly interested in comments from potential grant applicants and intended program beneficiaries on this proposed approach. The value of this approach lies in expediting the grantmaking process by reducing separate program regulations and in minimizing potentially confusing variety in selection criteria on the same subject. Do applicants or program beneficiaries support this approach? For example, do applicants and program beneficiaries agree that the anticipated advantages, such as increased consistency in phrasing of selection criteria across programs and earlier grant awards, are valuable? Are there any revisions that would improve this proposed rule? For example, would it be preferable to limit the number or percentage of points that could be assigned to any particular criterion or factor? Are there any costs associated with shifting from using selection criteria tailored to individual programs to using a flexible menu of general selection criteria? If yes, what are those costs and does the benefit of the added flexibility of the proposed approach justify the costs? Would these proposed amendments have other effects?

Other CFR Parts and Sections Affected by These Amendments

These proposed amendments would also revise § 75.201 to inform applicants that programs may assign weights to criteria in evaluating applications and would create a new § 75.211 regarding selection criteria for unsolicited applications. Also, these amendments would revise §§ 75.200 and 75.209 to allow programs with one or more selection criteria in program regulations to use the criteria in combination with general EDGAR criteria and criteria based on statutory provisions.

Only those programs that currently have no program regulations, have no selection criteria in their program regulations, are new, or are listed in either chart below would be able to use the menu approach when the amendments became effective. Before any other programs could use this approach, the Department would need to amend the program regulations through notice and comment rulemaking procedures. When these amendments to part 75 are published as final regulations, the Department intends in that same document to repeal certain regulations of programs that will use these selection criteria. The Department would repeal all of the regulations governing the following programs:

Name of program	34 CFR part
Drug-free Schools and Communities—General Provisions	231
Drug-free Schools and Communities—Federal Activities Grants Program	235
Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities	373
Vocational Rehabilitation Service Projects Program for Migratory Agricultural Workers and Seasonal Farmworkers with Disabilities	375
Projects for Initiating Recreational Programs for Individuals with Disabilities	378
School, College, and University Partnerships	610
Drug Prevention Programs in Higher Education	612
Fund for the Improvement of Postsecondary Education	630

The Department would remove selection criteria from the following program regulations and make technical

amendments to the following other sections of the regulations to reflect the use of the general EDGAR selection

criteria (program regulations affecting matters other than selection criteria would remain in effect):

Name of program	34 CFR sections
Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program.	206.30 and 206.31.
Vocational Rehabilitation Service Projects	369.1, 369.2, 369.21, 369.30, 369.31, 369.32, and 369.42.
Vocational Rehabilitation Service Projects for American Indians with Disabilities	371.30.
Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities.	376.31.
Special Projects and Demonstrations for Providing Supported Employment Services to Individual With the Most Severe Disabilities and Technical Assistance Projects.	380.10, 380.11, 380.12, 380.13, and 380.14.
Protection and Advocacy of Individual Rights	381.20 and 381.21.
Rehabilitation Training	385.31, 385.32, and 385.33.
Rehabilitation Training: Rehabilitation Long-Term Training	386.20.
Experimental and Innovative Training	387.30
State Vocational Rehabilitation Unit In-Service Training	388.20.
Rehabilitation Continuing Education Programs	389.30.
Rehabilitation Short-Term Training	390.30
Training of Interpreters for Individuals Who Are Deaf and Individuals Who Are Deaf-Blind	396.30, 396.31, and 396.32.
Minority Science Improvement Program	637.31 and 637.32.
Undergraduate International Studies and Foreign Language Program	658.30, 658.31, 658.32, 658.33, and 658.34.
The International Research and Studies Program	660.30, 660.31, 660.32, and 660.33.
Business and International Education Program	661.30 and 661.31.
Language Resource Centers Program	669.20, 669.21, and 669.22.

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of the regulatory action.

The benefits of these proposed regulations would include improving the Department's ability to make grants more quickly, eliminating unnecessary regulations, and creating a single overall approach for evaluating applications for a number of programs. These proposed regulations would result in better access to Department regulations that apply to many programs and would better inform applicants and application reviewers of project qualities that the Department values across programs.

The potential costs associated with the proposed regulations are those determined by the Secretary as necessary for administering this program effectively and efficiently.

Burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading Paperwork Reduction Act of 1995.

In assessing the potential costs and benefits—both quantitative and qualitative—the Secretary has determined that the benefits of the regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

The potential costs and benefits of these proposed regulations are discussed elsewhere in this preamble under the following topic heading: Proposed Selection Criteria.

2. Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example,

§ 75.210 *General selection criteria.*) (4) Is the description of the regulations in the "Supplementary Information" section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Ave., SW., Room 5121, FB10, Washington, DC 20202-2110.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

These regulations could affect States, State agencies, and individuals. States, State agencies, and individuals, however, are not defined as "small entities" in the Regulatory Flexibility Act.

The small entities that could be affected by these regulations are institutions of higher education, local educational agencies, private schools, community-based organizations, and nonprofit organizations receiving Federal funds under a direct grant program. The proposed regulations, however, would not have a significant economic impact on these entities, if affected, because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposed regulations would impose minimal requirements for the Secretary to select grantees.

Paperwork Reduction Act of 1995

Section 75.210 contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Collection of Information: Direct Grant Programs—General Selection Criteria.

These regulations would affect the following types of entities eligible to apply for grants and cooperative agreements: State, local, or tribal governments or agencies, businesses or other for-profit organizations, nonprofit institutions, individuals, and any combinations of these types of entities. The Department needs and uses the information to evaluate applications for funding.

The total annual public reporting and recordkeeping burden for this collection of information is one hour for one respondent. For programs that may use the EDGAR selection criteria, the annual public reporting and recordkeeping burden is estimated to range from 15 hours for each of approximately 750 applications for a field-initiated research study to 150 hours for ten or fewer applications for a research center. The total annual reporting and recordkeeping burden for each program using the EDGAR selection criteria will be determined by the number of applicants that respond to an application notice and the type of project to be supported in the particular competition. The actual burden and total annual reporting and recordkeeping burden for each program will be assigned as an application package is cleared by OMB under the procedures in the Paperwork Reduction Act of 1995. For example, if a program using the EDGAR selection criteria had a public reporting and recordkeeping burden of 90 hours for each respondent and received 300 applications, the total annual reporting and recordkeeping burden for that program would be 27,000 hours. For some programs using the menu approach, the reporting and recordkeeping burden will be less than under the prior process.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Building, Washington, DC 20503; Attention: Wendy Taylor, Desk Officer for the U.S. Department of Education.

The Department considers comments by the public on this proposed collection of information in—

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations.

Intergovernmental Review

Some of the programs that would be affected by these regulations are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for 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 these programs.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 600, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 75

Administrative practice and procedure, Continuation funding, Education, Grant programs—education, Grants administration, Incorporation by reference, Performance reports, Reporting and recordkeeping requirements, Unobligated funds.

34 CFR Part 206

Administrative practice and procedure, Colleges and universities,

Educational study programs, Grants program—education, Migrant labor, Students, Vocational education.

34 CFR Part 231

Drug abuse, Elementary and secondary education, Grants program—education.

34 CFR Part 235

Drug abuse, Elementary and secondary education, Grants program—education.

34 CFR Part 369

American Indians, Disabled, Grants program—education, Vocational rehabilitation.

34 CFR Part 371

American Indians, Disabled, Employment, Grants program—education, Vocational rehabilitation.

34 CFR Part 373

Blind, Deaf, Disabled, Grants program—education, Vocational rehabilitation.

34 CFR Part 375

Disabled, Grants program—education, Migrant labor, Vocational rehabilitation.

34 CFR Part 376

Disabled, Grants program—education, Vocational rehabilitation, Youth.

34 CFR Part 378

Arts and crafts, Disabled, Grants program—education, Hobbies, Recreation and recreation areas, Vocational rehabilitation.

34 CFR Part 380

Disabled, Grants program—education, Vocational rehabilitation.

34 CFR Part 381

Advocacy, Disabled, Grants program—education.

34 CFR Part 385

Disabled, Grants program—education, Occupational training, Training programs, Vocational rehabilitation.

34 CFR Part 386

Disabled, Grants program—education, Occupational training, Training programs, Vocational education, Vocational rehabilitation.

34 CFR Part 387

Disabled, Grants program—education, Occupational training, Training programs, Vocational education, Vocational rehabilitation.

34 CFR Part 388

Disabled, Grants program—education, Occupational training, Training

programs, Vocational education, Vocational rehabilitation.

34 CFR Part 390

Disabled, Grants program—education, Occupational training, Training programs, Vocational education, Vocational rehabilitation.

34 CFR Part 396

Blind, Deaf, Disabled, Grants program—education, Occupational training, Training programs, Vocational education.

34 CFR Part 610

Colleges and universities, Elementary and secondary education, Education of disadvantaged, Education of students with disabilities, Grant programs—education.

34 CFR Part 612

Colleges and universities, Drug abuse, Grant programs—education.

34 CFR Part 630

Colleges and universities, Grant programs—education.

34 CFR Part 637

Colleges and universities, Grant programs—education, Minority groups, Science and technology, Women.

34 CFR Part 658

Colleges and universities, Educational study program, Foreign relations, Grant programs—education, Teachers.

34 CFR Part 660

Colleges and universities, Educational research, Foreign relations, Grant programs—education.

34 CFR Part 661

Business and industry, Colleges and universities, Exports, Foreign relations, Foreign trade, Grant programs—education.

34 CFR Part 669

Colleges and universities, Educational research, Foreign relations, Grant programs—education, Teachers.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: June 13, 1996.

Richard W. Riley,
Secretary of Education.

The Secretary proposes to amend parts 75, 206, 231, 235, 369, 371, 373, 375, 376, 378, 380, 381, 385, 386, 387, 388, 389, 390, 396, 610, 612, 630, 637, 658, 660, 661, and 669 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for Part 75 continues to read as follows:

Authority: 20 U.S.C. 1221–3 and 3474, unless otherwise noted.

2. Section 75.200(b)(3)(iii) is revised to read as follows:

§ 75.200 How applications for new grants and cooperative agreements are selected for funding; standards for use of cooperative agreements.

* * * * *

(b) * * *

(3) Unless the regulations for a program state otherwise, the Secretary uses one of the following to evaluate applications for new grants under the program:

* * * * *

(iii) Any combination of selection criteria established under § 75.209, selection criteria in § 75.210, and selection criteria in the program's regulations.

* * * * *

3. Section 75.201 is revised to read as follows:

§ 75.201 How the selection criteria will be used.

(a) If points or weights are assigned to the selection criteria, the Secretary informs applicants in the application package or a notice published in the Federal Register of—

(1) The total possible score for all of the criteria for a program; and

(2) The assigned weight or the maximum possible score for each criterion or factor under that criterion.

(b) If no points or weights are assigned to the selection criteria and selected factors, the Secretary evaluates each criterion equally and, within each criterion, each factor equally.

(Authority: 20 U.S.C. 1221e–3 and 3474)

§ 75.209 [Amended]

4. Section 75.209(a) is amended by removing “If a discretionary grant program does not have implementing regulations or has implementing regulations that do not include selection criteria,” and capitalizing the word “the”.

5. Section 75.210 is revised to read as follows:

§ 75.210 General selection criteria.

(a) In addition to the selection criteria established in paragraph (b) of this section, the Secretary may use criteria established under § 75.209 or selection criteria in program specific regulations.

(b) In determining the selection criteria to be used in each grant

competition, the Secretary may select one or more of the following criteria and may select from among the specific factors listed under each criterion:

(1) *Need for project.* (i) The Secretary considers the need for the proposed project.

(ii) In determining the need for the proposed project, the Secretary considers one or more of the following factors:

(A) The magnitude or severity of the problem to be addressed by the proposed project.

(B) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(C) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(D) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

(E) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(F) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated.

(2) *Significance.* (i) The Secretary considers the significance of the proposed project.

(ii) In determining the significance of the proposed project, the Secretary considers one or more of the following factors:

(A) The national significance of the proposed project.

(B) The significance of the problem or issue to be addressed by the proposed project.

(C) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(D) The potential contribution of the proposed project to increased knowledge or understanding of rehabilitation problems, issues, or effective strategies.

(E) The likelihood that the proposed project will result in system change or improvement.

(F) The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study.

(G) The potential for generalizing from the findings or results of the proposed project.

(H) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations.

(I) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(J) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(K) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings.

(L) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(M) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(N) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(O) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in employment and independent living services.

(P) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(3) *Quality of the project design.* (i) The Secretary considers the quality of the design of the proposed project.

(ii) In determining the quality of the design of the proposed project, the Secretary considers one or more of the following factors:

(A) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(B) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(C) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(D) The extent to which the proposed activities constitute a coherent, sustained program of research and development in the field, including, as

appropriate, a substantial addition to an ongoing line of inquiry.

(E) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(F) The extent to which the proposed project is based upon a specific research design, and the quality and appropriateness of that design, including the scientific rigor of the studies involved.

(G) The extent to which the proposed research design includes a thorough, high-quality review of the relevant literature, a high-quality plan for research activities, and the use of appropriate theoretical and methodological tools, including those of a variety of disciplines, where appropriate.

(H) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(I) The quality of the proposed demonstration design and procedures for documenting project activities and results.

(J) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(K) The extent to which the proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products.

(L) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(M) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(N) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements.

(O) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(P) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.

(Q) The extent to which the proposed project will establish linkages with other appropriate agencies and

organizations providing services to the target population.

(R) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(S) The extent to which the proposed project encourages parental involvement.

(T) The extent to which the proposed project encourages consumer involvement.

(U) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(V) The quality of the methodology to be employed in the proposed project.

(W) The extent to which fellowship recipients or other project participants are to be selected on the basis of academic excellence.

(4) *Quality of project services.* (i) The Secretary considers the quality of the services to be provided by the proposed project.

(ii) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers one or more of the following factors:

(A) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(B) The extent to which entities that are to be served by the proposed technical assistance project demonstrate support for the project.

(C) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(D) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(E) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(F) The extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel

shortages that have been identified or are the focus of the proposed project.

(G) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(H) The likelihood that the services to be provided by the proposed project will lead to improvements in the skills necessary to gain employment or build capacity for independent living.

(I) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(J) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(K) The extent to which the services to be provided by the proposed project are focused on those with greatest needs.

(L) The quality of plans for providing an opportunity for participation in the proposed project of students enrolled in private schools.

(5) *Quality of project personnel.* (i) The Secretary considers the quality of the personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers one or more of the following factors:

(A) The qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(C) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(6) *Adequacy of resources.* (i) The Secretary considers the adequacy of resources for the proposed project.

(ii) In determining the adequacy of resources for the proposed project, the Secretary considers one or more of the following factors:

(A) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(B) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(C) The extent to which the budget is adequate to support the proposed project.

(D) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(E) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(F) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(G) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of Federal funding.

(7) *Quality of the management plan.*

(i) The Secretary considers the quality of the management plan for the proposed project.

(ii) In determining the quality of the management plan for the proposed project, the Secretary considers one or more of the following factors:

(A) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(B) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(C) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(D) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(E) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

(8) *Quality of the project evaluation.*

(i) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(ii) In determining the quality of the evaluation, the Secretary considers one or more of the following factors:

(A) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(B) The extent to which the methods of evaluation are appropriate to the context within which the project operates.

(C) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(D) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(E) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

(F) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(G) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(Authority: 20 U.S.C. 1221e-3 and 3474)

6. A new section 75.211 is added to read as follows:

§ 75.211 Selection criteria for unsolicited applications.

(a) If the Secretary considers an unsolicited application under 34 CFR 75.222(a)(2)(ii), the Secretary uses the selection criteria and factors, if any, used for the competition under which the application could have been funded.

(b) If the Secretary considers an unsolicited application under 34 CFR 75.222(a)(2)(iii), the Secretary selects from among the criteria in 75.210(b), and may select from among the specific factors listed under each criterion, the criteria that are most appropriate to evaluate the activities proposed in the application.

(Authority: 20 U.S.C. 1221e-3 and 3474)

PART 206—SPECIAL EDUCATIONAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK—HIGH SCHOOL EQUIVALENCY PROGRAM AND COLLEGE ASSISTANCE MIGRANT PROGRAM

7. The authority citation for part 206 continues to read as follows:

Authority: 20 U.S.C. 1070d-2, unless otherwise noted.

8. Section 206.30 is revised to read as follows:

§ 206.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1070d-2(a) and (e))

§ 206.31 [Removed]

9. Section 206.31 is removed.

PART 231—DRUG-FREE SCHOOLS AND COMMUNITIES—GENERAL PROVISIONS [REMOVED]

10. Part 231 is removed.

PART 235—DRUG-FREE SCHOOLS AND COMMUNITIES—FEDERAL ACTIVITIES GRANTS PROGRAM [REMOVED]

11. Part 235 is removed.

PART 369—VOCATIONAL REHABILITATION SERVICE PROJECTS

12. The authority citation for part 369 is removed to read as follows:

Authority: 29 U.S.C. 711(c), 732, 750, 777(a)(1), 777b, 777f and 795g, unless otherwise noted.

§ 369.1 [Amended]

13. Section 369.1 is amended by removing paragraphs (b)(2) and (b)(4), by removing in paragraph (b)(3) “(34 CFR part 373)”, in paragraph (b)(5) “(34 CFR part 375)”, and in paragraph (b)(7) “(34 CFR part 378)”, and by redesignating paragraphs (b)(3), (b)(5), (b)(6), (b)(7), and (b)(8) as paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) respectively.

§ 369.2 [Amended]

14. Section 369.2 is amended by removing paragraphs (b) and (d) and by redesignating paragraphs (c), (e), (f), (g), and (h) as paragraphs (b), (c), (d), (e), and (f) respectively.

§ 369.21 [Amended]

15. Section 369.21 is amended by removing “under 34 CFR parts 372, 373, 374, 375, 376, 378, or 379”, and adding, in its place, “covered by this part”.

16. Section 369.30 is revised to read as follows:

§ 369.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR Part 75.

(Authority: 29 U.S.C. 711(c))

§ 369.31 [Removed]

17. Section 369.31 is removed.

§ 369.32 [Amended]

18. Section 369.32 is amended by removing “listed in § 369.31 and 34 CFR parts 371, 372, 373, 374, 375, 376, 378, and 379”, in the introductory text and adding, in its place, “used in accordance with the procedures in 34 CFR part 75”.

§ 369.42 [Amended]

19. Section 369.42 paragraph (b) is amended by removing “34 CFR parts 371, 372, 373, 374, 375, 376, 378, or 379”, and adding, in its place, “a program covered by this part”.

PART 371—VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

20. The authority citation for part 371 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 750, unless otherwise noted.

§ 371.30 [Removed]

21. Section 371.30 is removed.

PART 373—SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH DISABILITIES [REMOVED]

22. Part 373 is removed.

PART 375—VOCATIONAL REHABILITATION SERVICE PROJECTS PROGRAM FOR MIGRATORY AGRICULTURAL WORKERS AND SEASONAL FARMWORKERS WITH DISABILITIES [REMOVED]

23. Part 375 is removed.

PART 376—SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTH WITH DISABILITIES

24. The authority citation for part 376 continues to read as follows:

Authority: 29 U.S.C. 777a(b), unless otherwise noted.

§ 376.31 [Removed]

25. Section 376.31 is removed.

PART 378—PROJECTS FOR INITIATING RECREATIONAL PROGRAMS FOR INDIVIDUALS WITH DISABILITIES [REMOVED]

26. Part 378 is removed.

PART 380—SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOYMENT SERVICES TO INDIVIDUALS WITH THE MOST SEVERE DISABILITIES AND TECHNICAL ASSISTANCE PROJECTS

27. The authority citation for part 380 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 777a(c), unless otherwise noted.

28. Section 380.10 is revised to read as follows:

§ 380.10 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR Part 75.

(Authority: 29 U.S.C. 777a(c))

§§ 380.11, 380.12, and 380.13 [Removed]

29. Sections 380.11, 380.12, and 380.13 are removed.

30. Section 380.14 is revised to read as follows:

§ 380.14 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria used in accordance with the procedures in 34 CFR part 75, the Secretary, in making awards under this part, considers the geographical distribution of projects in each program category throughout the country.

(Authority: 29 U.S.C. 777a(a)(1) and 777a(c))

PART 381—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

31. The authority citation for part 381 continues to read as follows:

Authority: 29 U.S.C. 794e, unless otherwise noted.

32. Section 381.20 is revised to read as follows:

§ 381.20 How does the Secretary evaluate an application?

In any fiscal year in which the amount appropriated for the PAIR program is less than \$5,500,000, the Secretary evaluates applications under the procedures in 34 CFR part 75.

(Authority: 29 U.S.C. 711(c) and 794e (b) and (f))

§ 380.21 [Removed]

33. Section 381.21 is removed.

PART 385—REHABILITATION TRAINING

34. The authority citation for part 385 continues to read as follows:

Authority: 29 U.S.C. 711(c), 772, and 774, unless otherwise noted.

35. Section 385.31 is revised to read as follows:

§ 385.31 How does the Secretary evaluate an application?

(a) The Secretary evaluates applications under the procedures in 34 CFR part 75.

(b) The Secretary evaluates each application using selection criteria identified in parts 386, 387, 388, 389 and 390, as appropriate.

(c) In addition to the selection criteria described in paragraph (b) of this section, the Secretary evaluates each application using—

(1) Selection criteria in 34 CFR 75.210;

(2) Selection criteria established under 34 CFR 75.209; or

(3) A combination of selection criteria established under 34 CFR 75.209 and selection criteria in 34 CFR 75.210.

(Authority: 29 U.S.C. 711(c))

§ 385.32 [Removed]

36. Section 385.32 is removed.

§ 385.33 [Amended]

37. Section 385.33 is revised by removing the number “385.32” in the introductory text and adding in its place the number “75.210”.

PART 386—REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING

38. The authority citation for part 386 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

39. Section 386.20 is revised to read as follows:

§ 386.20 What additional selection criteria are used under this program?

In addition to the criteria in 34 CFR 385.31(c), the Secretary uses the following additional selection criteria to evaluate an application:

(a) *Relevance to State-Federal rehabilitation service program.* (1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service program.

(2) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to State and other public or nonprofit agencies involved in the rehabilitation of individuals with physical or mental disabilities through degree or certificate granting programs; or

(ii) To improve the skills and quality of professional personnel in the

rehabilitation field in which the training is to be provided through the granting of a degree or certificate.

(b) *Nature and scope of curriculum.*

(1) The Secretary reviews each application for information that demonstrates the adequacy of the proposed curriculum.

(2) The Secretary looks for information that shows—

(i) The scope and nature of the coursework reflect content that can be expected to enable the achievement of the established project objectives;

(ii) The curriculum and teaching methods provide for an integration of theory and practice relevant to the educational objectives of the program;

(iii) There is evidence of educationally focused practical and other field experiences in settings that ensure student involvement in the provision of vocational rehabilitation, supported employment, or independent living rehabilitation services to individuals with disabilities, especially individuals with severe disabilities;

(iv) The coursework includes student exposure to vocational rehabilitation, supported employment, or independent living rehabilitation processes, concepts, programs, and services; and

(v) If applicable, there is evidence of current professional accreditation by the designated accrediting agency in the professional field in which grant support is being requested.

(Authority: 29 U.S.C. 711(c) and 771a)

PART 387—EXPERIMENTAL AND INNOVATIVE TRAINING

40. The authority citation for part 387 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

41. Section 387.30 is revised to read as follows:

§ 387.30 What additional selection criteria are used under this program?

In addition to the criteria in 34 CFR 385.31(c), the Secretary uses the following additional selection criteria to evaluate an application:

(a) *Relevance to State-Federal rehabilitation service program.* (1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service program.

(2) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to public and private agencies involved in the

rehabilitation of individuals with disabilities; or

(ii) To maintain and improve the skills and quality of rehabilitation workers.

(b) *Nature and scope of curriculum.*

(1) The Secretary reviews each application for information that demonstrates the adequacy and scope of the proposed curriculum.

(2) The Secretary looks for information that shows that—

(i) The scope and nature of the training content can be expected to enable the achievement of the established project objectives of the training project;

(ii) The curriculum and teaching methods provide for an integration of theory and practice relevant to the educational objectives of the program;

(iii) There is evidence of educationally focused practicum or other field experiences in settings that assure student involvement in the provision of vocational rehabilitation or independent living rehabilitation services to individuals with disabilities, especially individuals with severe disabilities; and

(iv) The didactic coursework includes student exposure to vocational rehabilitation or independent living rehabilitation processes, concepts, programs, and services.

(Authority: 29 U.S.C. 711(c) and 774)

PART 388—STATE VOCATIONAL REHABILITATION UNIT IN-SERVICE TRAINING

42. The authority citation for Part 388 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

43. Section 388.20 is revised to read as follows:

§ 388.20 What additional selection criteria are used under this program?

In addition to the selection criteria in 34 CFR 385.31(c), the Secretary uses the following additional selection criteria to evaluate an application:

(a) *Evidence of need.* (1) The Secretary reviews each application for information that shows that the need for the in-service training has been adequately justified.

(2) The Secretary looks for information that shows—

(i) How the proposed project relates to the mission of the State-Federal rehabilitation service program and can be expected to improve the competence of all State vocational rehabilitation personnel in providing vocational rehabilitation services to individuals with disabilities that will result in

employment outcomes or otherwise contribute to more effective management of the State unit program;

(ii) That the State unit in-service training plan responds to needs identified in their training needs assessment and the proposed training relates to the unit's State plan, particularly the requirements in section 101(a)(7) of the Rehabilitation Act for each designated State unit to develop a comprehensive system of personnel development;

(iii) The need for training methods and materials that will be useful in determining how in-service training improves the impact and effectiveness of services to individuals with disabilities assisted under the Rehabilitation Act to ensure employment outcomes; and

(iv) The State has conducted a needs assessment of the in-service training needs for all of the State unit employees.

(Authority: 29 U.S.C. 711(c), 770, and 771a)

PART 389—REHABILITATION CONTINUING EDUCATION PROGRAMS

44. The authority citation for Part 389 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

45. Section 389.30 is revised to read as follows:

§ 389.30 What additional selection criteria are used under this program?

In addition to the criteria in 34 CFR 385.31(c), the Secretary uses the following additional selection criterion to evaluate an application:

(a) *Relevance to State-Federal rehabilitation service program.* (1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service programs.

(2) The Secretary reviews each application for information that shows that the proposed project includes an assessment of the potential of existing programs within the geographical area (including State vocational rehabilitation unit in-service training) to meet the needs for which support is sought.

(3) The Secretary looks for information that shows that the proposed project can be expected to improve the competence of professional and other personnel in the rehabilitation agencies serving individuals with severe disabilities.

(Authority: 29 U.S.C. 711(c))

PART 390—REHABILITATION SHORT-TERM TRAINING

46. The authority citation for Part 390 continues to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

47. Section 390.30 is revised to read as follows:

§ 390.30 What additional selection criteria are used under this program?

In addition to the criteria in 34 CFR 385.31(c), the Secretary uses the following additional selection criterion to evaluate an application:

(a) *Relevance to State-Federal rehabilitation service program.* (1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service programs.

(2) The Secretary looks for information that shows that the proposed project can be expected to improve the skills and competence of—

(i) Personnel engaged in the administration or delivery of rehabilitation services; and

(ii) Others with an interest in the delivery of rehabilitation services.

(Authority: 29 U.S.C. 711(c) and 774)

PART 396—TRAINING OF INTERPRETERS FOR INDIVIDUALS WHO ARE DEAF AND INDIVIDUALS WHO ARE DEAF-BLIND

48. The authority citation for Part 396 continues to read as follows:

Authority: 29 U.S.C. 771a(f), unless otherwise noted.

49. Section 396.30 is revised to read as follows:

§ 396.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates applications under the procedures in 34 CFR part 75.

(b) The Secretary evaluates each application using selection criteria in § 396.31.

(c) In addition to the selection criteria described in paragraph (b) of this section, the Secretary evaluates each application using—

(1) Selection criteria in 34 CFR 75.210;

(2) Selection criteria established under 34 CFR 75.209; or

(3) A combination of selection criteria established under 34 CFR 75.209 and selection criteria in 34 CFR 75.210.

(Authority: 29 U.S.C. 771a(f))

50. Section 396.31 is revised to read as follows:

§ 396.31 What additional selection criteria are used under this program?

In addition to the criteria in 34 CFR 396.30(c), the Secretary uses the following additional selection criterion to evaluate an application:

(a) *Demonstrated relationships with service providers and consumers.* The Secretary reviews each application to determine the extent to which—

- (1) The proposed interpreter training project was developed in consultation with service providers;
- (2) The training is appropriate to the needs of both individuals who are deaf and individuals who are deaf-blind and to the needs of public and private agencies that provide services to either individuals who are deaf or individuals who are deaf-blind in the geographical area to be served by the training project;
- (3) There is a working relationship between the interpreter training project and service providers; and
- (4) There are opportunities for individuals who are deaf and individuals who are deaf-blind to be involved in the training project.

(Authority: 29 U.S.C. 771a(f))

§ 396.32 [Amended]

51. Section 396.32 is amended by adding after the number “396.31” the cross-reference “and 34 CFR 75.210”.

PART 610—SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS [REMOVED]

52. Part 610 is removed.

PART 612—DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION [REMOVED]

53. Part 612 is removed.

PART 630—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION [REMOVED]

54. Part 630 is removed.

PART 637—MINORITY SCIENCE IMPROVEMENT PROGRAM

55. The authority citation for part 637 continues to read as follows:

Authority: 20 U.S.C. 1135b–1135b–3, 1135d–1135d–3, 1135d–5, and 1135d–6, unless otherwise noted.

56. Section 637.31 is revised to read as follows:

§ 637.31 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under the procedures in 34

CFR Part 75 and using selection criteria established under the procedures in 34 CFR Part 75.

(b) The Secretary gives priority to applicants that have not previously received funding from the program and to previous grantees with a proven record of success, as well as to applications that contribute to achieving balance among funded projects with respect to—

- (1) Geographic region;
- (2) Academic discipline; and
- (3) Project type.

(Authority: 20 U.S.C. 1135b–1 and 1135d–3)

§ 637.32 [Removed]

57. Section 637.32 is removed.

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

58. The authority citation for part 658 continues to read as follows:

Authority: 20 U.S.C. 1124, unless otherwise noted.

59. Section 658.30 is revised to read as follows:

§ 658.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75 and using selection criteria established under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1124)

§§ 658.31, 658.32, and 658.33 [Removed]

60. Sections 658.31, 658.32, and 658.33 are removed.

§ 658.34 [Amended]

61. Section 658.34 is amended by removing the comma after the word “in” and by removing the words and numbers “as appropriate §§ 658.31, 658.32, and 658.33,” and adding in their place the number “§ 75.210”.

PART 660—THE INTERNATIONAL RESEARCH AND STUDIES PROGRAM

62. The authority citation for Part 660 continues to read as follows:

Authority: 20 U.S.C. 1125, unless otherwise noted.

63. Section 660.30 is revised to read as follows:

§ 660.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75 and using selection criteria established under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1125)

§§ 660.31, 660.32, and 660.33 [Removed]

64. Sections 660.31, 660.32 and 660.33 are removed.

PART 661—BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

65. The authority citation for part 661 continues to read as follows:

Authority: 20 U.S.C. 1130–1130b, unless otherwise noted.

66. Section 661.30 is revised to read as follows:

§ 661.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75 and using selection criteria established under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1130a)

§ 661.31 [Removed]

67. Section 661.31 is removed.

PART 669—LANGUAGE RESOURCE CENTERS PROGRAM

68. The authority citation for part 669 continues to read as follows:

Authority: 20 U.S.C. 1123, unless otherwise noted.

69. Section 669.20 is revised to read as follows:

§ 669.20 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75 and using the selection criteria established under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1123)

§ 669.21 [Removed]

70. Section 669.21 is removed.

71. Section 669.22 is amended by adding a new paragraph (c) to read as follows:

§ 669.22 What priorities may the Secretary establish?

* * * * *

(c) If the Secretary establishes one or more priorities under this section, the Secretary may award an applicant up to an additional 20 possible points for meeting the priority.

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