

# **Regulations and Selection Criteria for** **84.275** **The National Clearinghouse**

## **Title III of the Rehabilitation Act and Associated Regulations**

### **TITLE III - TRAINING AND DEMONSTRATION PROJECTS**

#### **Part A - Training Programs and Community Rehabilitation Programs**

##### **Declaration of Purpose**

Sec. 301. The purpose of this title is to -

(1) authorize grants and contracts to -

(A) ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs, through supported employment programs, through independent living services programs, and through client assistance programs;

(B) maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery systems and rehabilitation technology services; and

(C) provide training and information to individuals with disabilities, the parents, families, guardians, advocates, and authorized representatives of the individuals, and other appropriate parties to develop the skills necessary for individuals with disabilities to access the rehabilitation system and to become active decision makers in the rehabilitation process;

(2) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to individuals with disabilities, including individuals with spinal cord injuries, older individuals who are blind, and individuals who are deaf whose maximum vocational potential has not been reached, which experiment with new types of patterns of services or devices for the rehabilitation of individuals with disabilities (including opportunities for new careers for individuals with disabilities, and for other individuals in programs serving individuals with disabilities) and which provide vocational rehabilitation services to migratory agricultural workers who are individuals with disabilities or seasonal farm workers who are individuals with disabilities;

(3) authorize grants and contracts to assist in the provision of vocational rehabilitation services to individuals with disabilities;

(4) authorize grants and contracts to assist in the development and improvement of community rehabilitation programs; and

(5) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

##### **Training**

Sec. 302. (a)(1) The Commissioner may make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the costs of projects for training, traineeships, and related activities, including the provision of technical assistance, designed to assist in increasing the numbers of qualified personnel trained in providing vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act, to individuals with disabilities, including (A) personnel specifically trained in providing employment assistance to individuals with disabilities through

job development and job placement services, (B) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with severe disabilities, including needs for rehabilitation technology services, (c) personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services, personnel specifically trained to deliver services in the client assistance programs, (D) personnel specifically trained to deliver services, through supported employment programs, to individuals with the most severe disabilities, and (E) personnel trained in performing other functions necessary to the development of such services.

(2) Grants and contracts under paragraph (1) may be expended for scholarships, with necessary stipends and allowances.

(3) In carrying out this subsection, the Commissioner shall furnish training regarding the services provided under this Act, and, in particular, services provided in accordance with amendments made by the Rehabilitation Act Amendments of 1992, to rehabilitation counselors and other rehabilitation personnel. In carrying out this subsection, the Commissioner shall also furnish training to such counselors and personnel regarding the applicability of section 504 of this Act, title I of the Americans with Disabilities Act of 1990, and the provisions of titles II and XVI of the Social Security Act that are related to work incentives for individuals with disabilities.

(4) The Commissioner, in carrying out this subsection, shall make grants to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 50 percent. (5) No grant shall be awarded under this section unless the applicant has submitted an application to the Commissioner in such form, and in accordance with such procedures, as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train persons so as to reflect the diverse populations of the United States, as part of the effort to increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide rehabilitation services.

(b)(1)(A) In making such grants or contracts, the Commissioner shall target funds made available for any year to areas of personnel shortage.

(B) Projects described in subsection (a) may include -

(I) projects to train personnel in the areas of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

(ii) projects to train personnel to provide -

(I) services to individuals with specific disabilities or specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

(II) job development and job placement services to individuals with disabilities;

(III) supported employment services, including services of employment specialists for individuals with disabilities;

(IV) specialized services for individuals with severe disabilities; or

(V) recreation for individuals with disabilities;

(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and

(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (U.S.C. 2202(2) and (3)).

(2)(A) Except as provided in subparagraph (B), no grant under this section may be used to provide any one course of study to an individual for a period of more than 4 years.

(B) If the grant recipient determines that an individual has a disability, which seriously affects the completion of training under this section, the grant recipient may modify the limitation under subparagraph (A).

(3)(A) A recipient of a grant or contract under this section shall provide assurances that each individual who receives a scholarship, for any academic year beginning after June 1, 1992, utilizing funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall (I) maintain employment -

(I) in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

(II) on a full- or part-time basis; and

(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received, within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in subclause (III) and 2 additional years; and

(ii) repay all or part of any scholarship received, plus interest, if the individual does not fulfill the requirements of clause (I), except as the Commissioner by regulation may provide for repayment exceptions and deferrals.

(B) The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon completion of training under such subparagraph.

(c) The Commissioner shall evaluate the impact of the training programs conducted under this section, shall determine training needs for qualified personnel necessary to provide services to individuals with disabilities, and shall develop a long-term rehabilitation manpower plan designed to target resources on areas of personnel shortage. The Commissioner shall prepare and submit to the Congress by September 30 of each fiscal year a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.

(d) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the development of rehabilitation technician programs. Such programs shall be designed to train local residents, who are recruited from a community historically unserved or underserved by programs providing vocational rehabilitation services under this Act, to be liaisons between the community and vocational rehabilitation counselors. Entities receiving grants to carry out projects under this subsection shall coordinate the activities carried out through the projects with the activities of State vocational rehabilitation agencies to promote the employment of the individuals trained to be rehabilitation technicians. The rehabilitation technician program shall provide a mechanism through which individuals with disabilities residing in remote, isolated settings can successfully access vocational rehabilitation services.

(e)(1) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the formation of consortia or partnerships of public or nonprofit private entities for the purpose of providing opportunities for career advancement or competency-based training to current employees of public or nonprofit private agencies that provide services to individuals with disabilities. Such opportunities shall include certificate or degree granting programs in vocational rehabilitation services and related services.

(2) An entity that receives a grant under paragraph (1) may use the grant for purposes including -

(A) establishing a program with an institution of higher education to develop creative new programs and coursework options, or to expand existing programs, concerning the fields of vocational rehabilitation services and related services, including -

(I) providing release time for faculty and staff for curriculum development;

(ii) paying for instructional costs and start-up and other program development costs;

(B) establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, and county employees, and volunteers who -

(I) have demonstrated a commitment to working in the fields described in clause (I); and

(ii) are enrolled in a program relating to such a field at an institution of higher education;

(C) supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in such fields; and

(D) identifying existing public or private agency and labor union personnel policies and benefit programs that may facilitate the ability of employees to take advantage of higher education opportunities, such as leave time and tuition reimbursement.

(3) In making grants for projects under paragraph (1), the Commissioner shall ensure that the projects shall be geographically distributed throughout the United States in urban and rural areas.

(4) The Commissioner shall, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), enter into a cooperative agreement through a separate competition with an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of employees to serve individuals with disabilities through the use of consortia or partnerships established for the purpose of retraining the existing work force and providing opportunities for career enhancement.

(5) The Commissioner may conduct an evaluation of projects funded under this subsection.

(6) During the period in which an entity is receiving financial assistance under paragraph (1), the entity may not receive financial assistance under paragraph (4).

(f)(1) For the purpose of training a sufficient number of interpreters to meet the communications needs of individuals who are deaf and individuals who are deaf-blind, the Secretary, through the Office of Deafness and Communicative Disorders may award grants to any public or private nonprofit agency or organization to establish interpreter training programs or to provide financial assistance for ongoing interpreter training programs. The Secretary shall award grants for programs in such geographic areas throughout the United States as the Secretary considers appropriate to best carry out the purpose of this section. Priority shall be given to public or private nonprofit agencies or organizations with existing programs that have demonstrated their capacity for providing interpreter-training services.

(2) No grant shall be awarded under paragraph (1) unless the applicant has submitted an application to the Secretary in such form, and in accordance with such procedures, as the Secretary may require. Any such application shall -

(A) describe the manner in which an interpreter-training program would be developed and operated during the five-year period following the award of any grant under this section;

(B) demonstrate the applicant's capacity or potential for providing training for interpreters for individuals who are deaf and individuals who are deaf-blind;

(C) provide assurances that any interpreter trained or retrained under such program shall meet such minimum standards of competency as the Secretary may establish for purposes of this section; and

(D) contain such other information as the Secretary may require.

(g)(1) The Commissioner is authorized to provide technical assistance to State rehabilitation agencies and community rehabilitation programs, directly or through contracts with State vocational rehabilitation agencies or non-profit organizations.

(2) An expert or consultant appointed or serving under contract pursuant to this section shall be compensated at a rate subject to approval of the Commissioner, which shall not exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of Title 5, the United States Code.

(3)(A) Subject to subparagraph (B), at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used, directly or indirectly, for projects for in-service training of rehabilitation personnel, including projects designed (I) to

address recruitment and retention of qualified rehabilitation professionals; (ii) to provide for succession planning; (iii) to provide for leadership development and capacity building; and (iv) for fiscal years 1993 and 1994, to provide training on the amendments to this Act made by the Rehabilitation Act Amendments of 1992.

(B) If the allocation to designated State agencies required by subparagraph (A) would result in a lower level of funding for projects being carried out on the date of enactment of the Rehabilitation Act Amendments of 1992 by other recipients of funds under this section, the Commissioner may allocate less than 15 percent of the sums described in subparagraph (A) to designated State agencies for such in-service training.

(h) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

(I)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund training activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund the training activities.

## **The Rehabilitation Act and Associated Regulations**

### **Sec. 302. Training**

#### **(a) Grants and Contracts for Personnel Training**

##### **(1) Authority**

The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the cost of projects to provide training, traineeships, and related activities, including the provision of technical assistance, that are designed to assist in increasing the numbers of, and upgrading the skills of, qualified personnel (especially rehabilitation counselors) who are trained in providing vocational, medical, social, and psychological rehabilitation services, who are trained to assist individuals with communication and related disorders, who are trained to provide other services provided under this Act, to individuals with disabilities, and who may include--

**(A)** personnel specifically trained in providing employment assistance to individuals with disabilities through job development and job placement services;

**(B)** personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with disabilities, including needs for rehabilitation technology;

**(C)** personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services;

**(D)** personnel specifically trained to deliver services in the client assistance programs;

**(E)** personnel specifically trained to deliver services, through supported employment programs, to individuals with a most significant disability; and

**(F)** personnel specifically trained to deliver services to individuals with disabilities pursuing self-employment, business ownership, and telecommuting; and

**(G)** personnel trained in performing other functions necessary to the provision of vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act.

##### **(2) Authority to provide scholarships**

Grants and contracts under paragraph (1) may be expended for scholarships and may include necessary stipends and allowances.

##### **(3) Related federal statutes**

In carrying out this subsection, the Commissioner may make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training regarding provisions of Federal statutes, including section 504, title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), and the provisions of titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.), that are related to work incentives for individuals with disabilities.

#### **(4) Training for statewide workforce systems personnel**

The Commissioner may make grants to and enter into contracts under this subsection with

States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training to personnel providing services to individuals with disabilities under title I of the Workforce Investment Act of 1998. Under this paragraph, personnel may be trained--

**(A)** in evaluative skills to determine whether an individual with a disability may be served by the State vocational rehabilitation program or another component of a statewide workforce investment system; or

**(B)** to assist individuals with disabilities seeking assistance through one-stop delivery systems described in section 134(c) of the Workforce Investment Act of 1998.

#### **(5) Joint funding**

Training and other activities provided under paragraph (4) for personnel may be jointly funded with the Department of Labor, using funds made available under title I of the Workforce Investment Act of 1998.

#### **(b) Grants and Contracts for Academic Degrees and Academic Certificate Granting Training Projects**

##### **(1) Authority**

##### **(A) In general**

The Commissioner may make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the costs of academic training projects to provide training that leads to an academic degree or academic certificate. In making such grants or entering into such contracts, the Commissioner shall target funds to areas determined under subsection (e) to have shortages of qualified personnel.

##### **(B) Types of projects**

Academic training projects described in this subsection may include--

**(i)** projects to train personnel in the areas of assisting and supporting individuals with disabilities pursuing self-employment, business ownership, and telecommuting, and of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

**(ii)** projects to train personnel to provide--

**(I)** services to individuals with specific disabilities or individuals with disabilities who have specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

**(II)** job development and job placement services to individuals with disabilities;

(III) supported employment services, including services of employment specialists for individuals with disabilities;  
(IV) specialized services for individuals with significant disabilities; or  
(V) recreation for individuals with disabilities;  
(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and  
(iv) projects to train personnel in the use, applications, and benefits of rehabilitation technology.

## **(2) Application**

No grant shall be awarded or contract entered into under this subsection unless the applicant has submitted to the Commissioner an application at such time, in such form, in accordance with such procedures, and including such information as the Secretary may require, including--

(A) a description of how the designated State unit or units will participate in the project to be funded under the grant or contract, including, as appropriate, participation on advisory committees, as practicum sites, in curriculum development, and in other ways so as to build closer relationships between the applicant and the designated State unit and to encourage students to pursue careers in public vocational rehabilitation programs;

(B) the identification of potential employers that provide employment that meets the requirements of paragraph (5)(A)(i); and

(C) an assurance that data on the employment of graduates or trainees who participate in the project is accurate.

### **(3) Limitation**

#### **(A) In general**

Except as provided in subparagraph (B), no grant or contract under this subsection may be used to provide any one course of study to an individual for a period of more than 4 years.

#### **(B) Exception**

If a grant or contract recipient under this subsection determines that an individual has a disability which seriously affects the completion of training under this subsection, the grant or contract recipient may extend the period referred to in subparagraph (A).

### **(4) Authority to provide scholarships**

Grants and contracts under paragraph (1) may be expanded to provide services that include the provision of scholarships and necessary stipends and allowances.

### **(5) Agreements**

#### **(A) Contents**

A recipient of a grant or contract under this subsection shall provide assurances to the Commissioner that each individual who receives a scholarship, for any academic year beginning after June 1, 1992, utilizing

funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall--

**(i)** maintain employment--

**(I)** in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

**(II)** on a full- or part-time basis; and

**(III)** for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received by the individual, within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in sub clause (III) and 2 additional years; and

**(ii)** repay all or part of any scholarship received, plus interest, if the individual does not fulfill the requirements of clause (i), except as the Commissioner by regulation may provide for repayment exceptions and deferrals.

**(B) Enforcement**

The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon completion of the training involved under such subparagraph.

**(c) Grants to Historically Black Colleges and Universities**

The Commissioner, in carrying out this section, shall make grants to historically Black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent of the total enrollment of the institution.

**(d) Application**

A grant may not be awarded to a State or other organization under this section unless the State or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train individuals so as to reflect the diverse populations of the United States as part of the effort to increase the number of individuals with disabilities, and individuals who are from linguistically and culturally diverse backgrounds, which are available to provide rehabilitation services.

**(e) Evaluation and Collection of Data**

The Commissioner shall evaluate the impact of the training programs conducted under this section, and collect information on the training needs of, and data on shortages of qualified personnel necessary to provide services to individuals with disabilities. The Commissioner shall prepare and submit to Congress, by September 30 of each fiscal year, a report setting forth and justifying in detail how the funds made available for training under this section for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain

findings on such personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings on personnel shortages justify the allocations.

## **PROGRAM REGULATIONS**

### **PART 385--REHABILITATION TRAINING**

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

Source: 45 FR 86379, Dec. 30, 1980, unless otherwise noted.

#### Subpart A--General

Sec.

- 385.1 What is the Rehabilitation Training program?
  - (a) The Rehabilitation Training program is designed to--
    - (1) Ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs, through supported employment

programs, through independent living services programs, and through client assistance programs;

(2) Maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery systems and rehabilitation technology services; and

(3) Provide training and information to individuals with disabilities, the parents, families, guardians, advocates, and authorized representatives of the individuals, and other appropriate parties to develop the skills necessary for individuals with disabilities to access the rehabilitation system and to become active decision makers in the rehabilitation process.

(b) The Secretary awards grants and contracts to pay part of the costs of projects for training, trainee ships, and related activities, including the provision of technical assistance, to assist in increasing the numbers of qualified personnel trained in providing rehabilitation services and other services provided under the Act, to individuals with disabilities. Financial assistance is provided through six categories of training programs:

(1) Rehabilitation Long-Term Training (34 CFR Part 386).

(2) Experimental and Innovative Training (34 CFR Part 387).

(3) State Vocational Rehabilitation Unit In-Service Training (34 CFR Part 388).

(4) Rehabilitation Continuing Education Programs (34 CFR Part 389).

(5) Rehabilitation Short-Term Training (34 CFR Part 390).

(6) Training of Interpreters for Individuals Who Are Deaf and Individuals Who Are Deaf-Blind (34 CFR Part 396).

(Authority: Secs. 301 and 302 of the Act; 29 U.S.C. 770 and 774)

[59 FR 8344, Feb. 18, 1994]

Sec. 385.2 Who is eligible for assistance under these programs?

States and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education, are eligible for assistance under the Rehabilitation Training program.

(Authority: Secs. 7(19) and 302 of the Act; 29 U.S.C. 706(19) and 774)

[59 FR 8345, Feb. 18, 1994]

Sec. 385.3 What regulations apply to these programs?

The following regulations apply to the Rehabilitation Training program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions That Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR Part 81 (General Education Provisions Act - Enforcement).

(7) 34 CFR Part 82 (New Restrictions on Lobbying).

(8) 34 CFR Part 85 (Government wide Debarment and Suspension (Nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this Part 385.

(c) The regulations in 34 CFR Parts 386, 387, 388, 389, 390, and 396, as appropriate.

(Authority: Secs. 12(c) and 302 of the Act; 29 U.S.C. 711(c) and 774)

[59 FR 8345, Feb. 18, 1994]

Sec. 385.4 What definitions apply to these programs?

(a) The following definitions in 34 CFR Part 77 apply to the programs under the Rehabilitation Training Program--

"Applicant"

"Application"

"Award"

"Budget Period"

"Department"

"EDGAR"

"Nonprofit"

"Private"

"Project"

"Project Period"

"Public"

"Secretary"

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

(b) The following definitions also apply to programs under the Rehabilitation Training program:

Act means the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

Assistive technology service means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. The term includes--

(1) The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for an individual with disabilities, or, if appropriate, the family of an individual with disabilities; and

(6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

Community rehabilitation program means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual

with a disability to enable the individual to maximize opportunities for employment, including career advancement--

- (1) Medical, psychiatric, psychological, social, and vocational services that are provided under one management;
- (2) Testing, fitting, or training in the use of prosthetic and orthotic devices;
- (3) Recreational therapy;
- (4) Physical and occupational therapy;
- (5) Speech, language, and hearing therapy;
- (6) Psychiatric, psychological, and social services, including positive behavior management;
- (7) Assessment for determining eligibility and vocational rehabilitation needs;
- (8) Rehabilitation technology;
- (9) Job development, placement, and retention services;
- (10) Evaluation or control of specific disabilities;
- (11) Orientation and mobility services for individuals who are blind;
- (12) Extended employment;
- (13) Psychosocial rehabilitation services;
- (14) Supported employment services and extended services;
- (15) Services to family members when necessary to the vocational rehabilitation of the individual;
- (16) Personal assistance services; or
- (17) Services similar to the services described in paragraphs (1) through (16) of this definition.

Designated State agency means an agency designated under section 101(a)(1)(A) of the Act.

Designated State unit means (1) Any State agency unit required under section 101(a)(2)(A) of the Act, or (2) In cases in which no State agency unit is required, the State agency described in section 101(a)(2)(B)(i) of the Act.

Independent living core services means--

- (1) Information and referral services;
- (2) Independent living skills training;
- (3) Peer counseling, including cross-disability peer counseling; and
- (4) Individual and systems advocacy.

Independent living services includes--

- (1) Independent living core services; and
- (2)(i) Counseling services, including psychological, psychotherapeutic, and related services;
- (ii) Services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);
- (iii) Rehabilitation technology;
- (iv) Mobility training;
- (v) Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;
- (vi) Personal assistance services, including attendant care and the training of personnel providing these services;
- (vii) Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;
- (viii) Consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

- (ix) Education and training necessary for living in the community and participating in community activities;
- (x) Supported living;
- (xi) Transportation, including referral and assistance for transportation;
- (xii) Physical rehabilitation;
- (xiii) Therapeutic treatment;
- (xiv) Provision of needed prostheses and other appliances and devices;
- (xv) Individual and group social and recreational services;
- (xvi) Training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;
- (xvii) Services for children;
- (xviii) Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;
- (xvix) Appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;
- (xx) Community awareness programs to enhance the understanding and integration of individuals with disabilities; and
- (xxi) Such other services as may be necessary and not inconsistent with the provisions of this Act.

Individual with a disability means any individual who--

- (1) Has a physical or mental impairment, which for that individual constitutes or results in a substantial impediment to employment; and
- (2) Can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to titles I, II, III, VI, or VIII of the Act.

Individual with a severe disability means an individual with a disability--

- (1) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- (2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Institution of higher education has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

Personal assistance services means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. The services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

Qualified personnel: (1) For designated State agencies or designated State units, means personnel who have met standards that are consistent with existing national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services.

(2) For other than designated State agencies or designated State units, means personnel who have met existing State certification or licensure requirements, or in the absence of State requirements, have met professionally accepted requirements established by national certification boards.

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

State includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

Stipend means financial assistance on behalf of individuals in support of their training, as opposed to salary payment for services provided within the project.

Supported employment means--

(1) Competitive work in integrated work settings for individuals with the most severe disabilities--

(I)(A) For whom competitive employment has not traditionally occurred; or  
(B) For whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

(ii) Who, because of the nature and severity of their disability, need intensive supported employment services from the designated State unit and extended services after transition in order to perform this work.

(2) Transitional employment for individuals with the most severe disabilities due to mental illness.

Supported employment services means ongoing support services and other appropriate services needed to support and maintain an individual with most severe disability in supported employment, that are--

(1) Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in entering or maintaining integrated, competitive employment;

(2) Based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

(3) Provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program.

Vocational rehabilitation services means the same as the term is defined in 34 CFR 369.4(b).

(Authority: Secs. 7, 12(c), and 101(a)(7) of the Act; 29 U.S.C. 706, 711(c), and 721(a)(7))

[45 FR 86379, Dec. 30, 1980, as amended at 50 FR 38631, Sept. 23, 1985; 53 FR 17146, May 13, 1988; 59 FR 8345, Feb. 18, 1994]

#### Subpart B--[Reserved]

#### Subpart C--How Does One Apply for a Grant?

Sec. 385.20 What are the application procedures for these programs?

The Secretary gives the designated State agency an opportunity to review and comment on applications submitted from within the State that it serves. The procedures to be followed by the applicant and the State are in EDGAR Secs. 75.155-75.159.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

[45 FR 86379, Dec. 30, 1980, as amended at 59 FR 8347, Feb. 18, 1994]

#### Subpart D--How Does the Secretary Make a Grant?

Sec. 385.30 [Reserved]

Sec. 385.31 How does the Secretary evaluate an application?

(a) The Secretary evaluates each 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))

Sec. 385.33 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria listed in Sec. 75.210 and Parts 386 through 390, the Secretary, in making awards under this program, considers such factors as--

(a) The geographical distribution of projects in each Rehabilitation Training Program category throughout the country; and

(b) The past performance of the applicant in carrying out similar training activities under previously awarded grants, as indicated by such factors as compliance with grant conditions, soundness of programmatic and financial management practices and attainment of established project objectives.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

#### Subpart E--What Conditions Must Be Met by a Grantee?

Sec. 385.40 What are the requirements pertaining to the membership of a project advisory committee?

If a project funded under 34 CFR parts 386 through 390 or 396 establishes an advisory committee, its membership must include individuals with disabilities or parents, family members, guardians, advocates, or other authorized representatives of the individuals; members of minority groups; trainees; and providers of vocational rehabilitation and independent living rehabilitation services.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

[59 FR 8347, Feb. 18, 1994]

Sec. 385.41 What are the requirements affecting the collection of data from designated State agencies?

If the collection of data is necessary from individuals with disabilities being served by two or more designated State agencies or from employees of two or more of these agencies, the project director must submit requests for the data to appropriate representatives of the affected agencies, as determined by the Secretary. This requirement also applies to employed project staff and individuals enrolled in courses of study supported under these programs.

(Authority: Sec. 12(C) of the Act; 29 U.S.C. 711(c))

[45 FR 86379, Dec. 30, 1980, as amended at 53 FR 17147, May 13, 1988; 59 FR 8347, Feb. 18, 1994]

Sec. 385.42 What are the requirements affecting the dissemination of training materials?

A set of any training materials developed under the Rehabilitation Training Program must be submitted to any information clearinghouse designated by the Secretary.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

Sec. 385.43 What requirements apply to the training of rehabilitation counselors and other rehabilitation personnel?

Any grantee who provides training of rehabilitation counselors or other rehabilitation personnel under any of the programs in 34 CFR parts 386 through 390 shall train those counselors and personnel on the services provided under this Act, and, in particular, services provided in accordance with amendments made by the Rehabilitation Act Amendments of 1992. The grantee shall also furnish training to these counselors and personnel regarding the applicability of section 504 of this Act, title I of the Americans with Disabilities Act of 1990, and the provisions of titles II and XVI of the Social Security Act that are related to work incentives for individuals with disabilities.

(Authority: Sec. 302(a)(3) of the Act; 29 U.S.C. 774(a)(3))

[59 FR 8347, Feb. 18, 1994]

Sec. 385.44 What requirement applies to the training of individuals with disabilities?

Any grantee or contractor who provides training under any of the programs in 34 CFR parts 386 through 390 and 396 shall give due regard to the training of individuals with disabilities as part of its effort to increase the number of qualified personnel available to provide rehabilitation services.

(Authority: Sec. 302(a)(1) of the Act; 29 U.S.C. 774(a)(1))

[59 FR 8347, Feb. 18, 1994]

Sec. 385.45 What additional application requirements apply to the training of individuals for rehabilitation careers?

(a) All applicants for a grant or contract to provide training under any of the programs in 34 CFR parts 386 through 390 and 396 shall demonstrate how the training they plan to provide will prepare rehabilitation professionals to address the needs of individuals with disabilities from minority backgrounds.

(b) All applicants for a grant under any of the programs in 34 CFR parts 386 through 390 and 396 shall include a detailed description of strategies that will be utilized to recruit and train persons so as to reflect the diverse populations of the United States, as part of the effort to increase the number

of individuals with disabilities, and individuals who are members of minority groups, who are available to provide rehabilitation services.

(Authority: Secs. 21(b)(5) and 302(a)(5) of the Act; 29 U.S.C. 718b(b)(6) and 774(a)(6))

(Approved by the Office of Management and Budget under control number 1820-0018)

[59 FR 8347, Feb. 18, 1994, as amended at 59 FR 33680, June 30, 1994]

Sec. 385.46 What limitations apply to the rate of pay for experts or consultants appointed or serving under contract under the Rehabilitation Training program?

An expert or consultant appointed or serving under contract pursuant to this section shall be compensated at a rate subject to approval of the Commissioner, which shall not exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of title 5, United States Code.

(Authority: Sec. 302(g)(2) of the Act; 29 U.S.C. 774(g)(2))

[59 FR 8347, Feb. 18, 1994].

## **SECTION F**

### **SELECTION CRITERIA for APPLICATION**

#### **Selection Criteria for Applications**

The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Because no points are assigned to the selected factors, the Secretary evaluates each factor within each criterion equally.

The criteria are--

#### **NEED FOR THE PROJECT (15 points)**

- (1) The Secretary considers the need for the proposed project.
- (2) In determining the need for the proposed project, the Secretary considers one or more of the following factors:
  - (i) The magnitude or severity of the problem to be addressed by the proposed project.
  - (ii) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.
  - (iii) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.
  - (iv) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated.

#### **SIGNIFICANCE (10 points)**

- (1) The Secretary considers the significance of the proposed project.
- (2) In determining the significance of the proposed project, the Secretary considers one or more of the following factors:
  - (i) The national significance of the proposed project.
  - (ii) The significance of the problem or issue to be addressed by the proposed project.
  - (iii) The potential contribution of the proposed project to increased knowledge or understanding of rehabilitation problems, issues, or effective strategies.
  - (iv) The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study.
  - (v) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations.
  - (vi) 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.
  - (vii) 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.

(viii) 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.

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

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

### **QUALITY OF THE PROJECT DESIGN (10 points)**

(1) The Secretary considers the quality of the design of the proposed project.

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

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

(ii) 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.

(iii) 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.

(iv) 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.

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

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

(vii) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

### **QUALITY OF PROJECT SERVICES (15 points)**

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) 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.

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

(i) 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.

(ii) 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.

(iii) 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.

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

### **QUALITY OF PROJECT PERSONNEL (10 points)**

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) 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.

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

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

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

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

### **ADEQUACY OF RESOURCES (10 points)**

(1) The Secretary considers the adequacy of resources for the proposed project.

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

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

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

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

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

(v) 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.

### **QUALITY OF THE MANAGE PLAN (15 points)**

- (1) The Secretary considers the quality of the management plan for the proposed project.
- (2) In determining the quality of the management plan for the proposed project, the Secretary considers one or more of the following factors:
  - (i) 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.
  - (ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.
  - (iii) The adequacy of mechanisms for ensuring high quality products and services from the proposed project.
  - (iv) 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.
  - (v) How the applicant will ensure that a diverse 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 other, as appropriate.

**QUALITY OF THE PROJECT EVALUATION (15 points)**

- (1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.
- (2) In determining the quality of the evaluation, the Secretary considers one or more of the following factors:
  - (i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.