

84.128 SUPPORTED EMPLOYMENT/SYSTEMS CHANGE COMMUNITY BASED  
34 CFR PART 380

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

Source: 54 FR 12400, Mar. 22, 1989, unless otherwise noted.

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This program is designed to provide grants for special projects and  
demonstrations to expand or otherwise improve the provision of supported  
employment services to individuals with the most severe disabilities,  
including projects that demonstrate the effectiveness of natural  
supports or other alternative approaches for supporting and maintaining  
individuals in supported employment, and grants for technical assistance

projects.  
(Authority: 29 U.S.C. 777a(a)(1) and 777a(c))  
[59 FR 8342, Feb. 18, 1994]

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Subpart A\_General

Sec. 380.2 Who is eligible for an award?

(a) Applications for Statewide demonstration projects under Sec. 380.4 may be submitted by public and nonprofit community rehabilitation programs, designated State units, and other public and private agencies and organizations.

(b) Applications for community-based projects under Sec. 380.5 may be submitted by public and nonprofit community rehabilitation programs, designated State units, and other public and private agencies and organizations.

(c) Applications for technical assistance projects under Sec. 380.6 may be submitted by public agencies and nonprofit private organizations that have experience in training and provision of supported employment services.

(Authority: 29 U.S.C. 777a(c))  
[54 FR 12400, Mar. 22, 1989, as amended at 59 FR 8342, Feb. 18, 1994]

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Subpart A\_General

Sec. 380.3 What types of projects are authorized?

The following types of projects may be funded under this program:

(a) Statewide demonstration projects as described in Sec. 380.4. The purpose of Statewide demonstration projects is to stimulate the development and provision of supported employment services on a statewide basis for individuals with the most severe disabilities.

(b) Community-based projects as described in Sec. 380.5. The purposes of community-based projects are to stimulate the development of

innovative approaches for improving and expanding the provision of supported employment services to individuals with the most severe disabilities, and to enhance local capacity to provide supported employment services.

(c) Technical assistance projects as described in Sec. 380.6. The purpose of technical assistance projects is to provide technical assistance to States in implementing the State Supported Employment Services Program under 34 CFR part 363.

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

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##### Subpart A\_General

Sec. 380.4 What activities may the Secretary fund under Statewide supported employment demonstration projects?

(a) Authorized activities. The Following activities are authorized under Statewide Supported Employment demonstration projects:

(1) Program development, including program start-up costs, for new or existing community organizations and employers.

(2) Staff training.

(3) Program evaluation.

(4) Reorganization, expansion, or, if appropriate, conversion of existing programs to provide supported employment services.

(b) Restrictions on the use of funds. (1) Statewide Supported Employment demonstration project grants may not be used to provide supported employment services to individuals with the most severe disabilities.

(2) A grantee must provide, or ensure the provision of, those direct services needed by individuals with the most severe disabilities in order for them to obtain and maintain employment from funds other than those made available under this part. These supported employment services include but are not limited to--

(i) Job site training to prepare and enable individuals with the most severe disabilities to perform work and maintain the job;

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(ii) Ongoing supervision of individuals with the most severe disabilities on the job;

(iii) Ongoing behavior management; and

(iv) Case management, including assistance to coordinate services from various sources.

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

[54 FR 12400, Mar. 22, 1989, as amended at 59 FR 8342, Feb. 18, 1994]

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Subpart A\_General

Sec. 380.5 What activities may the Secretary fund under community-based supported employment projects?

(a) Authorized activities. The following activities are authorized under community-based projects:

- (1) Job search assistance.
- (2) Job development, including work site modification and use of advanced learning technology for skills training.
- (3) On-the-job training.
- (4) Job placement.
- (5) Application of rehabilitation technology in providing supported employment services.
- (6) Provision of supported employment services for individuals placed in employment.
- (7) Development of cooperative agreements with service providers for the provision of extended services.

(b) Restrictions on the use of funds. The Secretary does not provide financial assistance under Community-Based Supported Employment projects for the provision of extended supported employment services.

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

[54 FR 12400, Mar. 22, 1989, as amended at 57 FR 28441, June 24, 1992;  
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Subpart A\_General

Sec. 380.6 What activities may the Secretary fund under technical assistance supported employment projects?

The following activities are authorized under technical assistance projects:

- (a) Staff training.

(b) Development of and placement in jobs for individuals with the most severe disabilities.

(c) Development of cooperative agreements with service providers for extended services.

(d) Reorganization, expansion, or, if appropriate, conversion of existing programs to provide supported employment services.

(Authority: 29 U.S.C. 777a(c)(2))

[54 FR 12400, Mar. 22, 1989, as amended at 59 FR 8342, Feb. 18, 1994]

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Subpart A\_General

Sec. 380.7 What priorities may the Secretary establish?

In any fiscal year, the Secretary may establish priorities for one or more of the types of projects described in Sec. 380.3 by publishing a notice in the Federal Register.

(Authority: 29 U.S.C. 777a(c)(2))

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Subpart A\_General

Sec. 380.8 What regulations apply?

The following regulations apply to the Program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects:

(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 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

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

(b) The regulations in this part 380.

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(c) The regulations in 34 CFR 369.46  
(Authority: 29 U.S.C. 711(c) and 777a(c))

[54 FR 12400, Mar. 22, 1989, as amended at 55 FR 21714, May 25, 1990; 59 FR 8342, Feb. 18, 1994]

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##### Subpart A General

Sec. 380.9 What definitions apply?

(a) The following term used in this part is defined in 34 CFR part 363: Supported employment.

(b) The following terms used in this part are defined in 34 CFR part 369:

Designated State unit

Community rehabilitation program

Individual with a severe disability

(c) Other definitions. The following definitions also apply to this part:

(1) As used in the definition of ``supported employment''--

(i) Competitive employment means work--

(A) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(B) For which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.

(ii) Integrated setting means a setting typically found in the community in which an individual with the most severe disabilities interacts with non-disabled individuals, other than non-disabled individuals who are providing services to that individual, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(iii) Supported employment services means on-going support services provided by the grantee with funds under this part--

(A) For a period not to exceed 18 months, unless under special circumstances a longer period to achieve job stabilization has been jointly agreed to by the individual and the rehabilitation counselor and established in the individual's program of services, before an individual with the most severe disabilities makes the transition to extended services; and

(B) As discrete post-employment services following transition in accordance with 34 CFR 363.4(c)(3);

(iv) Extended services means on-going support services and other appropriate services provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part, part 361, part 363, or part 376 after an individual with the most severe disabilities has made the transition from project support; and

(v) Transitional employment means a series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of on-going support services must include continuing sequential job placements until job permanency is achieved.

(2) On-going support services means services that are--

(i) Needed to support and maintain an individual with the most severe disabilities in supported employment;

(ii) Based on a determination by the grantee of the individual's needs as specified in a program of services; and

(iii) Furnished by the grantee from the time of job placement until transition to extended services, except as provided in 34 CFR 363.4(c)(3) and, following transition, by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment. On-going support services must include, at a minimum, twice-monthly monitoring at the work site of each individual in supported employment to assess employment stability, unless under special circumstances, especially at the request of the individual, the individual's program of services provides for off-site monitoring, and, based upon that assessment, the coordination or provision of specific services, at or away from the work site, that are needed to maintain employment stability. If off-site monitoring is determined to be appropriate, it must, at a minimum, consist of two meetings with the individual and one contact

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with the employer each month. On-going support services consist of--

(A) Any particularized assessment needed to supplement the comprehensive assessment of rehabilitation needs;

(B) The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

(C) Job development and placement;

(D) Social skills training;

(E) Regular observation or supervision of the individual;

(F) Follow-up services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates or

authorized representative of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) Facilitation of natural supports at the worksite;

(H) Any other service identified in the scope of rehabilitation services described in 34 CFR part 361; and

(I) Any service similar to the foregoing services.

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

[54 FR 12400, Mar. 22, 1989, as amended at 57 FR 28441, June 24, 1992;

59 FR 8342, Feb. 18, 1994; 62 FR 6363, Feb. 11, 1997]

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Subpart B\_How Does the Secretary Make an Award?

Sec. 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))

[62 FR 10404, Mar. 6, 1997]

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Subpart B\_How Does the Secretary Make an Award?

Sec. 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))

[62 FR 10404, Mar. 6, 1997]

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Subpart B\_How Does the Secretary Make an Award?  
Sec. 380.15 What application requirement applies to this program?

Each applicant for a grant under this program must include in its application a description of the manner in which it will address the needs of individuals with the most severe disabilities from minority backgrounds.

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

(Authority: 29 U.S.C. 718b)  
[59 FR 8343, Feb. 18, 1994]

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Subpart C\_What Post-Award Conditions Must Be Met by a Grantee?  
Sec. 380.20 What requirements must a grantee meet before it provides for the transition of an individual in supported employment?

A grantee must provide for the transition of an individual with the most severe disabilities to extended services no later than 18 months after placement in supported employment, unless a longer period is established in the individual's program of services, and only if the individual has made substantial progress toward meeting his or her hours-per-week work goal, is stabilized in the job, and extended services are available and can be provided without a hiatus in services.

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

[57 FR 28442, June 24, 1992, as amended at 59 FR 8342, Feb. 18, 1994]

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Subpart C\_What Post-Award Conditions Must Be Met by a Grantee?

Sec. 380.21 What information requirement applies to this program?

Each grantee must advise recipients of services under its project or, as appropriate, the parents, family members, guardians, advocates, or authorized representatives of those individuals, of the availability and purposes of the State's Client Assistance Program, including information on seeking assistance from that program.

(Authority: 29 U.S.C. 718a)

[59 FR 8343, Feb. 18, 1994]

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