84.264 REHABILITATION CONTINUING EDUCATION PROGRAM

34 CFR PARTS 385, 389

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Rehabilitation Training program?

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

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

(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

decisionmakers in the rehabilitation process.

(b) The Secretary awards grants and contracts to pay part of the

costs of projects for training, traineeships, 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]

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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]

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Subpart A\_General

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:

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(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 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]

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Subpart A\_General

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;

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(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;

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(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 title 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.

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

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(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]

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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 Sec. Sec. 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]

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Subpart D\_How Does the Secretary Make a Grant?

Sec. 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))

[62 FR 10404, Mar. 6, 1997]

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Subpart D\_How Does the Secretary Make a Grant?

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,

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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))

[45 FR 86379, Dec. 30, 1980, as amended at 62 FR 10404, Mar. 6, 1997]

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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]

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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]

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Subpart E\_What Conditions Must Be Met by a Grantee?

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))

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Subpart E\_What Conditions Must Be Met by a Grantee?

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]

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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]

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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

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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.

(Approved by the Office of Management and Budget under control number

1820-0018)

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

718b(b)(6) and 774(a)(6))

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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]

[Code of Federal Regulations

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389.10 What types of projects are authorized under this program?

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389.30 What additional selection criterion is used under this program?

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389.40 What are the matching requirements?

389.41 What are allowable costs?

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

Source: 45 FR 86385, Dec. 30, 1980, unless otherwise noted.

This program is designed to support training centers that serve

either a Federal region or another geographical area and provide for a

broad integrated sequence of training activities that focus on meeting

recurrent and common training needs of employed rehabilitation personnel

throughout a multi-State geographical area.

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

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Subpart A\_General

Sec. 389.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible for assistance under this

program are described in 34 CFR 385.2.

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

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Subpart A\_General

Sec. 389.3 What regulations apply to this program?

The following regulations apply to this program--

(a) 34 CFR part 385 (Rehabilitation Training); and

(b) The regulations in this part 389.

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

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Subpart A\_General

Sec. 389.4 What definitions apply to this program?

The definitions in 34 CFR part 385 apply to this program.

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

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Subpart B\_What Kinds of Projects Does the Department of Education Assist

Under This Program?

Sec. 389.10 What types of projects are authorized under this program?

Rehabilitation Continuing Education Programs--

(a) Train newly employed State agency staff at the administrative,

supervisory, professional, subprofessional, or clerical levels in order

to develop needs skills for effective agency performance;

(b) Provide training opportunities for experienced State agency

personnel at all levels of State agency practice to upgrade their skills

and to develop mastery of new program developments dealing with

significant issues, priorities and legislative thrusts of the State/

Federal vocational rehabilitation program; and

(c) Develop and conduct training programs for staff of--

(1) Private rehabilitation agencies and facilities which cooperate

with State vocational rehabilitation units in providing vocational

rehabilitation and other rehabilitation services;

(2) Centers for independent living; and

(3) Client assistance programs.

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

[45 FR 86385, Dec. 30, 1980, as amended at 50 FR 38631, Sept. 23, 1985]

Subpart C [Reserved]

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Subpart D\_How Does the Secretary Make a Grant?

Sec. 389.30 What additional selection criterion is 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

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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.

(b) [Reserved]

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

[62 FR 10405, Mar. 6, 1997]

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Subpart E\_What Conditions Must Be Met by a Grantee?

Sec. 389.40 What are the matching requirements?

A grantee must contribute to the cost of a project under this

program in an amount satisfactory to the Secretary. The part of the cost

to be borne by the grantee is determined by the Secretary at the time of

the grant award.

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

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Subpart E\_What Conditions Must Be Met by a Grantee?

Sec. 389.41 What are allowable costs?

In addition to those allowable costs established under EDGAR

Sec. Sec. 75.530-75.562, the following items are allowable under

Rehabilitation Continuing Education programs--

(a) Trainee per diem costs;

(b) Trainee travel in connection with a training course;

(c) Trainee tuition and fees; and

(d) Special accommodations for trainees with handicaps.

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

[45 FR 86385, Dec. 30, 1980, as amended at 53 FR 17147, May 13, 1988]