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Part IV

Department of Education

34 CFR Part 350, et al.
Disability and Rehabilitation Research
Projects and Centers Program; Proposed
Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 351, 352, 353, 355, 357, and 360

RIN 1820-AB39

Disability and Rehabilitation Research Projects and Centers Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: After reviewing the regulations governing the Disability and Rehabilitation Research Programs, administered by the Department's National Institute on Disability and Rehabilitation Research (NIDRR), the Secretary proposes to amend these regulations. These proposed amendments would consolidate the regulations for six programs into one CFR part. As part of the Department's efforts to implement the President's Regulatory Reinvention Initiative, the proposed amendments would remove unnecessary regulations, clarify program requirements, and improve the selection criteria.

DATES: Comments must be received on or before December 10, 1996.

ADDRESSES: All comments concerning these proposed regulations should be addressed to David Esquith, U.S. Department of Education, 600 Independence Ave., SW., (Room 3424, Switzer Building), Washington, DC 20202-2601. Comments also may be sent through the Internet to NIDRR_Consolidation@ed.gov

To ensure that public comments have maximum effect in developing the final regulations, the Department urges that each comment clearly identify the specific section or sections of the regulations that the comment addresses and that the comments be in the same order as the regulations.

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

FOR FURTHER INFORMATION CONTACT:

David Esquith. Telephone: 202-205-8801 or by e-mail to david_esquith@ed.gov Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at 202-205-8133. An electronic copy of this document may be found on the Internet at the Department's home page at <http://www.ed.gov> in the "News" section.

SUPPLEMENTARY INFORMATION:**Background**

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

Disability and Rehabilitation Research Projects and Centers Program

As a part of these efforts, the Department examined all of the regulations governing NIDRR's existing Disability and Rehabilitation Research Programs as authorized under Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760-762) (Act). After this examination, the Secretary determined that the regulations in Parts 350 (General Provisions), 351 (Research and Demonstration Projects), 352 (Rehabilitation Research and Training Centers), 353 (Rehabilitation Engineering Research Centers), 355 (Knowledge Dissemination and Utilization Programs), 357 (Field-Initiated Projects), and 360 (Research Training and Career Development Program) could be consolidated and improved.

In addition to consolidating the regulations, the Secretary proposes to have one program that governs many projects and centers, the Disability and Rehabilitation Research Projects and Centers Program (Program). The Program would contain three types of projects and two types of centers. The proposed Disability and Rehabilitation Research and Related Projects would encompass the current Research and Demonstration Projects program (Part 351) and Knowledge Dissemination and Utilization Programs (Part 355). The proposed Field-Initiated Projects would be similar to the existing Field-Initiated Projects program (Part 357), but the

scope of projects that could be funded under the new Field-Initiated Projects would change. The Advanced Rehabilitation Research Training Project would be the new name for the existing Research Training and Career Development Program (Part 360). The Secretary would continue to fund Rehabilitation Research Training Centers and Rehabilitation Engineering Research Centers under requirements virtually identical to the current ones. The Secretary believes that placing all these regulations in one CFR part would make it easier for grantees to identify common requirements and to understand the differences among all the projects and centers. By making structural changes, removing unnecessary regulations, and revising regulatory language, the Secretary would improve the existing programs because he would clarify the differences among the programs and revise the regulations to focus on obtaining the highest quality results.

As part of its efforts to consolidate the regulations, the Department proposes a new set of selection criteria for use in evaluating all applications. This new approach would allow the Secretary to reduce five different sets of selection criteria to one.

The following is a summary of the proposed regulatory provisions the Secretary believes are necessary for implementing the statute, such as interpretations of statutory text or standards and procedures for operating the program. The Secretary also highlights significant proposed changes from the regulations currently governing these programs. The summary does not address provisions that merely restate statutory language or that reflect editorial or technical changes to existing regulations.

Purpose (§ 350.2)

This proposed section reiterates the statutory purpose in section 204(a) of the Act. In this proposed section, the Secretary would add to the statutory language the clause "including international activities." This addition is meant only to point out that the international activities are authorized by section 204(b)(6) of the Act. The Secretary would not support any international activities outside the scope of section 204(b)(6) of the Act.

Eligible entities (§ 350.3)

This provision is intended to reiterate the entities eligible for an award listed in section 204(a) of the Act. The Secretary interprets private agencies and organizations to include commercial agencies and organizations.

Disability and Rehabilitation Research and Related Projects (§ 350.10–§ 350.19)

The proposed regulations provide for the following three types of projects:

- **Disability and Rehabilitation Research Projects**

The Secretary intends the Disability and Rehabilitation Research Projects to encompass the projects that are carried out under the Research and Demonstration Projects program and the Knowledge, Dissemination, and Utilization Programs. These proposed changes would remove the existing restrictions on the combinations of activities that the Department can fund and allow the Department to fund the broad range of activities authorized under the Act. Under the proposed Disability and Rehabilitation Research Projects, grantees would carry out activities as proposed by the Secretary in one or more of seven general categories of activities, i.e., research, development, demonstration, training, dissemination, utilization, and technical assistance. The Secretary proposes that grantees meet certain basic requirements, which are based on current regulations, in carrying out these activities. (see §§ 350.13–350.19)

- **Field-Initiated Projects**

Field-Initiated Projects would continue to fund projects proposed by applicants rather than those proposed in response to a funding priority published by the Department. The primary difference from the existing Field-Initiated Projects program would be in the scope of activities that a grantee could carry out. Under the existing regulations, grantees can carry out research and demonstration projects, knowledge dissemination projects, and development projects. Under the proposed regulations, grantees could conduct research or development activities.

The Secretary has several reasons for changing the scope of activities that can be carried out as Field-Initiated Projects. There are limited sources of funding for research and development activities, and the Secretary believes it is necessary to direct more funds to research and development activities. In addition, approximately only 10 percent of the Field-Initiated Projects that the Secretary currently funds are dissemination projects. Moreover, demonstration and dissemination activities would still be funded as Disability and Rehabilitation Research Projects.

- **Advanced Rehabilitation Research Training Projects**

Under the proposed regulations, the Advanced Rehabilitation Research Training Projects would assist grantees to provide research training and experience at an advanced level to individuals with doctorates or similar advanced degrees. The Advanced Rehabilitation Research Training Projects are virtually identical to the Research Training and Career Development Program (Part 360). The Secretary believes that changing the name of the program would help emphasize the focus of the projects. Other than the procedures regarding the selection criteria and for using the criteria, all the remaining requirements governing the current program would be the same. In addition, the current regulations of this program contain a list of funding priorities. The Secretary would remove these priorities from the regulations and publish a notice of proposed priorities with an opportunity for public comment before establishing the priorities for use in any competition.

Rehabilitation Research and Training Centers and Rehabilitation Engineering Research Centers (§ 350.20–350.35)

As in the current regulations, most of the proposed regulations governing the Rehabilitation Research and Training Centers are restatements of statutory requirements. Should the Secretary retain these restatements of statutory requirements? Are there other, better means for providing this type of information?

The statutory requirements concerning collaboration are incorporated into these regulations. Under section 204(b)(3)(A), only those Rehabilitation Engineering Research Centers that are not operated by specified organizations, i.e. institutions of higher education or non-profit organizations, must operate in collaboration with one or more of those types of organizations. The equivalent collaboration requirement for Rehabilitation Research and Training Centers in section 204(b)(2)(A) of the Act states that these centers shall be operated in collaboration with certain types of institutions or types of service providers. For consistency with the collaboration requirement for Rehabilitation Engineering Research Centers, in the proposed regulations, the Secretary interprets section 204(b)(2)(A) to mean that only those Rehabilitation Research and Training Centers that are not operated by institutions of higher education or providers of rehabilitation service or other appropriate services

must be operated in collaboration with these types of institutions or service providers.

Another difference from the existing regulations would be in the interpretation of sections 204(b)(2)(B)(ii) and (iii) of the Act governing Rehabilitation Research and Training Centers. Sections 352.10(b)(1)–(3) of the existing regulations, which contain the requirements based on these statutory provisions, provide that training activities may include training of students preparing to be rehabilitation personnel and then restate the statutory language. Section 204(b)(2)(B)(ii) of the Act requires training for individuals to more effectively provide rehabilitation services. Section 204(b)(2)(B)(iii) requires training for rehabilitation research and other rehabilitation personnel. The statutory language appears to differentiate only between the types of people to be trained, and it is unclear how training in these two statutory sections would differ. The Secretary believes that these two sections were intended for different purposes. Thus, the Secretary proposes, in § 350.22 of the proposed regulations, to interpret section 204(b)(2)(B)(ii) to assist rehabilitation personnel and other individuals to more effectively provide rehabilitation services, and section 204(b)(2)(B)(iii) to assist rehabilitation research personnel and other rehabilitation personnel to improve their capacity to conduct research. This interpretation would distinguish the purposes of the training required by these sections of the Act.

In implementing the statutory requirements governing cooperation for Rehabilitation Engineering Research Centers (see § 350.33), the Secretary proposes to interpret section 204(b)(3)(C)(i) of the Act to refer to the same programs in section 204(b)(3)(G)(i). Both of these sections require cooperation with similar programs with one exception. Section 204(b)(3)(G)(i) refers to national programs while section 204(b)(3)(C)(i) does not. The Secretary believes that the failure to mention national programs in section 204(b)(3)(C)(i) should not be interpreted to expressly exclude national programs from the scope of the provision's coverage. By interpreting the two statutory provisions to refer to the same programs, the Secretary would require cooperation with all the programs, thus clarifying the minor inconsistency in the statutory requirements.

Rehabilitation Engineering Research Center Advisory Committees (§§ 350.34-350.35)

The proposed regulations regarding advisory committees are restatements of statutory provisions. The Secretary does not add requirements beyond those in the statute so that Rehabilitation Engineering Research Centers have broad flexibility to define the role of an advisory committee. The Secretary believes that it would be overly restrictive to prescribe one rule regarding the role of advisory committees when the needs of each Rehabilitation Engineering Research Center may differ significantly. Should the Secretary develop regulations or guidelines regarding advisory committees or do those affected by these regulations agree that flexibility regarding advisory committees is better?

Composition of a peer review panel (§ 350.52)

The Secretary proposes to list in the regulations two additional factors to be considered in selecting individuals to serve on peer review panels. Currently, the Department through NIDRR considers the following in selecting peer review panel members: (1) Whether the panel includes individuals with disabilities, or parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, and (2) whether the panel includes individuals from diverse populations. The Secretary has always considered individuals from minority backgrounds to be included in diverse populations. The Secretary considers these factors to convene peer review panels that contain members who can better evaluate if an applicant is addressing the needs of and represent the interests of individuals with disabilities and individuals with disabilities from diverse populations, including those from minority backgrounds. The Secretary believes these two additional factors always should be considered.

Selection criteria and process for evaluating an application (§ 350.53 and 350.54)

In developing these proposed selection criteria, the Department reviewed the selection criteria for each of the Disability and Rehabilitation Research Programs. The proposed selection criteria would embody all the essential elements that currently are evaluated in each program. To make the selection criteria useful in evaluating the many different types of projects and centers under the Program, the Secretary

is proposing a menu of selection criteria to be used in evaluating applications.

Using a menu of selection criteria would benefit applicants and grantees by enabling the Secretary to tailor the criteria assessing project design to the scope and purposes of the project or center. As a result, the Secretary would be better able to evaluate the quality of a proposed project or center. Another benefit of these changes would be that applicants would have a better understanding of qualities that are desired in all types of projects carrying out activities related to disability and rehabilitation.

Moreover, peer reviewers currently decide whether to use those selection criteria applying only to specified types of activities (for example, see §§ 350.34(a)-(c)), in evaluating proposed projects. Sometimes peer reviewers have been confused about which selection criteria to use in evaluating an application and may not have applied the selection criteria most appropriate for a particular project. Under this new approach, applicants and peer reviewers would know exactly which selection criteria would be used in evaluating an application because all of the criteria selected by the Secretary would apply. Although applicants may no longer have a set of established selection criteria that would be used every year, the Secretary believes that the benefits of tailored selection criteria outweigh any disadvantages. Do these benefits outweigh any disadvantages? Do those affected by these regulations agree with using this new approach?

Under this approach, the Secretary would choose the combination of selection criteria and factors that would be the most appropriate for a particular competition in any given year. The Secretary expects the selection criteria that would differ from competition to competition, because they may be inappropriate for a particular competition, would be those regarding project design, responsiveness to the absolute or competitive priority, and collaboration.

The Secretary selects one or more factors listed under each criterion, with one exception. There is one criterion that contains a factor that would always be considered if the criterion is selected. Under the "quality of project staff" criterion, the Secretary would always evaluate the extent to which an applicant encourages applications for employment from persons who are members of groups that have been traditionally underrepresented. The Department's consideration of this factor, which first appeared in the Education Department General

Administrative Regulations (EDGAR) in 1980, continues to reflect the Department's mission to ensure equal access to educational opportunities as embodied in the Department of Education Organization Act and recently reaffirmed by Congress in section 427 of the General Education Provisions Act.

The Secretary would select criteria and factors appropriate to the type of project to be funded and the nature of the competition. For example in a Development and Dissemination Project competition, the Secretary could select, in part, "Responsiveness to the absolute or competitive priority" (§ 350.54(b)), "Design of development activities" (§ 350.54(d)), and "Design of dissemination activities" (§ 350.54(g)). In addition, the Secretary would select one or more factors. Under the "Responsiveness to the absolute or competitive priority" criterion, the Secretary might choose all the factors but under the design criteria might choose only one factor.

In the case of a competition for Field Initiated Projects, the Secretary could choose the same or other criteria and factors. For example, instead of the project design selection criteria chosen in the first example, the Secretary could choose "Design for research activities" (§ 350.54(c)) and further choose factors (i) "The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art" and (iii) "The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable."

In addition to using criteria from the menu of selection criteria, the Secretary could establish selection criteria based on statutory provisions. Currently, under 34 CFR 75.209 of EDGAR, the Secretary has authority to establish selection criteria for other programs based on certain statutory provisions that apply to them. The Secretary would incorporate a similar authority to establish selection criteria based on certain statutory provisions in these proposed regulations. The Secretary could use these criteria based on statutory provisions in combination with criteria from the menu of selection criteria. The Secretary anticipates using this authority only if the Act is amended, and the Secretary needs to develop criteria to reflect new provisions or a different focus of the statute. The proposed menu of selection criteria is designed to evaluate

applications that meet the purposes and provisions of the current Act.

The Secretary would publish the chosen criteria and factors, and any criteria based on statutory provisions in an application package or a notice published in the Federal Register. Each application could receive a maximum score of 100. The total number of points an application could receive for a particular selection criterion would no longer be established in regulations. Rather, the Secretary would notify applicants of the maximum points for each selection criterion or factor in the application package or the application notice published in the Federal Register. If no point allocations are specified for the factors, the Secretary would assign an equal maximum value to each factor. In selecting from the menu a set of criteria and factors for a particular competition, the Secretary would not solicit formal public comment but expects to draw on input from grantees, program beneficiaries, and other interested parties; feedback from peer reviewers and program evaluators; discussions among Department employees, grantees, and program beneficiaries; and meetings, conferences, visits to grantees, and other forms of outreach and exchange with the relevant communities.

Conducting activities (§ 350.60)

The Secretary proposes that, if a project or center carries out more than one activity, the activities must be integrated because experiences in carrying out one activity often are helpful in carrying out another activity. The Secretary believes it is necessary to require that activities are integrated to ensure that projects and centers are of the highest quality and that activities culminate to achieve one ultimate goal or purpose.

Evaluation requirements (§ 350.61)

The Secretary proposes to require grantees to establish performance measures and to make periodic assessments of progress toward implementing their plans of operation and achieving intended outcomes. The Secretary believes that, by imposing these evaluation requirements, the Department would be better able to determine whether a grantee is achieving its intended outcomes, identify areas for improvement in a project, and identify which priority areas to establish in the future. These requirements would allow the Department to make grantees more accountable for achieving high quality results.

Requirements for patent applicants (§ 350.66)

This proposed provision is not a new requirement. It applies to grantees through § 75.626 of EDGAR. The Secretary proposes to move this section to these regulations because the Department is considering removing § 75.626 from EDGAR and would like to ensure that this requirement applies to those applying for patents for inventions made under a grant from the Program.

Executive Order 12866

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

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "\$" and a numbered heading; for example, § 350.1 *What is the Disability and Rehabilitation Research Projects and Centers Program?*). (4) Is the description of the regulations in the "Supplementary Information" section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

Regulatory Flexibility Act Certification

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

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

The small entities that could be affected by these regulations are small tribal governments, institutions of higher education, local educational agencies, community-based organizations, businesses, hospitals, and nonprofit organizations receiving Federal funds under a direct grant program. The proposed regulations, however, would not have a significant

economic impact on these entities because the regulations would impose minimal requirements to ensure the proper expenditure of program funds. The proposed changes from the existing regulations governing these programs are minimal and would include further clarification of the statute and an improved method for selecting applications for funding, and thus, may alleviate burden.

Paperwork Reduction Act of 1995

Sections 350.40 and 350.54 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Collection of Information: Disability and Rehabilitation Research Projects and Centers Program.

State educational agencies, local educational agencies, and other recipients may be affected by these regulations. The Department needs and uses the information to select applications for funding. Annual public reporting burden for this collection of information is estimated to range from 15 to 120 hours per application for approximately 320 respondents, including the time for reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 16,000 hours.

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

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

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have a practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

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

Invitation to Comment

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

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3424, Switzer Building, 330 C Street, SW., Washington, DC between the hours of 9 a.m. and 4:30 p.m., Monday through Friday except for Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12866 and the Paperwork Reduction Act of 1995 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Education Impact

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

List of Subjects

34 CFR Part 350

Disabled, Grant programs—education, Minority groups, Research, Vocational rehabilitation.

34 CFR Part 351

American Indians, Disabled, Grant programs—education, Medical research,

Minority groups, Research, Vocational rehabilitation.

34 CFR Part 352

American Indians, Disabled, Education of disabled, Grant programs—education, Research, Training programs, Vocational rehabilitation.

34 CFR Part 353

American Indians, Disabled, Education of disabled, Grant programs—education, Research, Science and technology, Training programs, Vocational rehabilitation.

34 CFR Part 355

Disabled, Grant programs—education, Vocational rehabilitation.

34 CFR Part 357

Disabled, Education of disabled, Grant programs—education, Research, Science and technology, Vocational rehabilitation.

34 CFR Part 360

Disabled, Education of disabled, Grant programs—education, Research, Training programs, Vocational rehabilitation.

Dated: October 8, 1996.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

(Catalog of Federal Domestic Assistance Number 84.133, Disability and Rehabilitation Research Projects and Centers Program)

PARTS 351, 352, 353, 355, 357, AND 360—[REMOVED]

1. The Secretary proposes to remove from Title 34 of the Code of Federal Regulations parts 351, 352, 353, 355, 357, and 360.

2. The Secretary proposes to amend title 34 of the Code of Federal Regulations by revising part 350 to read as follows:

PART 350—DISABILITY AND REHABILITATION RESEARCH PROJECTS AND CENTERS PROGRAM

Subpart A—General

Sec.

- 350.1 What is the Disability and Rehabilitation Research Projects and Centers Program?
- 350.2 What is the purpose of the Disability and Rehabilitation Research Project and Centers Program?
- 350.3 Who is eligible for an award?
- 350.4 What regulations apply?
- 350.5 What definitions apply?

Subpart B—What Projects Does the Secretary Assist?

- 350.10 What are the general requirements for Disability and Rehabilitation Research and Related Projects?
- 350.11 What are the general requirements for a Field-Initiated Project?
- 350.12 What are the general requirements for an Advanced Rehabilitation Research Training Project?
- 350.13 What must a grantee do in carrying out a research activity?
- 350.14 What must a grantee do in carrying out a training activity?
- 350.15 What must a grantee do in carrying out a demonstration activity?
- 350.16 What must a grantee do in carrying out a development activity?
- 350.17 What must a grantee do in carrying out a utilization activity?
- 350.18 What must a grantee do in carrying out a dissemination activity?
- 350.19 What must a grantee do in carrying out a technical assistance activity?

Subpart C—What Rehabilitation Research and Training Centers Does the Secretary Assist?

- 350.20 What general requirements must a Rehabilitation Research and Training Center meet?
- 350.21 What collaboration must a Rehabilitation Research Training Center engage in?
- 350.22 What activities must a Rehabilitation Research and Training Center conduct?
- 350.23 What restriction exists on Rehabilitation Research and Training Centers regarding indirect costs?

Subpart D—What Rehabilitation Engineering Research Centers Does the Secretary Assist?

- 350.30 What requirements must a Rehabilitation Engineering Research Center meet?
- 350.31 What collaboration must a Rehabilitation Engineering Research Center engage in?
- 350.32 What activities must a Rehabilitation Engineering Research Center conduct?
- 350.33 What cooperation requirements must a Rehabilitation Engineering Research Center meet?
- 350.34 Which Rehabilitation Engineering Research Centers must have an advisory committee?
- 350.35 What are the requirements for the composition of an advisory committee?

Subpart E—How Does One Apply for an Award?

- 350.40 What is required of each applicant regarding the needs of individuals with disabilities from minority backgrounds?
- 350.41 What State agency review must an applicant under the Disability and Rehabilitation Research Projects and Centers Program obtain?

Subpart F—How Does the Secretary Make an Award?

- 350.50 What is the peer review process for this Program?
- 350.51 What is the purpose of peer review?
- 350.52 What is the composition of a peer review panel?
- 350.53 How does the Secretary evaluate an application?
- 350.54 What selection criteria does the Secretary use in evaluating an application?
- 350.55 What are the additional considerations for selecting Field-Initiated Project applications for funding?

Subpart G—What Conditions Must be Met after an Award?

- 350.60 How must a grantee conduct activities?
- 350.61 What evaluation requirements must a grantee meet?
- 350.62 What are the matching requirements?
- 350.63 What are the requirements of a grantee relative to the Client Assistance Program?
- 350.64 What is the required duration of the training in an Advanced Rehabilitation Research Training Project?
- 350.65 What level of participation is required of trainees in an Advanced Rehabilitation Research Training Project?
- 350.66 What must a grantee include in a patent application?

Authority: Sec. 204; 29 U.S.C. 761–762, unless otherwise noted.

Subpart A—General**§ 350.1 What is the Disability and Rehabilitation Research Projects and Centers Program?**

The Disability and Rehabilitation Research Projects and Centers Program provides grants to establish and support—

- (a) The following Disability and Rehabilitation Research and Related Projects:
- (1) Disability and Rehabilitation Research Projects.
 - (2) Field-Initiated Projects.
 - (3) Advanced Rehabilitation Research Training Projects; and
- (b) The following Disability and Rehabilitation Research Centers:
- (1) Rehabilitation Research and Training Centers.
 - (2) Rehabilitation Engineering Research Centers.

(Authority: Section 204; 29 U.S.C. 762)

§ 350.2 What is the purpose of the Disability and Rehabilitation Research Project and Centers Program?

The purpose of the Disability and Rehabilitation Research Project and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to—

(a) Develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities; and

(b) Improve the effectiveness of services authorized under the Act.

(Authority: Section 204(a) and (b)(6); 29 U.S.C. 762(a) and (b)(6))

§ 350.3 Who is eligible for an award?

The following entities are eligible for an award under this program:

- (a) States.
- (b) Public or private agencies, including for-profit agencies.
- (c) Public or private organizations, including for-profit organizations.
- (d) Institutions of higher education.
- (e) Indian tribes and tribal organizations.

(Authority: Section 204(a); 29 U.S.C. 762(a))

§ 350.4 What regulations apply?

The following regulations apply to the Disability and Rehabilitation Research Projects and Centers Program:

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

- (1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations).
- (2) 34 CFR part 75 (Direct Grant Programs).
- (3) 34 CFR part 77 (Definitions that Apply to Department Regulations).
- (4) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).
- (5) 34 CFR part 81 (General Education Provisions Act—Enforcement).
- (6) 34 CFR part 82 (New Restrictions on Lobbying).
- (7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).
- (8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 350.

(c)(1) Subject to the additional requirement in paragraph (c)(2) of this section, 34 CFR part 97 (Protection of Human Subjects).

(2) If an institutional review board (IRB) reviews research that purposefully requires inclusion of children with disabilities or individuals with mental disabilities as research subjects, the IRB must have at least one member who is primarily concerned with the welfare of these research subjects.

(Authority: 29 U.S.C. 761a, 762, 42 U.S.C. 300v–1(b))

§ 350.5 What definitions apply?

(a) The following definitions in 34 CFR part 77 apply to this part—

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Grant
Grantee
Nonprofit
Private
Project
Project period
Public
Recipient
Secretary
Supplies
State

(Authority: Section 202(i)(1); 29 U.S.C. 761a(i)(1))

(b) The following definitions also apply to this part.

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

(Authority: Sec. 202(i)(1); 29 U.S.C. 761a(i)(1))

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

(Authority: Section 7(23); 29 U.S.C. 706(23))

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, including—

(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 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 individuals with disabilities, or, if appropriate, their family members, guardians, advocates, or authorized representatives; 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.

(Authority: Section 7(24); 29 U.S.C. 706(24))

Disability means a physical or mental impairment that substantially limits one or more major life activities.

(Authority: Section 202(i)(1); 29 U.S.C. 761a(i)(1))

Individual with a disability means any individual who:

(1) Has a physical or mental impairment that substantially limits one or more of the individual's major life activities;

(2) Has a record of this impairment; or

(3) Is regarded as having this impairment.

(Authority: Section 7(8)(B); 29 U.S.C. 706(8)(B))

Individual with a severe disability means—

(1)(i) An individual with a disability 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;

(ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(iii) 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, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord impairments, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment of rehabilitation needs to cause comparable substantial functional limitation; or

(2) An individual with a severe mental or physical impairment whose ability to function independently in the

family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

(Authority: Section 7(15)(C); 29 U.S.C. 706(15)(C))

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 and off the job, that the individual would typically perform if the individual did not have a disability. These services must be designed to increase the individual's control in life and ability to perform everyday activities on and off the job.

(Authority: Section 12(c); 29 U.S.C. 711(c))

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 such areas as education, rehabilitation, employment, transportation, independent living, and recreation, and includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(Authority: Section 7(13); 29 U.S.C. 706(13))

Research is classified on a continuum from basic to applied:

(1) *Basic research* is research in which the investigator is concerned primarily with gaining new knowledge or understanding of a subject without reference to any immediate application or utility.

(2) *Applied research* is research in which the investigator is primarily interested in developing new knowledge, information or understanding which can be applied to a predetermined rehabilitation problem or need. Applied research builds on selected findings from basic research.

(Authority: Section 202(i)(1); 29 U.S.C. 761a(i)(1))

State rehabilitation agency means the sole State agency designated to administer (or supervise local administration of) the State plan for vocational rehabilitation services. The term includes the State agency for the blind, if designated as the State agency with respect to that part of the plan relating to the vocational rehabilitation of blind individuals.

(Authority: Section 101(a)(1)(A); 29 U.S.C. 721(a)(1)(A))

Target population means the group of individuals, organizations, or other entities expected to be affected by the project. More than one group may be involved since a project may affect those who receive services, provide services, or administer services.

(Authority: Section 202(i)(1); 29 U.S.C. 761a(i)(1))

Subpart B—What Projects Does the Secretary Assist?

§ 350.10 What are the general requirements for Disability and Rehabilitation Research Projects?

Disability and Rehabilitation Research Projects must meet the following requirements:

(a) Carry out one or more of the following types of activities, as specified in §§ 350.13–350.19:

- (1) Research.
- (2) Development.
- (3) Demonstration.
- (4) Training.
- (5) Dissemination.
- (6) Utilization.
- (7) Technical assistance.

(b) Further one or more of the purposes listed in § 350.2.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.11 What are the general requirements for a Field-Initiated Project?

A Field-Initiated Project must—

(a) Further one or more of the purposes in § 350.2; and

(b) Carry out one of the following types of activities:

- (1) Research.
- (2) Development.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.12 What are the general requirements for an Advanced Rehabilitation Research Training Project?

An Advanced Rehabilitation Research Training Project must—

(a) Provide research training and experience at an advanced level to individuals with doctorates or similar advanced degrees who have clinical or other relevant experience;

(b) Further one or more of the purposes in § 350.2; and

(c) Carry out all of the following activities:

- (1) Recruitment and selection of candidates for advanced research training.
- (2) Provision of a training program that includes didactic and classroom instruction, is multidisciplinary, and emphasizes scientific methodology, and may involve collaboration among institutions.

(3) Provision of research experience, laboratory experience or its equivalent in a community-based research setting, and a practicum that involve each individual in clinical research and in practical activities with organizations representing individuals with disabilities.

(4) Provision of academic mentorship or guidance, and opportunities for scientific collaboration with qualified researchers at the host university and other appropriate institutions.

(5) Provision of opportunities for participation in the development of professional presentations and publications, and for attendance at professional conferences and meetings as appropriate for the individual's field of study and level of experience.

(Authority: Section 202(k); 29 U.S.C. 761a(k))

§ 350.13 What must a grantee do in carrying out a research activity?

In carrying out a research activity under this program, a grantee shall—

(a) Identify one or more hypotheses; and

(b) Based on the hypotheses identified, perform an intensive systematic study directed toward—

(1) New or full scientific knowledge; or

(2) Understanding of the subject or problem studied.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.14 What must a grantee do in carrying out a training activity?

In carrying out a training activity under this program, a grantee shall conduct a planned and systematic sequence of supervised instruction that is designed to impart predetermined skills and knowledge.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.15 What must a grantee do in carrying out a demonstration activity?

In carrying out a demonstration activity under this program, a grantee shall apply results derived from previous research, testing, or practice to determine the effectiveness of a new strategy or approach.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.16 What must a grantee do in carrying out a development activity?

In carrying out a development activity under this program, a grantee must use knowledge and understanding gained from research to create materials, devices, systems, or methods beneficial to the target population, including design and development of prototypes and processes.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.17 What must a grantee do in carrying out a utilization activity?

In carrying out a utilization activity under this program, a grantee must relate research findings to practical applications in planning, policy making, program administration, and delivery of services to individuals with disabilities.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.18 What must a grantee do in carrying out a dissemination activity?

In carrying out a dissemination activity under this program, a grantee must systematically distribute information or knowledge through a variety of ways to potential users or beneficiaries.

(Authority: Section 202; 29 U.S.C. 761a)

§ 350.19 What must a grantee do in carrying out a technical assistance activity?

In carrying out a technical assistance activity under this program, a grantee must provide expertise or information for use in problem-solving.

(Authority: Section 202; 29 U.S.C. 761a)

Subpart C—What Rehabilitation Research and Training Centers Does the Secretary Assist?

§ 350.20 What general requirements must a Rehabilitation Research and Training Center meet?

A Rehabilitation Research and Training Center shall—

(a) Plan and conduct activities that further one or more of the purposes listed in § 350.2;

(b) Serve as a center of national excellence and as a national or regional resource for providers and individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals;

(c) Be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate State and Federal law; and

(d) Be able to carry out training activities either directly or through another entity that can provide such training.

(Authority: Section 204(b) and (b)(2)(K); 29 U.S.C. 762(b) and (b)(2)(K))

§ 350.21 What collaboration must a Rehabilitation Research and Training Center engage in?

A Rehabilitation Research and Training Center must be operated by or in collaboration with—

(a) One or more institutions of higher education; or

(b) One or more providers of rehabilitation or other appropriate services.

(Authority: Section 204(b)(2); 29 U.S.C. 762(b)(2))

§ 350.22 What activities must a Rehabilitation Research and Training Center conduct?

A Rehabilitation Research and Training Center shall—

(a) Carry out research activities by conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will—

(1) Improve rehabilitation methodology and service delivery systems;

(2) Alleviate or stabilize disabling conditions; and

(3) Promote maximum social and economic independence of individuals with disabilities;

(b) Conduct training activities by providing training (including graduate, pre-service, and in-service training) to assist—

(1) Rehabilitation personnel and other individuals to more effectively provide rehabilitation services; and

(2) Rehabilitation research personnel and other rehabilitation personnel to improve their capacity to conduct research; and

(c) Conduct technical assistance activities by serving as an informational and technical assistance resource for providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals with disabilities, through conferences, workshops, public education programs, in-service training programs, and similar activities.

§ 350.23 What restriction exists on Rehabilitation Research and Training Centers regarding indirect costs?

A host institution with which a Rehabilitation Research and Training Center is affiliated may not collect more than fifteen percent of the total grant award as indirect cost charges, notwithstanding the provisions in 34 CFR 75.562.

(Authority: Section 204(b)(2)(O); 29 U.S.C. 762(b)(2)(O))

Subpart D—What Rehabilitation Engineering Research Centers Does the Secretary Assist?

§ 350.30 What requirements must a Rehabilitation Engineering Research Center meet?

A Rehabilitation Engineering Research Center shall plan and conduct activities that—

(a) Further one or more of the purposes listed in § 350.2; and

(b)(1) Lead to the development of methods, procedures, and devices that

will benefit individuals with disabilities, especially those with the most severe disabilities; or

(2) Involve rehabilitation technology and enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

(Authority: Section 204(b)(3); 29 U.S.C. 762(b)(3))

§ 350.31 What collaboration must a Rehabilitation Engineering Research Center engage in?

A Rehabilitation Engineering Research Center must be operated by or in collaboration with—

(a) One or more institutions of higher education; or

(b) One or more nonprofit organizations.

(Authority: Section 204(b)(3); 29 U.S.C. 762(b)(3))

§ 350.32 What activities must a Rehabilitation Engineering Research Center conduct?

A Rehabilitation Engineering Research Center shall—

(a) Conduct research or demonstration activities by using one or more of the following strategies:

(1) Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and remove environmental barriers through—

(i) Planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge and new or improved methods, equipment, or devices; and

(ii) Studying and evaluating new or emerging technologies, products, or environments and their effectiveness and benefits.

(2) Demonstrating and disseminating—

(i) Innovative models for the delivery to rural and urban areas of cost-effective rehabilitation technology services that will promote the use of assistive technology services; and

(ii) Other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities.

(3) Conducting research and demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

(i) Consumer-responsive and individual and family-centered innovative models for the delivery, to

both rural and urban areas, of innovative, cost-effective rehabilitation technology services that promote use of rehabilitation technology; and

(ii) Other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by individuals with disabilities, including individuals with severe disabilities;

(b) To the extent consistent with the nature and type of research or demonstration activities described in paragraph (a) of this section, carry out research, training, and information dissemination activities by—

(1) Providing training opportunities to individuals, including individuals with disabilities, to enable them to become rehabilitation technology researchers and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

(2) Responding, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the subject area of focus of the Center.

(c) Conduct orientation seminars for rehabilitation service personnel to improve the application of rehabilitation technology;

(d) Conduct activities that specifically demonstrate means for utilizing rehabilitation technology; and

(e) Provide technical assistance and consultation that are responsive to concerns of service providers and consumers.

(Authority: Section 204(b)(3); 29 U.S.C. 762(b)(3))

§ 350.33 What cooperation requirements must a Rehabilitation Engineering Research Center meet?

A Rehabilitation Engineering Research Center—

(a) Shall cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 *et seq.*); and

(b) To the extent consistent with the nature and type of research or demonstration activities described in § 350.32(a), shall cooperate with the entities described in paragraph (a) of this section to provide information to individuals with disabilities and their parents, family members, guardians, advocates, or authorized representatives, to—

(1) Increase awareness and understanding of how rehabilitation technology can address their needs; and

(2) Increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the subject area of focus of the Center.

(Authority: Section 204(b)(3) and (c); 29 U.S.C. 762(b)(3) and (c))

§ 350.34 Which Rehabilitation Engineering Research Centers must have an advisory committee?

A Rehabilitation Engineering Research Center conducting research or demonstration activities that facilitate service delivery systems change must have an advisory committee.

(Authority: Section 204(b)(3)(D); 29 U.S.C. 762(b)(3)(D))

§ 350.35 What are the requirements for the composition of an advisory committee?

The majority of a Rehabilitation Engineering Research Center advisory committee's members must be comprised of individuals with disabilities who are users of rehabilitation technology, or their parents, family members, guardians, advocates, or authorized representatives.

(Authority: Section 204(b)(3)(D); 29 U.S.C. 762(b)(3)(D))

Subpart E—How Does One Apply for an Award?

§ 350.40 What is required of each applicant regarding the needs of individuals with disabilities from minority backgrounds?

(a) Unless the Secretary indicates otherwise in a notice published in the Federal Register, an applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.

(b) The approaches an applicant may take to meet this requirement may include one or more of the following:

(1) Proposing project objectives addressing the needs of individuals with disabilities from minority backgrounds.

(2) Demonstrating that the project will address a problem that is of particular significance to individuals with disabilities from minority backgrounds.

(3) Demonstrating that individuals from minority backgrounds will be included in study samples in sufficient numbers to generate information pertinent to individuals with disabilities from minority backgrounds.

(4) Drawing study samples and program participant rosters from populations or areas that include individuals from minority backgrounds.

(5) Providing outreach to individuals with disabilities from minority backgrounds to ensure that they are aware of rehabilitation services, clinical care, or training offered by the project.

(6) Disseminating materials to or otherwise increasing the access to disability information among minority populations.

(Authority: Sections 21(b)(6); 29 U.S.C. 718b(b)(6))

§ 350.42 What State agency review must an applicant under the Disability and Rehabilitation Research Projects and Centers Program obtain?

(a) An applicant that proposes to conduct research, demonstrations, or related activities that will either involve clients of the State vocational rehabilitation agency as research subjects or study vocational rehabilitation services or techniques under this program, shall follow the requirements in 34 CFR 75.155–75.159.

(b) For the purposes of this Program, *State* as used in 34 CFR 75.155–75.159 means the State rehabilitation agency or agencies in the primary State or States to be affected by the proposed activities.

(Authority: Sections 204(c) and 306(i); 29 U.S.C. 762(c) and 766(a))

Subpart F—How Does the Secretary Make an Award?

§ 350.50 What is the peer review process for this Program?

(a) The Secretary refers each application for a grant governed by these regulations to a peer review panel established by the Secretary.

(b) Peer review panels review applications on the basis of the applicable selection criteria in § 350.54.

(Authority: Section 202(e); 29 U.S.C. 761a(e))

§ 350.51 What is the purpose of peer review?

The purpose of peer review is to insure that—

(a) Those activities supported by the National Institute on Disability and Rehabilitation Research (NIDRR) are of the highest scientific, administrative, and technical quality; and

(b) Activity results may be widely applied to appropriate target populations and rehabilitation problems.

(Authority: Section 202(e); 29 U.S.C. 761a(e))

§ 350.52 What is the composition of a peer review panel?

(a) The Secretary selects as members of a peer review panel scientists and

other experts in rehabilitation or related fields who are qualified, on the basis of training, knowledge, or experience, to give expert advice on the merit of the applications under review.

(b) Applications for awards of \$60,000 or more, except those for the purposes of evaluation, dissemination of information, or conferences, must be reviewed by a peer review panel that consists of a majority of non-Federal members.

(c) In selecting members to serve on a peer review panel, the Secretary takes into account all of the following factors:

(1) The level of formal scientific or technical education completed by potential panel members.

(2)(i) The extent to which potential panel members have engaged in scientific, technical, or administrative activities appropriate to the category of applications that the panel will consider;

(ii) The roles of potential panel members in those activities; and

(iii) The quality of those activities.

(3) The recognition received by potential panel members as reflected by awards and other honors from scientific and professional agencies and organizations outside the Department.

(4) Whether the panel includes knowledgeable individuals with disabilities, or parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities.

(5) Whether the panel includes individuals from diverse populations.

(Authority: Sections 18 and 202(e); 29 U.S.C. 717 and 761a(e))

§ 350.53 How does the Secretary evaluate an application?

(a)(1)(i) The Secretary selects one or more of the selection criteria in § 350.54 to evaluate an application;

(ii) The Secretary establishes selection criteria based on statutory provisions that apply to the Program which may include, but are not limited to—

(A) Specific statutory selection criteria;

(B) Allowable activities;

(C) Application content requirements; or

(D) Other pre-award and post-award conditions; or

(iii) The Secretary uses a combination of selection criteria established under paragraph (a)(1)(ii) of this section and selection criteria in § 350.54.

(2) For Field-Initiated Projects, the Secretary does not consider § 350.54(b) (Responsiveness to the Absolute or Competitive Priority) in evaluating an application.

(b)(1) In considering selection criteria in § 350.54, the Secretary selects one or

more of the factors listed in the criteria except as provided for in paragraph (b)(2) of this section.

(2) Under § 350.54, the Secretary always considers the factor in paragraph (n)(2) of that section.

(c) The maximum possible score for an application is 100 points.

(d)(1) In the application package or a notice published in the Federal Register, the Secretary informs applicants of—

(i)(A) The selection criteria chosen; and

(B) The maximum possible score for each of the selection criteria; and

(ii)(A) The factors selected for considering the selection criteria; and

(B) If points are assigned to each factor, the maximum possible score for each factor under each criterion.

(2) If no points are assigned to each factor, the Secretary evaluates each factor equally.

(e) For Field-Initiated Projects, in addition to the selection criteria, the Secretary uses the additional considerations in selecting applications for funding as described in § 350.55.

(Authority: Section 202(e); 29 U.S.C. 761a(e))

§ 350.54 What selection criteria does the Secretary use in evaluating an application?

In addition to criteria established under § 350.53(a)(1)(ii), the Secretary may select one or more of the following criteria in evaluating an application:

(a) *Importance of the problem.*

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers one or more of the following factors:

(i) The extent to which the applicant clearly describes the need and target population.

(ii) The extent to which the proposed activities further the purposes of the Act.

(iii) The extent to which the proposed activities address a significant need of one or more disabled populations.

(iv) The extent to which the proposed activities address a significant need of rehabilitation service providers.

(v) The extent to which the proposed activities address a significant need of those who provide services to individuals with disabilities.

(vi) The extent to which the applicant proposes to provide training in a rehabilitation discipline or area of study in which there is a shortage of qualified researchers, or to a trainee population in which there is a need for more qualified researchers.

(vii) The extent to which the proposed project will have beneficial impact on the target population.

(b) *Responsiveness to an absolute or competitive priority.*

(1) The Secretary considers the responsiveness of the application to an absolute or competitive priority published in the Federal Register.

(2) In determining the application's responsiveness to the absolute or competitive priority, the Secretary considers one or more of the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority.

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority.

(c) *Design of research activities.*

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art.

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art;

(B) Each research hypothesis is theoretically sound and based on current knowledge;

(C) Each sample population is appropriate and of sufficient size;

(D) The data collection and measurement techniques are appropriate and likely to be effective; and

(E) The data analysis methods are appropriate.

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable.

(d) *Design of development activities.*

(1) The Secretary considers the extent to which the design of development activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the plan for development, clinical testing, and evaluation of new devices and technology is likely to yield significant products or techniques, including consideration of the extent to which—

(A) The proposed project will use the most effective and appropriate technology available in developing the new device or technique;

(B) The proposed development is based on a sound conceptual model that demonstrates an awareness of the state-of-the-art in technology;

(C) The new device or technique will be developed and tested in an appropriate environment;

(D) The new device or technique is likely to be cost-effective and useful;

(E) The new device or technique has the potential for commercial or private manufacture, marketing, and distribution of the product; and

(F) The proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products.

(e) *Design of demonstration activities.*

(1) The Secretary considers the extent to which the design of demonstration activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the proposed demonstration activities build on previous research, testing, or practices.

(ii) The extent to which the proposed demonstration activities include the use of proper methodological tools and theoretically sound procedures to determine the effectiveness of the strategy or approach.

(iii) The extent to which the proposed demonstration activities include innovative and effective strategies or approaches.

(iv) The extent to which the proposed demonstration activities are likely to contribute to current knowledge and practice and be a substantial addition to the state-of-the-art.

(v) The extent to which the proposed demonstration activities can be applied and replicated in other settings.

(f) *Design of training activities.*

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the proposed training materials are likely to be effective, including consideration of their quality, clarity, and variety.

(ii) The extent to which the proposed training methods are of sufficient quality, intensity, and duration.

(iii) The extent to which the proposed training content—

(A) Covers all of the relevant aspects of the subject matter; and

(B) If relevant, is based on new knowledge derived from research activities of the proposed project.

(iv) The extent to which the proposed training materials, methods, and content are appropriate to the trainees, including consideration of the skill level of the trainees and the subject matter of the materials.

(v) The extent to which the proposed training materials and methods are accessible to individuals with disabilities.

(vi) The extent to which the applicant's proposed recruitment program is likely to be effective in recruiting highly qualified trainees, including those who are individuals with disabilities.

(vii) The extent to which the applicant is able to carry out the training activities, either directly or through another entity.

(viii) The extent to which the proposed didactic and classroom training programs emphasize scientific methodology and are likely to develop highly qualified researchers.

(ix) The extent to which the quality and extent of the academic mentorship, guidance, and supervision to be provided to each individual trainee are of a high level and are likely to develop highly qualified researchers.

(x) The extent to which the type, extent, and quality of the proposed clinical and laboratory research experience, including the opportunity to participate in advanced-level research, are likely to develop highly qualified researchers.

(xi) The extent to which the opportunities for collegial and collaborative activities, exposure to outstanding scientists in the field, and opportunities to participate in the preparation of scholarly or scientific publications and presentations are extensive and appropriate.

(g) *Design of dissemination activities.*

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the

project, the Secretary considers one or more of the following factors:

(i) The extent to which the content of the information to be disseminated—

(A) Covers all of the relevant aspects of the subject matter; and

(B) If appropriate, is based on new knowledge derived from research activities of the project.

(ii) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format.

(iii) The extent to which the methods for dissemination are of sufficient quality, intensity, and duration.

(iv) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter.

(v) The extent to which the information to be disseminated will be accessible to individuals with disabilities.

(h) *Design of utilization activities.*

(1) The Secretary considers the extent to which the design of utilization activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the potential new users of the information or technology have a practical use for the information and are likely to adopt the practices or use the information or technology, including new devices.

(ii) The extent to which the utilization strategies are likely to be effective.

(iii) The extent to which the information or technology is likely to be of use in other settings.

(i) *Design of technical assistance activities.*

(1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers one or more of the following factors:

(i) The extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration.

(ii) The extent to which the information to be provided through

technical assistance covers all of the relevant aspects of the subject matter.

(iii) The extent to which the technical assistance is appropriate to the target population, including consideration of the knowledge level of the target population, needs of the target population, and format for providing information.

(iv) The extent to which the technical assistance is accessible to individuals with disabilities.

(j) *Plan of operation.*

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers one or more of the following factors:

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

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective.

(k) *Collaboration.*

(1) The Secretary considers the quality of collaboration.

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

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project.

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant.

(iii) The extent to which agencies, organizations, or institutions that commit to collaborate with the applicant have the capacity to carry out collaborative activities.

(l) *Adequacy and reasonableness of the budget.*

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers one or more of the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities.

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities.

(iii) The extent to which the applicant is of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner.

(m) *Plan of evaluation.*

(1) The Secretary considers the quality of the plan of evaluation.

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

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation; and

(B) Achieving the project's intended outcomes and expected impacts.

(ii) The extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments.

(iii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population; and

(B) Are objective, and quantifiable or qualitative, as appropriate.

(n) *Project staff.*

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, 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:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities.

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project.

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas.

(iv) The extent to which the project staff includes outstanding scientists in the field.

(v) The extent to which key personnel have up-to-date knowledge from research or effective practice in the subject area covered in the priority.

(o) *Adequacy and accessibility of resources.*

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers one or more of the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate.

(ii) The quality of an applicant's past performance in carrying out a grant.

(iii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research.

(iv) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project.

(Authority: Sections 202 and 204; 29 U.S.C. 761a and 762)

§ 350.55 What are the additional considerations for selecting Field-Initiated Project applications for funding?

(a) The Secretary reserves funds to support some or all of the Field-Initiated Project applications that have been awarded points totaling 80% or more of the maximum possible points under the procedures described in § 350.53.

(b) In making a final selection of applications to support as Field-Initiated Projects, the Secretary considers the extent to which applications that have been awarded a rating of 80% or more of the maximum possible points and meet one or more of the following conditions:

(1) The proposed project represents a unique opportunity to advance rehabilitation knowledge to improve the lives of individuals with disabilities.

(2) The proposed project complements research already planned or funded by the NIDRR through annual priorities published in the Federal Register or addresses the research in a new and promising way.

(Authority: Sections 202(g) and (i)(1); 29 U.S.C. 761a(g) and 761a(i)(1))

Subpart G—What Conditions Must be Met after an Award?

§ 350.60 How must a grantee conduct activities?

A grantee must—

(a) Conduct all activities in a manner that is accessible to and usable by individuals with disabilities; and

(b) If a grantee carries out more than one activity, carry out integrated activities.

(Authority: Sections 202 and 204(b)(2); 29 U.S.C. 761a and 762(b))

§ 350.61 What evaluation requirements must a grantee meet?

(a) A grantee must establish performance measures for use in its evaluation that—

(1) Are clearly related to the—

(i) Intended outcomes of the project; and

(ii) Expected impacts on the target population; and

(2) To the extent possible are quantifiable, or are objective and qualitative.

(b) A grantee must make periodic assessments of progress that will provide the grantee with performance feedback related to—

(1) Progress in implementing the plan of operation; and

(2) Progress in achieving the intended outcomes and expected impacts as assessed by the established performance measures.

(Authority: Sections 202 and 204; 29 U.S.C. 761a and 762)

§ 350.62 What are the matching requirements?

(a)(1) The Secretary may make grants to pay for part of the costs of research and demonstration projects that bear directly on the development of procedures, methods, and devices to assist the provision of vocational and other rehabilitation services, and research training and career development projects.

(2) Each grantee must participate in the costs of those projects.

(3) The specific amount of cost sharing to be borne by each grantee—

(i) Is negotiated at the time of the award; and

(ii) Is not considered in the selection process.

(b)(1) The Secretary may make grants to pay for part or all of the costs of—

(i) Establishment and support of Rehabilitation Research and Training Centers and Rehabilitation Engineering Research Centers; and

(ii) Specialized research or demonstration activities described in Section 204(b)(2)–(16) of the Act.

(2) The Secretary determines at the time of the award whether the grantee

must pay a portion of the project or center costs.

(Authority: Section 204; 29 U.S.C. 762)

§ 350.63 What are the requirements of a grantee relative to the Client Assistance Program?

All Projects and Centers that provide services to individuals with disabilities with funds awarded under this Program must—

(a) Advise those individuals who are applicants for or recipients of services under the Act, or their parents, family members, guardians, advocates, or authorized representatives, of the availability and purposes of the Client Assistance Program (CAP) funded under the Act; and

(b) Provide information on the means of seeking assistance under the CAP.

(Authority: Section 20; 29 U.S.C. 718a)

§ 350.64 What is the required duration of the training in an Advanced Rehabilitation Research Training Project?

A grantee for an Advanced Rehabilitation Research Training Project shall provide training to individuals that is at least one academic year, unless a longer training period is necessary to ensure that each trainee is qualified to conduct independent research upon completion of the course of training.

(Authority: Sections 202–204; 29 U.S.C. 760–762)

§ 350.65 What level of participation is required of trainees in an Advanced Rehabilitation Research Training Project?

Individuals who are receiving training under an Advanced Rehabilitation Research Training Project shall devote at least eighty percent of their time to the activities of the training program during the training period.

(Authority: Sections 202–204; 29 U.S.C. 760–762)

§ 350.66 What must a grantee include in a patent application?

Any patent application filed by a grantee for an invention made under a grant must include the following statement in the first paragraph:

“The invention described in this application was made under a grant from the Department of Education.”

(Authority: 20 U.S.C. 1221e–3)

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