

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

(b) *Community-based projects* as described in §380.5. The purposes of community-based projects are to stimulate the development of innovative approaches for improving and expanding the provision of supported employment services to individuals with the most severe disabilities, and to enhance local capacity to provide supported employment services.

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

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

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

**§380.4 What activities may the Secretary fund under Statewide supported employment demonstration projects?**

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

- (1) Program development, including program start-up costs, for new or existing community organizations and employers.
- (2) Staff training.
- (3) Program evaluation.
- (4) Reorganization, expansion, or, if appropriate, conversion of existing programs to provide supported employment services.

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

(2) A grantee must provide, or ensure the provision of, those direct services needed by individuals with the most severe disabilities in order for them to obtain and maintain employment from funds other than those made available under this part. These supported em-

ployment services include but are not limited to—

- (i) Job site training to prepare and enable individuals with the most severe disabilities to perform work and maintain the job;
- (ii) Ongoing supervision of individuals with the most severe disabilities on the job;
- (iii) Ongoing behavior management; and
- (iv) Case management, including assistance to coordinate services from various sources.

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

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

**§380.5 What activities may the Secretary fund under community-based supported employment projects?**

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

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

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

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

[54 FR 12400, Mar. 22, 1989, as amended at 57 FR 28441, June 24, 1992; 59 FR 8342, Feb. 18, 1994]

**§380.6 What activities may the Secretary fund under technical assistance supported employment projects?**

The following activities are authorized under technical assistance projects:

- (a) Staff training.

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

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

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

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

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

### § 380.7 What priorities may the Secretary establish?

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

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

### § 380.8 What regulations apply?

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

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

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

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

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

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

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

(6) 34 CFR part 81 (General Education Provisions Act—Enforcement).

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

(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

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

(b) The regulations in this part 380.

(c) The regulations in 34 CFR 369.46

(Authority: 29 U.S.C. 711(c) and 777a(c))

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

### § 380.9 What definitions apply?

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

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

Designated State unit

Community rehabilitation program

Individual with a severe disability

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

(1) As used in the definition of “supported employment”—

(i) *Competitive employment* means work—

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

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

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

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

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