

(a) An approved three-year plan. Regulations governing the development, submission, and approval of the plan are in 34 CFR 425.1 through 426.74 of these regulations.

(b) A single State application required by section 435 of the General Education Provisions Act.

(Sec. 309; 20 U.S.C. 1207a)

§ 431.143 What records and reports are required of the grantee?

(a) A grantee shall keep records that meet the requirements in 34 CFR 75.730 through 75.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements in 34 CFR 75.720 of EDGAR and Subparts I and J of 34 CFR Part 74.

(Sec. 309; 20 U.S.C. 1207a)

## PART 432—ADULT EDUCATION PROGRAMS FOR IMMIGRANTS AND INDOCHINA REFUGEES

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**AUTHORITY:** Secs. 301-318 of Pub. L. 91-230, as amended by Title XIII of Pub. L. 95-561, 92 Stat. 2356, 20 U.S.C. 1201-1211c, unless otherwise noted.

**SOURCE:** 45 FR 22785, Apr. 3, 1980, unless otherwise noted. Redesignated at 45 FR 77369, Nov. 21, 1980.

### Subpart A—General

§ 432.201 How do the Adult Education Programs for Immigrants and Indochina Refugees relate to the overall adult education program?

(a) *Program description.* These programs provide Federal assistance to operate special adult education projects for immigrants and for Indochina refugees. These programs are authorized under sections 318 and 317 of the Act.

(b) *Other applicable provisions.* The provisions of §§ 425.1 through 425.4 of 34 CFR Part 425 apply to the Adult Education Programs for Immigrants and Indochina Refugees under this part.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 432.202 Who is eligible to apply for a grant?

(a) Only the following are eligible to apply for a grant to operate an adult education project for immigrants:

- (1) State educational agencies.
- (2) Local educational agencies.
- (3) Public nonprofit agencies, organizations, or institutions.
- (4) Private nonprofit agencies, organizations, or institutions.

(b) Only the following are eligible to apply for a grant to operate an adult education project for Indochina refugees:

- (1) State educational agencies.
- (2) Local educational agencies.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

**Subpart B—Kinds of Projects the Department May Assist Under These Programs**

§ 432.211 What is a special adult education project for immigrants or Indochina refugees?

The Secretary funds projects that—

(a) Enable adult immigrants or adult Indochina refugees to acquire basic skills necessary to function in American society; and

(b) Contribute to the employability of adult immigrants or adult Indochina refugees through development of basic educational and occupational skills.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 432.212 What are eligible activities under the special adult education programs for immigrants and Indochina refugees?

Grants awarded under section 318 or 317 of the Act may be used for—

(a) Programs of instruction (including administrative costs of planning and operating these programs) for adult immigrants or Indochina refugees for the purpose of enabling these adults to become employable and productive members of American society. These programs of instruction may be in English as a second language, basic reading, mathematics, the promotion of language and literacy skills in English, and the development and enhancement of necessary skills, such as consumer, social, survival, occupational, and communication skills.

(b) (1) Adult education programs designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for adult immigrants or Indochina refugees, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 (20 U.S.C. 801) or under the Vocational Education Act of 1963, as amended (20 U.S.C. 1241).

(2) Where occupational skills programs are otherwise unavailable or insufficient, combined occupational-adult education programs to provide adult immigrants or Indochina refugees with skills necessary to their obtaining employment;

(c) Programs providing educational support services that meet the needs of adult immigrants or Indochina refugees, including but not limited to (1) tutoring (in the case of geographically isolated adult immigrants or Indochina refugees) and (2) guidance and counseling with regard to educational, career, and employment opportunities (such as job placement and job follow-up services); or

(d) Any combination of programs described in paragraphs (a), (b), and (c) of this section.

(Secs. 318(a), 317(a); 20 U.S.C. 1211c, 1211b)

§ 432.213 What is the special population to be served by a project?

(a) Only adult immigrants, as defined in § 425.4(d)(3) of these regulations, are eligible to participate in projects funded under the adult education program for immigrants.

(b) (1) Except as provided in paragraph (b)(2) of this section, only adult Indochina refugees, as defined in § 425.4(d)(4) of these regulations, are eligible to participate in a project assisted under the adult education program for Indochina refugees. An eligible participant is any Indochina adult refugee who—

(i) Has parole status, as indicated by an INS (Immigration and Naturalization Service) Form I-94;

(ii) Has voluntary departure status, as indicated by INS Form I-94;

(iii) Has conditional entry status, as indicated by INS Form I-94;

(iv) Was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by INS Form I-151 or I-551; or

(v) Has permanent resident status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS Form I-151 or I-551.

(Pub. L. 95-145, 8 U.S.C. 1255)

(2) Participation of a very limited number of adults other than Indochina refugees is not precluded where the special needs of the Indochina refugees, as included in the application,

are being met. This participation of non-Indochina refugees shall not result in a reduction in the quality or quantity of services to the special population as described in paragraph (b)(1) of this section.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

**Subpart C—How to Apply for a Grant**

§ 432.221 What must an application for a grant contain?

An application shall contain—

(a) Information required by the Notice of Closing Date published in the FEDERAL REGISTER;

(b) Information that meets the application content requirements of 34 CFR 75.108 through 75.116 of EDGAR; and

(c) Any additional information required by the Secretary in the application package.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 432.222 State review of applications.

(a) (1) An applicant for a grant under the adult education program for immigrants shall first submit a copy of its application to the State educational agency (for the State in which that applicant is located). The State educational agency shall expeditiously review the application in accordance with the provisions of 34 CFR 75.156 through 75.159 of EDGAR.

(2) The State educational agency shall include in its comments submitted to the Secretary whether the application is consistent with the State plan's objectives for meeting the adult education needs of adult immigrants.

(3) The State educational agency shall provide a copy of its comments and recommendations to the applicant.

(b) (1) The Secretary does not approve an application for a grant under the adult education program for Indochina refugees unless the State educational agency (for the State in which that applicant is located) assures the Secretary that the proposed activity will not duplicate existing and available (Federal and non-Federal) adult education programs that meet the special needs of adult Indochina refugees.

(2) An applicant shall submit a copy of its application to its State educational agency in accordance with the provisions of 34 CFR 75.156 through 75.159 of EDGAR.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 432.223 What is the duration of Federal support?

(a) A grant period is normally for twelve months but in no event shall it exceed eighteen months.

(b) Projects may be approved for a multi-year period.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

**Subpart D—How a Grant is Made**

§ 432.231 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 432.232 of these regulations.

(b) The Secretary awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses after the heading for that criterion.

§ 432.232 What selection criteria does the Secretary use?

(a) *Plan of operation* (20 points).

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(b) *Quality of key personnel* (15 points).

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness* (5 points).

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost-effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan* (5 points).

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590 of EDGAR—Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources* (10 points).

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Addressing language and cross-cultural needs* (10 points).

(1) The Secretary reviews each application for information that shows that the applicant plans to emphasize developing oral and aural English language proficiency.

(2) The Secretary looks for information that shows—

(i) The use of the best available English language instruction as supported by current valid research findings;

(ii) The use of trained instructional personnel who are native speakers of English or who possess near-native fluency in English; and

(iii) The provision for bilingual personnel and materials in all aspects of the program.

(3) The Secretary looks for information that demonstrates the applicant's understanding of the cultures of the various immigrant and Indochinese groups served by the programs.

(g) *Need* (10 points.)

(1) The Secretary reviews each application for information that shows the need for the proposed educational activity.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need;

(ii) Where appropriate, current and planned activities in the community relative to the need; and

(iii) Reasonable assurance that the population group to whom the project is addressed will participate in the project if it is available.

(h) *Reaching the geographically isolated* (5 points).

The Secretary reviews each application for information that shows that the applicant plans to meet the educational needs of previously unserved adult immigrants or adult Indochina refugees living in isolated geographic areas.

(i) *Cooperative arrangements* (20 points).

(1) The Secretary reviews each application for information that clearly describes cooperative arrangements and support services to be provided by

existing agencies, in order to maximize the impact of the proposed project.

(2) The types of agencies with which cooperative arrangements are encouraged include, but are not limited to: Voluntary agencies; sponsor groups; public assistance agencies; social/vocational rehabilitation services; business and industry; social organizations; health services; legal aid; and other agencies operating State and local educational, employment, and training programs.

(20 U.S.C. 1221e-3(a)(1); Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

**Subpart E—Conditions That Must Be Met by a Grantee**

§ 432.241 What are the cost requirements under these programs?

(a) Allowable costs under grants awarded under the adult education programs for immigrants and Indochina refugees are determined in accordance with the applicable cost principles of 34 CFR 75.530 through 75.534 of EDGAR and Subpart Q of 34 CFR Part 74.

(b) No cost sharing is required.

(c) Neither stipends nor dependency allowances are allowable.

(d) The cost of day care, not to exceed 5 percent of the grant award, may be allowed only if the applicant can demonstrate that—

(1) The absence of this service is a barrier to providing effective educational services; and

(2) The services of volunteers or other community agencies are not available for this purpose.

(e) A grantee may not, under any circumstances, make payments for day care directly to participants.

(f) Transportation costs of participants are allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating exceptional need.

(g) The cost of developing curriculum materials is allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating that ap-

propriate materials do not exist or cannot be obtained from existing sources.

(h) The cost of pre-service or in-service training of personnel is allowable up to 5 percent of the grant award. If more than 5 percent is necessary, the applicant shall include in its application a justification demonstrating that the required competence is not otherwise available on a cost-effective basis.

(i) Projects combining funds under the adult education programs for immigrants or Indochina refugees with other Federal, State, or local funds shall contain provisions for separate accounting.

(Sec. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 432.242 What records and reports are required of the grantee?

(a) A grantee shall keep records that meet the requirements in 34 CFR 75.730 through 75.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements in 34 CFR 75.720 of EDGAR and Subparts I and J of 34 CFR Part 74.

(Sec. 318, 317; 20 U.S.C. 1211c, 1211b)

**PART 440—COMMUNITY SCHOOLS AND COMPREHENSIVE COMMUNITY EDUCATION PROGRAM**

**Subpart A—General**

Sec.

440.1 Description of the Community Education Act.

440.2 Regulations that apply to the Community Education Act.

440.3 Definitions.

440.4 What are the minimum elements of a community education program?

440.5 How are the minimum elements of a community education program applied?

440.6 Scope of eligible project activities.

440.7 Allowable costs: Costs related to administration.

440.8 Limitations on costs.

440.9 Non-Federal contribution for related Federal programs.

**AUTHORITY:** Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561, 92 Stat. 2284, (20 U.S.C. 3281), unless otherwise noted.

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