

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

(d) *Evaluation plan* (10 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* (15 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.

(20 U.S.C. 1221e-3(a)(1))

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

§ 431.141 What are the cost requirements under this program?

(a) Allowable costs under grants awarded under section 309 of the Act 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) Projects combining funds under section 309 of the Act with other Federal, State, or local funds shall contain provisions for separate accounting.

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

§ 431.142 What documents must a State educational agency have on file with the Secretary to be eligible for a planning grant?

A State educational agency must have on file with the Secretary—

(a) An approved 3-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

### Subpart A—General

Sec.

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

432.202 Who is eligible to apply for a grant?

### 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?

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

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

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

432.221 What must an application for a grant contain?

432.222 State review of applications.

432.223 What is the duration of Federal support?

### Subpart D—How a Grant is Made

432.231 How does the Secretary evaluate an application?

432.232 What selection criteria does the Secretary use?

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

Sec.

432.241 What are the cost requirements under these programs?

432.242 What records and reports are required of the grantee?

**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 refu-

gees 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 ref-

ugees, 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 12 months but in no event shall it exceed 18 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 1 percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating that appropri-

ate 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.

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



# CHAPTER V—OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS, DEPARTMENT OF EDUCATION

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<i>Part</i>		<i>Page</i>
500	Bilingual education: General provisions .....	96
501	Bilingual education: Basic projects in bilingual education .....	102
502	Bilingual education: Demonstration projects .....	109
503	Bilingual education: State educational agency projects for coordinating technical assistance.....	110
504	Bilingual education: Support services projects.....	114
505	Bilingual education: Materials development projects program .....	117
510	Bilingual education: Training projects.....	118
514	Bilingual education: School of education projects..	124
515	Bilingual education: Fellowship program.....	126
520	Bilingual education: Desegregation support pro- gram.....	129
525	Bilingual vocational training program .....	137
526	Bilingual vocational instructor training program ...	143
527	Bilingual vocational instructional materials, methods, and techniques program.....	146
538	Transition program for refugee children.....	148



**PART 500—BILINGUAL EDUCATION:  
GENERAL PROVISIONS**

**Subpart A—General**

- Sec.  
500.1 What programs are authorized under the Bilingual Education Act?  
500.2 Who is eligible for assistance under these programs?  
500.3 What regulations govern these programs?  
500.4 What definitions apply to these programs?

**Subpart B—[Reserved]**

**Subpart C—How Does One Apply for a Grant?**

- 500.20 What are the requirements for SEA review of an application?

**Subpart D—[Reserved]**

**Subpart E—What Conditions Apply to a Grantee?**

- 500.40 What is the length of the project period?  
500.41 What requirements pertain to the use of funds for training activities and fellowships?

**AUTHORITY:** Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3221-3261; 92 Stat. 2268-2284), unless otherwise noted.

**SOURCE:** 45 FR 23211, Apr. 4, 1980, unless otherwise noted. Redesignated at 45 FR 77368, Nov. 21, 1980.

**Subpart A—General**

- § 500.1 What programs are authorized under the Bilingual Education Act?

The Bilingual Education Act authorizes the following programs:

(a) *Basic Projects in Bilingual Education* (34 CFR Part 501). This program provides financial assistance to establish, operate, or improve programs of bilingual education to assist children of limited English proficiency to improve their English language skills. These projects are designed to build the capacity of the grantee to continue programs of bilingual education when Federal funding is reduced or no longer available.

(20 U.S.C. 3223-3231)

(b) *Demonstration Projects* (34 CFR Part 502). This program provides fi-

ancial assistance to demonstrate exemplary approaches to providing programs of bilingual education and to building the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

(20 U.S.C. 3223-3231)

(c) *State Educational Agency Projects for Coordinating Technical Assistance* (34 CFR Part 503). This program provides financial assistance to State educational agencies (SEAs) to coordinate technical assistance to programs of bilingual education funded under the Act within their States.

(20 U.S.C. 3231(b)(5))

(d) *Support Services Projects* (34 CFR Part 504). This program provides financial assistance to strengthen programs of bilingual education and bilingual education training programs. There are two types of centers authorized:

(1) *Bilingual Education Service Centers* (BESCs). These centers provide training and other services to programs of bilingual education and bilingual education training programs within designated service areas.

(2) *Evaluation, Dissemination, and Assessment Centers* (EDACs). These centers assist programs of bilingual education and bilingual education training programs within designated service areas in assessing, evaluating, and disseminating bilingual education materials.

(20 U.S.C. 3231, 3233)

(e) *Training Projects* (34 CFR Part 510). This program provides financial assistance to establish, operate, or improve training programs for persons who are participating in, or preparing to participate in, programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3233)

(f) *School of Education Projects* (34 CFR Part 514). This program provides financial assistance to institutions of higher education (IHEs) to develop or expand their capability to provide