

Title 34: Education	12/03/14 NPRM	CHANGES
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<p>§263.21 What priority is given to certain projects and applicants? -</p> <p>----- Authority: 20 U.S.C. 7441 and 7442, unless otherwise noted. Source: 68 FR 43640, July 24, 2003, unless otherwise noted.</p> <p>Subpart A—Professional Development Program</p> <p>§263.1 What is the Professional Development program? (a) The Professional Development program provides grants to eligible entities to— (1) Increase the number of qualified Indian individuals in professions that serve Indian people; (2) Provide training to qualified Indian individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and (3) Improve the skills of qualified Indian individuals who serve in the education field.</p> <p>(b) The Professional Development program requires individuals who receive training to— (1) Perform work related to the training received under the program and that benefits Indian people, or to repay all or a prorated part of the assistance received under the program; and (2) Report to the Secretary on the individual's compliance with the work requirement.</p>	<p>263.21 What priority is given to certain projects and applicants? 263.22 What are the application requirements for these grants? 263.23 What is the Federal requirement for Indian hiring preference that applies to these grants?</p> <p>AUTHORITY: 20 U.S.C. 7441 and 7442, unless otherwise noted.</p> <p>Subpart A--Professional Development Program</p> <p>§263.1 What is the Professional Development program? (a) The Professional Development program provides grants to eligible entities to-- (1) Increase the number of qualified Indian individuals in professions that serve Indian people; (2) Provide training to qualified Indian individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and (3) Improve the skills of qualified Indian individuals who serve in the education field.</p> <p>(b) The Professional Development program requires individuals who receive training to-- (1) Perform work related to the training received under the program and that benefits Indian people, or to repay all or a prorated part of the assistance received under the program; and (2) Periodically report to the Secretary on the individual's compliance with the work requirement until work-related payback is complete or the individual has been referred for cash</p>	<p>New - 263.22 and 263.23</p> <p>263.1(b)(2) – clarifies length of time participant reports to the Secretary on work-related payback requirement until completion or when referred to cash payback.</p>
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<p>(Authority: 20 U.S.C. 7442)</p> <p>§263.2 Who is eligible to apply under the Professional Development program?</p> <p>(a) In order to be eligible for either pre-service or in-service training programs, an applicant must be an eligible entity which means—</p> <ul style="list-style-type: none"> (1) An institution of higher education, including an Indian institution of higher education; (2) A State educational agency in consortium with an institution of higher education; (3) A local educational agency in consortium with an institution of higher education; (4) An Indian tribe or Indian organization in consortium with an institution of higher education; or (5) A Bureau of Indian Affairs (Bureau)-funded school. <p>(b) Bureau-funded schools are eligible applicants for—</p> <ul style="list-style-type: none"> (1) An in-service training program; and (2) A pre-service training program when the Bureau-funded school applies in consortium with an institution of higher education that is accredited to provide the coursework and level of degree required by the project. <p>(c) Eligibility of an applicant requiring a consortium with any institution of higher education, including Indian institutions of higher education, requires that the institution of higher education be accredited to provide the coursework and level of degree required by the project.</p> <p>(Authority: 20 U.S.C. 7442)</p>	<p>payback.</p> <p>§263.2 Who is eligible to apply under the Professional Development program?</p> <p>(a) In order to be eligible for either pre-service or in-service training programs, an applicant must be an eligible entity which means--</p> <ul style="list-style-type: none"> (1) An institution of higher education, including an Indian institution of higher education; (2) A State educational agency in consortium with an institution of higher education; (3) A local educational agency in consortium with an institution of higher education; (4) An Indian tribe or Indian organization in consortium with an institution of higher education; or (5) A Bureau of Indian Education (Bureau)-funded school. <p>(b) Bureau-funded schools are eligible applicants for--</p> <ul style="list-style-type: none"> (1) An in-service training program; and (2) A pre-service training program when the Bureau-funded school applies in consortium with an institution of higher education that is accredited to provide the coursework and level of degree required by the project. <p>(c) Eligibility of an applicant requiring a consortium with any institution of higher education, including Indian institutions of higher education, requires that the institution of higher education be accredited to provide the coursework and level of degree required by the project.</p>	<p>263.2(a)(5) BIA funded school changed to BIE funded school.</p>
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<p>§263.3 What definitions apply to the Professional Development program? The following definitions apply to the Professional Development program:</p> <p>Bureau-funded school means a Bureau school, a contract or grant school, or a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.</p> <p>Department means the U.S. Department of Education.</p> <p>Dependent allowance means costs for the care of minor children under the age of 18 who reside with the training participant and for whom the participant has responsibility. The term does not include financial obligations for payment of child support required of the participant.</p> <p>Expenses means tuition and required fees; health insurance required by the institution of higher education; room, personal living expenses, and board at or near the institution; dependent allowance; and instructional supplies.</p> <p>Full course load means the number of credit hours that the institution requires of a full-time student.</p> <p>Full-time student means a student who— (1) Is a degree candidate for a baccalaureate or graduate degree; (2) Carries a full course load; and (3) Is not employed for more than 20 hours a week.</p> <p>Good standing means a cumulative grade point average of at</p>	<p>§263.3 What definitions apply to the Professional Development program? The following definitions apply to the Professional Development program:</p> <p>Bureau-funded school means a Bureau of Indian Education school, a contract or grant school, or a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.</p> <p>Department means the U.S. Department of Education.</p> <p>Dependent allowance means costs for the care of minor children under the age of 18 who reside with the training participant and for whom the participant has responsibility. The term does not include financial obligations for payment of child support required of the participant.</p> <p>Full course load means the number of credit hours that the institution requires of a full-time student.</p> <p>Full-time student means a student who-- (1) Is a degree candidate for a baccalaureate or graduate degree; (2) Carries a full course load; and (3) Is not employed for more than 20 hours a week.</p> <p>Good standing means a cumulative grade point average of at least</p>	<p>263.3 Definition of bureau-funded school changed from Bureau school to Bureau of Indian Education school.</p> <p>263.3 Definition of “expenses” deleted from NPRM. 264.4 being expanded to explain in detail what types of costs are allowable.</p>
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least 2.0 on a 4.0 grade point scale in which failing grades are computed as part of the average, or another appropriate standard established by the institution.

Graduate degree means a post-baccalaureate degree awarded by an institution of higher education beyond the undergraduate level.

Indian means an individual who is—

- (1) A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated since 1940, and any tribe or band recognized by the State in which the tribe or band resides;
- (2) A descendant of a parent or grandparent who meets the requirements of paragraph (1) of this definition;
- (3) Considered by the Secretary of the Interior to be an Indian for any purpose;
- (4) An Eskimo, Aleut, or other Alaska Native; or
- (5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994.

Indian institution of higher education means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.

Indian organization means an organization that—

- (1) Is legally established—

2.0 on a 4.0 grade point scale in which failing grades are computed as part of the average, or another appropriate standard established by the institution.

Graduate degree means a post-baccalaureate degree awarded by an institution of higher education.

Indian means an individual who is--

- (1) A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated since 1940, and any tribe or band recognized by the State in which the tribe or band resides;
- (2) A descendant of a parent or grandparent who meets the requirements of paragraph (1) of this definition;
- (3) Considered by the Secretary of the Interior to be an Indian for any purpose;
- (4) An Eskimo, Aleut, or other Alaska Native; or
- (5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.

Indian institution of higher education means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.

Indian organization means an organization that--

- (1) Is legally established--

<p>(i) By tribal or inter-tribal charter or in accordance with State or tribal law; and (ii) With appropriate constitution, by-laws, or articles of incorporation;</p> <p>(2) Has as its primary purpose the promotion of the education of Indians;</p> <p>(3) Is controlled by a governing board, the majority of which is Indian;</p> <p>(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;</p> <p>(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and</p> <p>(6) Is not an agency of State or local government.</p> <p>Induction services means services provided after the participant completes his or her training program and includes, at a minimum, these activities:</p> <p>(1) Mentoring, coaching, and consultation services for the participant to improve performance, (2) Access to research materials and information on teaching and learning, (3) Periodic assessment of, and feedback sessions on, the participant's performance, provided in coordination with the participant's supervisor, (4) Periodic meetings or seminars for participants to enhance collaboration, feedback, and peer networking and support.</p>	<p>(i) By tribal or inter-tribal charter or in accordance with State or tribal law; and (ii) With appropriate constitution, by-laws, or articles of incorporation;</p> <p>(2) Includes in its purposes the promotion of the education of Indians;</p> <p>(3) Is controlled by a governing board, the majority of which is Indian;</p> <p>(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;</p> <p>(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and</p> <p>(6) Is not an agency of State or local government.</p> <p>Induction services means services provided after participants completes their training program and during their first year of teaching. Induction services support and improve participants' professional performance and promote their retention in the field of education and teaching. They include, at a minimum, these activities:</p> <p>(1) High-quality mentoring, coaching, and consultation services for the participant to improve performance; (2) Access to research materials and information on teaching and learning; (3) Assisting new teachers with use of technology in the classroom and use of data, particularly student achievement data, for classroom instruction; (4) Clear, timely and useful feedback on performance, provided in coordination with the participant's supervisor; and (5) Periodic meetings or seminars for participants to enhance collaboration, feedback, and peer networking and support.</p>	<p>263.3 Definition of "Indian Organization (2)". Changed to include an organization that has as one of its purposes the education of Indian students.</p> <p>263.3 Definition of "Induction Services". We also propose to revise the definition of "induction services" to state that they are provided during the participant's first year of teaching to improve participants' performance and promote their retention. Also, the proposed revisions state that induction services must include services assisting teachers to use technology and data as part of their instruction. Additionally, the proposed revisions clarify that the mentoring and coaching services must be of high quality and that the feedback provided to participants must be clear, timely, and useful.</p> <p>263.3(5) New Induction Services activity to include additional induction service activities.</p>
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<p>In-service training means professional activities and opportunities designed to enhance the skills and abilities of individuals in their current areas of employment.</p> <p>Institution of higher education means an accredited college or university within the United States that awards a baccalaureate or post-baccalaureate degree.</p> <p>Participant means an Indian individual who is being trained under the Professional Development program.</p> <p>Payback means work-related service or cash reimbursement to the Department of Education for the training received under the Professional Development program.</p> <p>Pre-service training means training to Indian individuals to prepare them to meet the requirements for licensing or certification in a professional field requiring at least a baccalaureate degree.</p> <p>Professional development activities means in-service training offered to enhance the skills and abilities of individual participants.</p> <p>Secretary means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.</p> <p>Stipend means that portion of an award that is used for room and board and personal living expenses.</p> <p>Note: Only full-time students are eligible for stipends.</p>	<p>In-service training means activities and opportunities designed to enhance the skills and abilities of individuals in their current areas of employment.</p> <p>Institution of higher education means an accredited college or university within the United States that awards a baccalaureate or post-baccalaureate degree.</p> <p>Participant means an Indian individual who is being trained under the Professional Development program.</p> <p>Payback means work-related service or cash reimbursement to the Department of Education for the training received under the Professional Development program.</p> <p>Pre-service training means training to Indian individuals to prepare them to meet the requirements for licensing or certification in a professional field requiring at least a baccalaureate degree.</p> <p>Professional development activities means pre-service or in-service training offered to enhance the skills and abilities of individual participants.</p> <p>Secretary means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.</p> <p>Stipend means that portion of an award that is used for room, board, and personal living expenses for full-time participants who are living at or near the institution providing the training. (Authority: 20 U.S.C. 7442 and 7491)</p>	<p>263.3 Definition for “professional development activities”. Another proposed change is to expand the definition of "professional development activities" to include pre-service training, in addition to in-service training, which is included in the current definition.</p> <p>263.3 Definition for “stipend”. We propose to change the definition of "stipend" to limit this term to only funds used for room, board, and personal living expenses for full-time students living at or near the institution</p>
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<p>Undergraduate degree means a baccalaureate (bachelor's) degree awarded by an institution of higher education.</p> <p>(Authority: 20 U.S.C. 7442 and 7491)</p> <p>§263.4 What training costs may a Professional Development program include?</p> <p>(a) A Professional Development program may include, as training costs, assistance to either—</p> <p>(1) Fully finance a student's educational expenses; or</p> <p>(2) Supplement other financial aid—including Federal funding other than loans—for meeting a student's educational expenses.</p> <p>(b) The Secretary announces the expected maximum amounts for stipends and other costs—including training costs—in the annual application notice published in the Federal Register.</p>	<p>§263.4 What costs may a Professional Development program include?</p> <p>(a) A Professional Development program may include, as training costs, assistance to--</p> <p>(1) Fully finance a student's educational expenses including tuition, books, and required fees; health insurance required by the institution of higher education; stipend; dependent allowance; technology costs; program required travel; and instructional supplies; or</p> <p>(2) Supplement other financial aid, including Federal funding other than loans, for meeting a student's educational expenses.</p> <p>(b) The Secretary announces the expected maximum amounts for stipends and dependent allowance in the annual notice inviting applications published in the Federal Register.</p> <p>(c) Other costs that a Professional Development program may include, but that must not be included as training costs, include costs for--</p> <p>(1) Collaborating with prospective employers within the grantees' local service area to create a pool of potentially</p>	<p>providing the training.</p> <p>263.3 Definition for “undergraduate degree” removed because this term is not used in the regulations or guidance for the Professional Development program. The program now uses the terms "bachelor's degree" or "baccalaureate degree," and we do not believe these terms require definition.</p> <p>263.4 – Expanded to provide greater detail about the kinds of training costs that may be covered under the Professional Development program, including in-service and pre-service training. We propose to include examples of costs that contribute to the full cost of a participant's education, such as technology costs.</p> <p>Additionally, in 263.4(c), we propose to revise the regulations to specify other kinds of costs that can be covered under the Professional Development program, including costs associated with collaborating with prospective employers, providing in-service training such</p>
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<p>(Authority: 20 U.S.C. 7442)</p> <p>§263.5 What priority is given to certain projects and applicants?</p> <p>(a) The Secretary awards a total of 5 points to an application submitted by an Indian tribe, Indian organization, or an Indian institution of higher education that is eligible to participate in the Professional Development program. A consortium application of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 of EDGAR and includes an Indian tribe, Indian organization or Indian institution of higher education will be considered eligible to receive the 5 priority points. The consortium agreement, signed by all parties, must be submitted with the application in order to be considered as a consortium application.</p> <p>(b) The Secretary awards a total of 5 points to an application submitted by a consortium of eligible applicants that includes a tribal college or university and that designates that tribal college or university as the fiscal agent for the application. The consortium application of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129 of EDGAR to be considered eligible to receive the 5 priority points. These competitive preference points are in addition to the 5 competitive preference points that may be given under paragraph (a) of this section. The consortium agreement, signed</p>	<p>available qualifying employment opportunities;</p> <p>(2) In-service training activities such as providing mentorships linking experienced teachers at job placement sites with program participants; and</p> <p>(3) Assisting participants in identifying and securing qualifying employment opportunities in their field of study following completion of the program.</p> <p>§263.5 What priority is given to certain projects and applicants?</p> <p>(a) The Secretary gives priority to an application submitted by an Indian tribe, Indian organization, or an Indian institution of higher education that is eligible to participate in the Professional Development program. A consortium application of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 of EDGAR and includes an Indian tribe, Indian organization, or Indian institution of higher education will be considered eligible to receive priority points only if the consortium designates the Indian institution of higher education as the fiscal agent. In order to be considered a consortium application, the application must include the consortium agreement, signed by all parties.</p> <p>(b) The Secretary may annually establish as a priority any of the priorities listed in this paragraph. When inviting applications for a competition under the Professional Development program, the Secretary designates the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority is described in 34 CFR 75.105.</p>	<p>as mentorships for participants who have graduated, and assisting participants in finding employment. These are costs that cannot be passed on to the participants.</p> <p>263.5 – We propose to combine the two competitive preference priorities in §263.5(a) and (b) into one competitive preference priority. Instead of setting the number of competitive points at five, as the current regulations do, we propose to determine the number of points awarded for this combined competitive preference priority annually. In other words, we will determine the number of competitive points to be awarded in each year of a new competition for the program. For the remaining current priorities, we propose to designate these priorities as absolute, competitive preference, or invitational in the notice inviting applications.</p>
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<p>by all parties, must be submitted with the application in order to be considered as a consortium application.</p> <p>(c) The Secretary may give absolute preference reserving all or a portion of the funds available for new awards under the Professional Development program, to only those applications that meet one of the following priorities selected for a fiscal year. The Secretary announces the absolute priority selected in the annual application notice published in the Federal Register.</p> <p>(1) Pre-Service training for teachers. This priority provides support and training to Indian individuals to complete a pre-service education program that enables these individuals to meet the requirements for full State certification or licensure as a teacher through—</p> <p>(i) Training that leads to a bachelor's degree in education before the end of the award period; or</p> <p>(ii) For States allowing a degree in a specific subject area, training that leads to a bachelor's degree in the subject area as long as the training meets the requirements for full State teacher certification or licensure; or</p> <p>(iii) Training in a current or new specialized teaching assignment that requires at least a bachelor's degree and in which a documented teacher shortage exists; and</p> <p>(iv) One-year induction services after graduation, certification, or licensure, provided during the award period to graduates of the pre-service program while they are completing their first</p>	<p>(1) Pre-Service training for teachers. The Secretary establishes a priority for projects that:</p> <p>(i) Provide support and training to Indian individuals to complete a pre-service education program that enables the individuals to meet the requirements for full State certification or licensure as a teacher through--</p> <p>(A) Training that leads to a bachelor's degree in education before the end of the award period, unless the State requires a fifth year for licensure in a specific subject area;</p> <p>(B) For States allowing a degree in a specific subject area, training that leads to a bachelor's degree in the subject area as long as the training meets the requirements for full State teacher certification or licensure; or</p> <p>(C) Training in a current or new specialized teaching assignment that requires at least a bachelor's degree and in which a documented teacher shortage exists;</p> <p>(ii) Provide one year of induction services, during the award period, to participants after graduation, certification, or licensure, while they are completing their first year of work in</p>	<p>We also propose to amend the current priorities for pre-service training for teachers and¹ administrators to require that applicants under these priorities include project-specific goals for the number of participants to be recruited, to continue each year, to graduate, and to find jobs upon completion.</p>
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<p>year of work in schools with significant Indian student populations.</p> <p>Note to paragraph (c)(1): In working with various institutions of higher education and State certification/licensure requirements, we found that States requiring a degree in a specific subject area (e.g., specialty areas or teaching at the secondary level) generally require a Master's degree or fifth-year requirement before an individual can be certified or licensed as a teacher. These students would be eligible to participate as long as their training meets the requirements for full State certification or licensure as a teacher.</p> <p>(2) Pre-service administrator training. This priority provides—</p> <p>(i) Support and training to Indian individuals to complete a master's degree in education administration that is provided before the end of the award period and that allows participants to meet the requirements for State certification or licensure as an education administrator; and</p> <p>(ii) One year of induction services, during the award period, to participants after graduation, certification, or licensure, while they are completing their first year of work as administrators in schools with significant Indian student populations.</p>	<p>schools with significant Indian student populations; and</p> <p>(iii) Include goals for the:</p> <p>(A) Number of participants to be recruited each year;</p> <p>(B) Number of participants to continue in the project each year;</p> <p>(C) Number of participants to graduate each year; and</p> <p>(D) Number of participants to find qualifying jobs within twelve months of completion.</p> <p>(2) Pre-service administrator training. The Secretary establishes a priority for projects that--</p> <p>(i) Provide support and training to Indian individuals to complete a master's degree in education administration that is provided before the end of the award period and that allows participants to meet the requirements for State certification or licensure as an education administrator;</p> <p>(ii) Provide one year of induction services, during the award period, to participants after graduation, certification, or licensure, while they are completing their first year of work as administrators in schools with significant Indian student populations; and</p> <p>(iii) Include goals for the:</p> <p>(A) Number of participants to be recruited each year;</p> <p>(B) Number of participants to continue in the project each year;</p> <p>(C) Number of participants to graduate each year; and</p> <p>(D) Number of participants to find qualifying jobs within twelve</p>	
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<p>(Authority: 20 U.S.C. 7442 and 7473)</p> <p>§263.6 How does the Secretary evaluate applications for the Professional Development program? The following criteria, with the total number of points available in parenthesis, are used to evaluate an application for a new award:</p>	<p>months of completion.</p> <p>(3) Letter of support. The Secretary establishes a priority for applicants that include a letter of support signed by the authorized representative of a local educational agency (LEA) or Bureau-funded school or other entity in the applicant's service area that agrees to consider program graduates for qualifying employment. (Authority: 20 U.S.C. 7442 and 7473)</p> <p>§263.6 How does the Secretary evaluate applications for the Professional Development program? The Secretary uses the procedures for establishing selection criteria and factors in 34 CFR §75.200 through 75.210 of this title to establish the criteria and factors used to evaluate applications submitted in a grant competition for the Professional Development program. The Secretary may also consider one or more of the criteria and factors listed in paragraphs (a) through (e) of this section to evaluate applications.</p>	<p>Finally, we propose a new priority for applicants that submit a letter of support from a local educational agency (LEA), Bureau of Indian Education-funded school, or other entity in the applicant's service area agreeing to consider program graduates for qualifying employment. We also propose removing the note to paragraph 263.5(c)(1) regarding participants who need a fifth year of study to complete licensure requirements and incorporating that language into paragraph 263.5(b)(i)(A). We believe this change will make it clearer that certain individuals may participate in the Professional Development program even after the end of the grant period.</p> <p>263.6 amended to remove the fixed points assigned to each criterion. Instead, the Secretary would establish the number of points for each selection criterion annually, that is, for each year of a new competition for the program, in the notice inviting applications for the competition. The Secretary could also include any of the selection criteria from 34 CFR 75.210 and select from among the list of factors under each criterion in 34 CFR 75.210 or these regulations when making new grant awards.</p> <p>We propose to include in the regulations only program-specific factors and to eliminate the factors that are codified in 34 CFR 75.210, as well as entire selection criteria for which we do not propose program-specific factors. To that end, we propose to remove the selection criteria for "adequacy of resources," "quality of the</p>
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<p>(a) Need for project (5) points. In determining the need for the proposed project, the Secretary considers the following: (1) The extent to which the proposed project will prepare personnel in specific fields in which shortages have been demonstrated; and (2) The extent to which specific gaps or weaknesses in local capacity to provide, improve, or expand services that address the needs of the community or region have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.</p> <p>(b) Significance (10) points. In determining the significance of the proposed project, the Secretary considers the following: (1) The potential contribution of the proposed project to increase effective strategies for teaching and student achievement; (2) The likelihood that the proposed project will build local capacity to provide, improve, or expand services that address the needs of the target population; and (3) The likelihood that the proposed project will result in system change or improvement.</p> <p>(c) Quality of the project design (15) points. The Secretary considers the following factors in determining the quality of the</p>	<p>(a) Need for project. In determining the need for the proposed project, the Secretary considers one or more of the following: (1) The extent to which the proposed project will prepare personnel in specific fields in which shortages have been demonstrated through a job market analysis; and (2) The extent to which employment opportunities exist in the project's service area, as demonstrated through a job market analysis.</p> <p>(b) Significance. In determining the significance of the proposed project, the Secretary considers one or more of the following: (1) The potential of the proposed project to develop effective strategies for teaching Indian students and improving Indian student achievement, as demonstrated by a plan to share findings gained from the proposed project with parties who could benefit from such findings, such as other institutions of higher education who are training teachers and administrators who will be serving Indian students; and (2) The likelihood that the proposed project will build local capacity to provide, improve, or expand services that address the specific needs of Indian students.</p> <p>(c) Quality of the project design. The Secretary considers one or more of the following factors in determining the quality of the</p>	<p>management plan," and "quality of the project evaluation."</p> <p>In §263.6(a) Need for Project. We propose to revise the "need for project" selection criterion to address how the proposed project will prepare participants to work in a field of study where there are demonstrated shortages, and the extent to which employment opportunities exist in the project's service area. Both the shortages and the employment opportunities would be demonstrated through a job market analysis.</p> <p>263.6(b) Significance. We also propose to revise the "significance" selection criterion in §263.6(b) to address how the proposed project would help increase effective strategies for teaching and improving Indian student achievement, and would build local capacity to provide, improve, or expand services that address the specific needs of Indian students.</p> <p>In §263.6(c) Quality of Project Design. We propose to add the following factors within the "quality of project design"</p>
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<p>design of the proposed project:</p> <p>(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;</p> <p>(2) The extent to which the design of the proposed project reflects up-to-date knowledge from scientifically-based research and effective practices on how to improve teaching and learning to support student proficiency in meeting rigorous academic standards;</p> <p>(3) The extent to which performance feedback and continuous improvement of participant performance are integral to the design of the proposed project; and</p> <p>(4) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing educational services to the population of students to be served by the participants.</p> <p>(d) Quality of project services (15) points. The Secretary considers the following factors:</p> <p>(1) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge of scientifically-</p>	<p>design of the proposed project:</p> <p>(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are ambitious but also attainable and address--</p> <p>(i) The number of participants expected to be recruited in the project each year;</p> <p>(ii) The number of participants expected to continue in the project each year;</p> <p>(iii) The number of participants expected to graduate; and</p> <p>(iv) The number of participants expected to find qualifying jobs within twelve months of completion;</p> <p>(2) The extent to which the proposed project has a plan for recruiting and selecting participants that ensures that program participants are likely to complete the program; and</p> <p>(3) The extent to which the proposed project will incorporate the needs of potential employers, as identified by a job market analysis, by establishing partnerships and relationships with appropriate entities (e.g., Bureau-funded schools, organizations providing educational services to Indian students, and LEAs) and developing programs that meet their employment needs.</p> <p>(d) Quality of project services. The Secretary considers one or more of the following factors in determining the quality of project services:</p> <p>(1) The likelihood that the proposed project will provide participants with learning experiences that develop needed skills</p>	<p>selection criterion:</p> <ul style="list-style-type: none"> • The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are ambitious, attainable, and address specific project performance goals; • The extent to which the applicant designed a recruitment plan that ensures that participants are likely to complete the program; and • The extent to which the proposed project will incorporate the needs of the potential employers by establishing partnerships and developing programs that meet their employment needs. <p>263.6 (d) Quality of Project Services. We propose to add four new project-specific factors to the selection criterion for "quality of project services" in §263.6(d). These proposed factors are designed to identify applicants that would:</p>
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<p>based research and effective practice;</p> <p>(2) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in the achievement of students as measured against rigorous academic standards; and</p> <p>(3) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of the training and project services provided.</p> <p>(e) Quality of project personnel (15) points. The Secretary considers the following factors when determining the quality of the personnel who will carry out the proposed project:</p> <p>(1) The qualifications, including relevant training and experience, of the project director;</p> <p>(2) The qualifications, including relevant training and experience, of key project personnel; and</p> <p>(3) The qualifications, including relevant training and experience, of project consultants or subcontractors.</p> <p>(f) Adequacy of resources (10) points. In determining the adequacy of support for the proposed project, the Secretary considers the following factors:</p>	<p>for successful teaching and/or administration in schools with significant Indian populations;</p> <p>(2) The extent to which the proposed project prepares participants to adapt teaching and/or administrative practices to meet the breadth of Indian student needs;</p> <p>(3) The extent to which the applicant will provide job placement activities that reflect the findings of the job market analysis and needs of potential employers; and</p> <p>(4) The extent to which the applicant will offer induction services that reflect the latest research on effective delivery of such services.</p> <p>(e) Quality of project personnel. The Secretary considers one or more of the following factors when determining the quality of the personnel who will carry out the proposed project:</p> <p>(1) The qualifications, including relevant training, experience, and cultural competence, of the project director and the amount of time this individual will spend directly involved in the project;</p> <p>(2) The qualifications, including relevant training, experience, and cultural competence, of key project personnel and the amount of time to be spent on the project and direct interactions with participants; and</p> <p>(3) The qualifications, including relevant training, experience, and cultural competence (as necessary), of project consultants or subcontractors, if any.</p>	<ul style="list-style-type: none"> • Provide learning experiences to help participants become successful teachers or administrators; • Prepare participants to adapt practice to meet the breadth of Indian student needs; • Offer job placement activities; and • Offer induction services that reflect the latest research. <p>263.6(e) Quality of project personnel. For the selection criterion "Quality of project personnel," we propose amending the factors to include consideration of the cultural competence of proposed key project personnel.</p> <p>263.6(f) Adequacy of Resources deleted</p>
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<p>strategies;</p> <p>(2) The extent to which the methods of evaluation will provide performance feedback on participants and permit periodic assessment of progress toward achieving the intended outcomes; and</p> <p>(3) The extent to which the methods of evaluation include the use of objective output measures that are directly related to the intended outcomes of the project and will produce both quantitative and qualitative data to the extent possible.</p> <p>(Approved by the Office of Management and Budget under control number 1810-0580)</p> <p>(Authority: 20 U.S.C. 7442)</p> <p>§263.7 What are the requirements for a leave of absence?</p> <p>(a) A participant shall submit a written request for a leave of absence to the project director not less than 30 days prior to withdrawal or completion of a grading period, unless an emergency situation has occurred and the project director chooses to waive the prior notification requirement.</p> <p>(b) The project director may approve a leave of absence, for a period not longer than one academic year, provided a training participant has successfully completed at least one academic year.</p> <p>(c) The project director permits a leave of absence only if the institution of higher education certifies that the training participant is eligible to resume his or her course of study at the end of the leave of absence.</p>	<p>§263.7 What are the requirements for a leave of absence?</p> <p>(a) A participant must submit a written request for a leave of absence to the project director not less than 30 days prior to withdrawal or completion of a grading period, unless an emergency situation has occurred and the project director chooses to waive the prior notification requirement.</p> <p>(b) The project director may approve a leave of absence, for a period not longer than twelve months, provided the participant has completed at least twelve months of training in the project and is in good standing at the time of request.</p> <p>(c) The project director permits a leave of absence only if the institution of higher education certifies that the training participant is eligible to resume his or her course of study at the end of the leave of absence.</p>	<p>263.7 changed to specify that participants who do not return from a leave of absence by the end of the grant period will be considered not to have completed the program for the purposes of project performance reporting. This change is proposed to address situations where participants do not return after taking a leave of absence.</p>
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<p>(Approved by the Office of Management and Budget under control number 1810-0580)</p> <p>(Authority: 20 U.S.C. 7442)</p> <p>§263.8 What are the payback requirements?</p> <p>(a) Individuals receiving assistance under the Professional Development program are required to—</p> <p>(1) Sign an agreement, at the time of selection for training, to meet the provisions of the payback requirement; and</p> <p>(2) Perform work related to the training received and that benefits Indian people; or</p> <p>(3) Repay all or a prorated part of the assistance received.</p> <p>(b) The period of time required for a work-related payback is equivalent to the total period of time for which training was actually received under the Professional Development program.</p>	<p>(d) A participants who is granted a leave of absence and does not return to his or her course of study by the end of the grant project period will be considered not to have completed the course of study for the purpose of project performance reporting.</p> <p>§263.8 What are the payback requirements?</p> <p>(a) General. All participants must--</p> <p>(1) Either perform work-related payback or provide cash reimbursement to the Department for the training received. It is the preference of the Department for participants to complete a work-related payback;</p> <p>(2) Sign an agreement, at the time of selection for training, that sets forth the payback requirements; and</p> <p>(3) Report employment verification in a manner specified by the Department or its designee.</p> <p>(b) Work-related payback.</p> <p>(1) Participants qualify for work-related payback if the work they are performing is in their field of study under the Professional Development program and benefits Indian people. Employment in a school that has a significant Indian student population qualifies as work that benefits Indian people.</p> <p>(2) The period of time required for a work-related payback is equivalent to the total period of time for which pre-service or in-service training was actually received on a month-for-month basis under the Professional Development program.</p> <p>(3) Work-related payback is credited for the actual time the participant works, not for how the participant is paid (e.g., for</p>	<p>263.8 We propose to consolidate all of the regulatory provisions that govern the payback process, currently in §263.8 through §263.10, into §263.8. First, we propose to outline the general payback requirements. We would clarify the two different types of payback to the Department, work-related payback and cash payback, and to specify that the preference is for participants to complete a work-related payback. We would also note the payback agreement and employer verification requirements, which we discuss in more detail in §263.10 and §263.11.</p> <p>With respect to the payback process, we propose that work-related payback would be tracked and credited on a month-for-month basis, that it would be credited based on actual time worked, and that if a participant is unable to complete a work-related payback he or she would be required to make a cash payback on a prorated basis.</p>
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<p>(c) The cash payback required shall be equivalent to the total amount of funds received and expended for training received under these programs and may be prorated based on any approved work-related service the participant performs.</p> <p>(Approved by the Office of Management and Budget under control number 1810-0580)</p> <p>(Authority: 20 U.S.C. 7442)</p> <p>§263.9 When does payback begin? (a) For all participants who complete their training under the Professional Development program, payback shall begin within six months from the date of completion of the training.</p>	<p>work completed over 9 months but paid over 12 months, the payback credit is 9 months).</p> <p>(4) For participants that initiate, but cannot complete, a work-related payback, the payback converts to a cash payback that is prorated based upon the amount of work-related payback completed.</p> <p>(c) Cash payback. (1) Participants who do not submit employment verification within twelve months of program exit or completion, or have not submitted employment verification for a twelve-month period during a work-related payback, will automatically be referred for a cash payback unless the participant qualifies for a deferral as described in §263.9. (2) The cash payback required shall be equivalent to the total amount of funds received and expended for training received under this program and may be prorated based on any approved work-related service the participant performs. (3) Participants who are referred to cash payback may incur non-refundable penalty and administrative fees in addition to their total training costs and will incur interest charges starting the day of referral. (4) The cash payback obligation may only be discharged through bankruptcy if repaying the loan would cause the participant undue hardship as defined in 11 U.S.C. 523(a)(8). (Authority: 20 U.S.C. 7442)</p> <p>§263.9 What are the requirements for payback deferral? (a) Education deferral. If a participant completes or exits the Professional Development program, but plans to continue his or her education as a full-time student without interruption, in a program leading to a degree at an accredited institution of higher</p>	<p>For cash payback, we propose that participants who do not report eligible employment within twelve months would be automatically referred for a cash payback, would be responsible to repay the total amount of funds received, and would incur non-refundable fees and interest charges from the date of referral. The regulations would also clarify that cash payback can only be discharged through bankruptcy if repaying the loan would cause undue hardship as defined under bankruptcy law.</p> <p>263.9 Renamed this section of the regulations to "What are the requirements for payback deferral?" and to specify the two types of deferral that are available: education and military service. Current regulations specify the conditions under which education deferrals</p>
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<p>(b) For participants who do not complete their training under the Professional Development program, payback shall begin within six months from the date the fellow leaves the Professional Development program, unless he or she continues as a full-time student without interruption, in a program leading to a degree in an accredited institution of higher education.</p> <p>(1) If the participant leaves the Professional Development program, but plans to continue his or her education as a full-time student, the Secretary may defer the payback requirement until the participant has completed his or her educational program. Written requests for deferment shall be submitted to the Secretary within 30 days of leaving the Professional Development program and shall provide the following information—</p> <ul style="list-style-type: none"> (i) The name of the accredited institution the student will be attending; (ii) A copy of the letter of admission from the institution; (iii) The degree being sought; and (iv) The projected date of completion. <p>(2) After approval by the Secretary for deferment of the payback provision on the basis of continuing as a full-time student, former participants are required to submit to the Secretary a status report from an academic advisor or other authorized representative of the institution of higher education, showing verification of enrollment and status, after every grading period.</p>	<p>education, the Secretary may defer the payback requirement until the participant has completed his or her educational program.</p> <p>(1) A request for a deferral must be submitted to the Secretary within 30 days of leaving the Professional Development program and must provide the following information--</p> <ul style="list-style-type: none"> (i) The name of the accredited institution the student will be attending; (ii) A copy of the letter of admission from the institution; (iii) The degree being sought; and (iv) The projected date of completion. <p>(2) If the Secretary approves the deferment of the payback requirement on the basis that a participant is continuing as a full-time student, the participant must submit to the Secretary a status report from an academic advisor or other authorized representative of the institution of higher education, showing verification of enrollment and status, after every grading period.</p> <p>(b) Military deferral. If a participant exits the Professional Development program because he or she is called or ordered to active duty status in connection with a war, military operation, or national emergency for more than 30 days as a member of a reserve component of the Armed Forces named in 10 U.S.C. 10101, or as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), the Secretary may defer the payback requirement until the participant has completed his or her military service, for a period not to exceed 36 months. Requests for deferment must be submitted to the Secretary within 30 days of the earlier of leaving the Professional Development program or the call to military service, and must provide--</p> <ul style="list-style-type: none"> (1) A written statement from the participant's commanding or personnel officer certifying-- <ul style="list-style-type: none"> (i) That the participant is on active duty in the Armed Forces of 	<p>can be granted, but they do not explain the deferrals of payback for military service.</p> <p>We also propose to add a provision for deferrals, for no more than 36 months, for individuals called to active duty in the armed services for more than 30 days.</p> <p>We propose to add regulations to establish the criteria for a "military deferral" and the process to request a "military deferral." As part of the request process, we propose that a participant provide to the Secretary a written statement from the recipient's commanding officer or a copy of his or her military orders and military identification. In addition, we propose to remove the provision stating that payback begins within six months of program completion, as we propose to revise §263.8 to provide that participants would be referred for cash payback if they do not submit employment verification within twelve months of completion of pre-service or in-service training or for any twelve-month period prior to work-related payback completion.</p>
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<p>(Approved by the Office of Management and Budget under control number 1810-0580)</p> <p>(Authority: 20 U.S.C. 7442)</p> <p>§263.10 What are the payback reporting requirements?</p> <p>(a) Notice of intent. Participants shall submit to the Secretary, within 30 days of completion of their training program, a written notice of intent to complete a work-related or cash payback, or to continue in a degree program as a full-time student.</p> <p>(b) Work-related payback. If the participant proposes a work-related payback, the written notice of intent shall include information explaining how the work-related service is related to the training received and how it benefits Indian people.</p> <p>(1) For work-related service, the Secretary shall review each participant's payback plan to determine if the work-related service is related to the training received and that it benefits Indian people. The Secretary approves the payback plan if a determination is made that the work-related service to be performed is related to the training received and benefits Indian people, meets all applicable statutory and regulatory requirements, and is otherwise appropriate.</p> <p>(2) The payback plan for work-related service shall identify where, when, the type of service, and for whom the work will be performed.</p> <p>(3) A participant shall notify the Secretary in writing of any</p>	<p>the United States;</p> <p>(ii) The date on which the participant's service began; and</p> <p>(iii) The date on which the participant's service is expected to end; or</p> <p>(2)(i) A true certified copy of the participant's official military orders; and</p> <p>(ii) A copy of the participant's military identification.</p> <p>§263.10 What are the participant payback reporting requirements?</p> <p>(a) Notice of intent. Participants must submit to the Secretary, within 30 days of completion of, or exit from, as applicable, their training program, a notice of intent to complete a work-related or cash payback, or to continue in a degree program as a full-time student.</p> <p>(b) Work-related payback.</p> <p>(1) Starting within six months after exit from or completion of the program, participants must submit to the Secretary employment information, which includes information explaining how the employment is related to the training received and benefits Indian people.</p> <p>(2) Participants must submit an employment status report every six months beginning from the date the work-related service is to begin until the payback obligation has been fulfilled.</p>	<p>263.10 Changed to amend the title of the section to indicate that the section relates to the reporting requirements of participants, rather than grantees. We also propose to move the provisions governing the cash and work payback process to §263.8, "What are the payback requirements?"</p> <p>We also propose to eliminate the work-related payback plan and the requirement that eligible employment must be continuous.</p>
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<p>change in the work-related service being performed within 30 days of such change.</p> <p>(4) For work-related payback, individuals shall submit a status report every six months beginning from the date the work-related service is to begin. The reports shall include a certification from the participant's employer that the service(s) have been performed without interruption.</p> <p>(5) For participants that initiate, but cannot complete, a work-related payback, the payback reverts to a cash payback that is prorated based upon the amount of time the work-related payback has been completed.</p> <p>(c) Cash payback. If a cash payback is to be made, the Department will contact the participant to establish an appropriate schedule for payments.</p> <p>(Approved by the Office of Management and Budget under control number 1810-0580)</p> <p>(Authority: 20 U.S.C. 7442)</p>	<p>(c) Cash payback. If a cash payback is to be made, the Department contacts the participant to establish an appropriate schedule for payments.</p> <p>§263.11 What are the grantee post-award requirements?</p> <p>(a) Prior to providing funds or services to a participant, the grantee must conduct a payback meeting with the participant to explain the costs of training and payback responsibilities following training.</p> <p>(b) The grantee must report to the Secretary all participant training and payback information in a manner specified by the Department or its designee.</p> <p>(c)(1) Grantees must obtain a signed payback agreement from each participant before the participant begins training. The agreement must include--</p> <p>(i) The estimated total training costs;</p>	<p>263.11 New sec. We propose to add a requirement for grantees to conduct a payback meeting with each participant. At this meeting, the grantee would review the payback requirements with the participant before funds are provided to the participant. We propose to require that grantees report information regarding participant training and payback information to the Department in a manner designated by the Department. We also propose to require that grantees obtain a signed payback agreement from each participant. These agreements would have to contain information about estimated training costs and length of training and</p>
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	<p>(ii) The estimated length of training; and (iii) Information documenting that the grantee held a payback meeting with the participant that meets the requirements of this section.</p> <p>(2) Grantees must submit a signed payback agreement to the Department within seven days of signing of the payback agreement.</p> <p>(d) Grantees must conduct activities to assist participants in identifying and securing qualifying employment opportunities following completion of the program.</p> <p>(e)(1) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). That section requires that, to the greatest extent feasible, a grantee--</p> <ul style="list-style-type: none"> (i) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and (ii) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant. <p>(2) For the purposes of paragraph (e), an Indian is a member of any federally recognized Indian tribe.</p> <p>(Authority: Pub. L. 93-638, Section 7(b); 25 U.S.C. 450b, 450e(b))</p> <p>§263.12 What are the program-specific requirements for continuation awards?</p> <p>(a) In making continuation awards, in addition to applying the criteria in 34 CFR §75.253, the Secretary considers the extent to which a grantee has achieved its project goals to recruit, retain, graduate, and place in qualifying employment program participants.</p>	<p>document that a payback meeting took place between the grantee and participant. We propose that grantees would submit the signed payback agreements to the Department within seven days of their signing. Additionally, we propose a requirement that grantees assist participants in finding qualifying employment after completing the program. Finally, the proposed regulations would clarify that the hiring preference provisions of the Indian Self-Determination and Education Assistance Act apply to this program.</p> <p>263.12 New sec. We propose to add to the criteria the Secretary would use in making continuation awards. In addition to the criteria in 34 CFR 75.253, we propose to add consideration of the extent of grantees' progress toward meeting recruitment, retention, graduation, and job placement goals. In addition, we propose to clarify that we may reduce continuation awards, including the</p>
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<p>Subpart B—Demonstration Grants for Indian Children Program</p> <p>§263.20 What definitions apply to the Demonstration Grants for Indian Children program? The following definitions apply to the Demonstration Grants for Indian Children program:</p> <p>Federally supported elementary or secondary school for Indian students means an elementary or secondary school that is operated or funded, through a contract or grant, by the Bureau of Indian Affairs.</p> <p>Indian means an individual who is— (1) A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated since 1940, and any tribe or band recognized by the State in which the tribe or band resides; (2) A descendant of a parent or grandparent who meets the requirements described in paragraph (1) of this definition; (3) Considered by the Secretary of the Interior to be an Indian for any purpose; (4) An Eskimo, Aleut, or other Alaska Native; or (5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994.</p> <p>Indian institution of higher education means an accredited</p>	<p>(b) The Secretary may reduce continuation awards, including the portion of awards that may be used for administrative costs, as well as student training costs, based on a grantee's failure to achieve its project goals specified in paragraph (a) of this section.</p> <p>Subpart B--Demonstration Grants for Indian Children Program</p> <p>§263.20 What definitions apply to the Demonstration Grants for Indian Children program? The following definitions apply to the Demonstration Grants for Indian Children program:</p> <p>Federally supported elementary or secondary school for Indian students means an elementary or secondary school that is operated or funded, through a contract or grant, by the Bureau of Indian Education.</p> <p>Indian means an individual who is-- (1) A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated since 1940, and any tribe or band recognized by the State in which the tribe or band resides; (2) A descendant of a parent or grandparent who meets the requirements described in paragraph (1) of this definition; (3) Considered by the Secretary of the Interior to be an Indian for any purpose; (4) An Eskimo, Aleut, or other Alaska Native; or (5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.</p> <p>Indian institution of higher education means an accredited</p>	<p>portions of grantees' awards allocated to both administrative and training costs, based on grantees' failure to meet project goals.</p>
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<p>college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.</p> <p>Indian organization means an organization that:</p> <p>(1) Is legally established:</p> <ul style="list-style-type: none"> (i) By tribal or inter-tribal charter or in accordance with State or tribal law; and (ii) With appropriate constitution, by-laws, or articles of incorporation; <p>(2) Has as its primary purpose the promotion of the education of Indians;</p> <p>(3) Is controlled by a governing board, the majority of which is Indian;</p> <p>(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;</p> <p>(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and</p> <p>(6) Is not an agency of State or local government.</p>	<p>college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.</p> <p>Indian organization means an organization that--</p> <p>(1) Is legally established--</p> <ul style="list-style-type: none"> (i) By tribal or inter-tribal charter or in accordance with State or tribal law; and (ii) With appropriate constitution, by-laws, or articles of incorporation; <p>(2) Includes in its purposes the promotion of the education of Indians;</p> <p>(3) Is controlled by a governing board, the majority of which is Indian;</p> <p>(4) If located on an Indian reservation, operates with the sanction of or by charter from the governing body of that reservation;</p> <p>(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and</p> <p>(6) Is not an agency of State or local government.</p> <p>Native youth community projects mean projects that are--</p> <ul style="list-style-type: none"> (1) Focused on a defined local geographic area; (2) Centered on the goal of ensuring that Indian students are prepared for college and careers; (3) Informed by data, which could be either a needs assessment conducted within the last three years or other data analysis, on: <ul style="list-style-type: none"> (i) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers; (ii) Opportunities in the local community to support Indian 	<p>263.20 Definition of Indian Organization. We propose to modify the definition of "Indian organization" to include an Indian organization that, in addition to meeting other criteria, has as one of its purposes the education of Indian students.</p> <p>We propose the definition of "native youth community projects" to accompany the proposed priority for such projects in §263.21, "What priority is given to certain projects and applicants?" Under this definition, native youth community projects would be focused on a specific local geographic area, as determined by the applicant, and would not be limited to Indian reservations. These projects would be based on partnerships that include at least one tribe or its tribal educational agency, as well as a</p>
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	<p>students; and</p> <p>(iii) Existing local policies, programs, practices, service providers, and funding sources;</p> <p>(4) Focused on one or more barriers or opportunities with a community-based strategy or strategies and measurable objectives; and</p> <p>(5) Designed and implemented through a partnership of various entities, which includes:</p> <p>(i) A tribe or its tribal educational agency;</p> <p>(ii) One or more BIE-funded schools, one or more local educational agencies, or both; and</p> <p>(iii) Other optional entities, including community-based organizations, national nonprofit organizations, and Alaska regional corporations; and</p> <p>(6) Led by an entity that--</p> <p>(i) Is eligible for a grant under the Demonstration Grants for Indian Children program; and</p> <p>(ii) Demonstrates, or partners with an entity that demonstrates, the capacity to improve outcomes for Indian students through experience with programs funded through other sources. Professional development activities means in-service training offered to enhance the skills and abilities of individuals that may be part of, but not exclusively, the activities provided in a Demonstration Grants for Indian Children program.</p> <p>(Authority: 20 U.S.C. 7441)</p>	<p>public school district or a school funded by the Department of Interior's Bureau of Indian Education (BIE). The proposed definition does not limit the types of entities that could join in a partnership for native youth community projects; other entities such as community-based organizations or national nonprofit organizations could be valuable partners in a local initiative.</p> <p>Under the statute, eligible entities for Demonstration Grants are: Indian tribes, Indian organizations, Indian institutions (including Indian institutions of higher education), BIE-funded schools, LEAs, and SEAs. For any competition in which we use the proposed priority for native youth community projects as an absolute priority, any of these eligible entities could apply as the lead applicant for a grant, but would be required to have formed a partnership that includes the required tribal and educational entities. In many tribal areas, including on reservations, there are both public schools and BIE schools, and students transfer and transition between them. Projects in such places should ideally include both types of educational institutions in order to improve outcomes for all local Indian students.</p> <p>Under the proposed definition, native youth community projects would be evidence-based projects addressing the greatest in- and out-of-school barriers to student college- and career-readiness. Projects would also address opportunities for improving student outcomes and the availability of existing programs and funding sources. For example, a community could identify, as barriers to college- and career-readiness, inadequate mental health</p>
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<p>Professional development activities means in-service training offered to enhance the skills and abilities of individuals that may be part of, but not exclusively, the activities provided in a Demonstration Grants for Indian Children program.</p> <p>(Authority: 20 U.S.C. 7441)</p> <p>§263.21 What priority is given to certain projects and applicants?</p> <p>(a) The Secretary awards a total of 5 competitive preference priority points to an application that presents a plan for combining two or more of the activities described in section 7121(c) of the Act over a period of more than one year.</p> <p>(b) The Secretary awards a total of 5 competitive preference priority points to an application submitted by an Indian tribe, Indian organization, or Indian institution of higher education that is eligible to participate in the Demonstration Grants for Indian Children program. A consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 of EDGAR and includes an Indian tribe, Indian organization, or Indian institution of higher education will be considered eligible to receive the five (5) priority points. The consortium agreement,</p>	<p>§263.21 What priority is given to certain projects and applicants?</p> <p>(a) The Secretary gives priority to an application that presents a plan for combining two or more of the activities described in section 7121(c) of the Elementary and Secondary Education Act of 1965, as amended, over a period of more than one year.</p> <p>(b) The Secretary gives priority to an application submitted by an Indian tribe, Indian organization, or Indian institution of higher education that is eligible to participate in the Demonstration Grants for Indian Children program.</p>	<p>organization with expertise in drug abuse prevention and a health services organization. Measurable objectives could be grade retention and substance use rates as reported on a school climate survey.</p> <p>We encourage applicants to include in their projects strategies designed to improve post-school outcomes for students with disabilities. These students face additional barriers in pursuing postsecondary education or gaining employment.</p> <p>263.21 In proposed §263.21(a) and (b), instead of setting the number of competitive preference points at five, as the current regulations do, we propose to determine the number of points for the current competitive preference priorities annually. In other words, we will determine the number of competitive preference points that are available in each year of a new competition for the program. In addition, in the current priority for applications submitted by tribes, Indian organizations, and Indian institutions of higher education in paragraph (b), we propose to delete the language that includes members of a consortium of eligible entities.</p>
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<p>signed by all parties, must be submitted with the application in order to be considered as a consortium application. These competitive preference points are in addition to the 5 competitive preference points that may be given under paragraph (a) of this section.</p> <p>(c) The Secretary may give absolute preference reserving all or a portion of the funds available for new awards under the Demonstration Grants for Indian Children program, to only those applications that meet one or more of the following priorities selected for a fiscal year. The Secretary announces the absolute priority selected in the annual application notice published in the Federal Register.</p> <p>(1) School readiness projects that provide age appropriate educational programs and language skills to three- and four-year-old Indian students to prepare them for successful entry into school at the kindergarten school level.</p> <p>(2) Early childhood and kindergarten programs, including family-based preschool programs, emphasizing school readiness and parental skills.</p> <p>(3) College preparatory programs for secondary school students designed to increase competency and skills in challenging subject matters, including math and science, to enable Indian students to successfully transition to postsecondary education.</p>	<p>(c) The Secretary may give priority to an application that meets any of the priorities listed in this paragraph. When inviting applications for a competition under the Demonstration Grants program, the Secretary designates the type of each priority as absolute, competitive preference, or invitational through a notice inviting applications published in the Federal Register. The effect of each type of priority is described in 34 CFR 75.105.</p> <p>(1) Native youth community projects.</p> <p>(2) Projects in which the applicant or one of its primary partners has received a grant under a Federal program specified by the Secretary in the notice inviting applications.</p> <p>(3) Projects in which the applicant has Department approval to consolidate funding through a plan that complies with section 7116 of the ESEA or other authority designated by the Secretary.</p> <p>(4) Projects that focus on a specific activity authorized in section 7121(c) of the ESEA, as designated by the Secretary in the notice inviting applications.</p> <p>(5) Projects that include either:</p> <ul style="list-style-type: none"> (i) A local educational agency that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under title VI, part B of the ESEA, or 	<p>We propose revising paragraph (c) to: designate these priorities as absolute, competitive preference, or invitational annually; replace the priorities relating to early childhood education and college preparatory programs that are in current paragraph (c)(1)-(3) with a priority in paragraph (c)(4) that would enable the Department to choose as a priority any of the authorized activities in section 7121(c) of the statute; and add new priorities that the Secretary may use in awarding grants under the Demonstration Grants program.</p> <p>As new priorities, we first propose in paragraph (c)(1) a priority for native youth community projects. In paragraph (c)(2), we propose a priority for applications in which the lead applicant or consortium member has received a grant under another program as specified by the Secretary. Similarly, in paragraph (c)(3) of this section, we propose a priority for applicants that have the Department's approval to consolidate funds, either under the provisions of section 7116 of the ESEA or other authority designated by the Secretary. Finally, we propose in paragraph (c)(5) a priority for applications from rural areas.</p>
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	<p>(ii) A school that receives funds from the Department of Interior's Bureau of Indian Education. (Authority: 20 U.S.C. 7426, 7441, and 7473)</p> <p>§263.22 What are the application requirements for these grants?</p> <p>(a) Each application must contain--</p> <p>(1) A description of how Indian tribes and parents of Indian children have been, and will be, involved in developing and implementing the proposed activities;</p> <p>(2) Assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of this program;</p> <p>(3) Information demonstrating that the proposed project is based on scientific research, where applicable, or an existing program that has been modified to be culturally appropriate for Indian students;</p> <p>(4) A description of how the applicant will continue the proposed activities once the grant period is over; and</p> <p>(5) Other assurances and information as the Secretary may reasonably require.</p> <p>(b) The Secretary may require an applicant to satisfy any of the requirements in this paragraph. When inviting applications for a competition under the Demonstration Grants program, the Secretary establishes the application requirements through a notice inviting applications published in the Federal Register. If specified in the notice inviting applications, an applicant must submit--</p> <p>(1) Evidence, which could be either a needs assessment conducted within the last three years or other data analysis, of:</p> <p>(i) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;</p> <p>(ii) Opportunities in the local community to support Indian</p>	<p>263.22 The proposed regulations would add application requirements for Demonstration Grants. The requirements in proposed §263.22(a) are statutory. Proposed §263.22(b) contains requirements that the Secretary could choose in any year of a new grant competition.</p>
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<p>(Authority: 20 U.S.C. 7441 and 7473)</p>	<p>students; and (iii) Existing local policies, programs, practices, service providers, and funding sources. (2) A copy of an agreement signed by the primary partners in the proposed project, identifying the responsibilities of each partner in the project. The agreement can be either: (i) A consortium agreement that meets the requirements of 34 CFR 75.128, if each of the primary entities are eligible entities under this program; or (ii) Another form of partnership agreement, such as a memorandum of understanding or a memorandum of agreement, if not all the primary partners are eligible entities under this program. (3) Measurable objectives for reaching the project goal or goals. (Authority: 20 U.S.C. 7441)</p> <p>§263.23 What is the Federal requirement for Indian hiring preference that applies to these grants? (a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). That section requires that, to the greatest extent feasible, a grantee-- (1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and (2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant. (b) For purposes of this section, an Indian is a member of any federally recognized Indian tribe. (Authority: Pub. L. 93-638, Section 7(b); 25 U.S.C. 450b, 450e(b))</p>	<p>263.23 The proposed regulations would clarify that the hiring preference provisions of the Indian Self-Determination and Education Assistance Act apply to this program.</p>
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