

**§ 263.37**

**34 CFR Ch. II (7-1-02 Edition)**

Program or 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.

(1) If the fellow leaves the Indian Fellowship Program or 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 must be submitted to the Secretary within 30 days of leaving the Indian Fellowship Program or the Professional Development Program and must provide the following information:

- (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.
- (iv) The projected date of completion.

(2) After approval by the Secretary of the deferment of the payback provision on the basis of continuing as a full-time student, former fellows are required to submit to the Secretary, after every grading period, a status report from an academic advisor or other authorized representative of the institution of higher education showing verification of enrollment and status.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 20 U.S.C. 7832 and 7833)

**§ 263.37 What are the payback reporting requirements?**

(a) *Written notice.* 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.

(b) *Work-related payback.* If the participant proposes a work-related payback, the written notice of intent must include information explaining how the work-related service is related to the training received and benefits Indian people.

(1) For work-related service, the Secretary reviews each participant's payback plan to determine if the work-re-

lated service is related to the training received and 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.

(2) The payback plan for work-related service must identify where, when, the type of service, and for whom the work will be performed.

(3) A participant shall notify the Secretary in writing of any change in the work-related service being performed within 30 days of such a change.

(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 must include a certification from the participant's employer that the service or services have been performed without interruption.

(5) Upon written request, and if appropriate, the Secretary may extend the period for completing a work-related payback by a total of 18 months.

(6) For participants who initiate, but cannot complete, a work-related payback, the payback reverts to a cash payback.

(c) *Cash payback.* If a cash payback is to be made, the Department will contact the participant to establish an appropriate schedule for payments.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 20 U.S.C. 7832 and 7833)

**Subpart D—How Are Fellowship Payments Made?**

**§ 263.40 How are payments made?**

(a) Fellowship payments are made directly to the institution of higher education where a fellow is enrolled, with stipends provided to the fellow in installments by the institution. No fewer than two installments per academic year may be made.

(b) If a fellow transfers to another institution, the fellowship may also be transferred provided the fellow maintains basic eligibility for the award.

(c) A fellow who officially or unofficially withdraws or is expelled from an institution before completion of a term shall refund a prorated portion of the stipends received, as determined by the Secretary. The Secretary requires the institution to return any unexpended funds.

(Authority: 20 U.S.C. 7833)

### PART 270—DESEGREGATION OF PUBLIC EDUCATION

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AUTHORITY: 42 U.S.C. 2000c-2000c-2, 2000-5, unless otherwise noted.

SOURCE: 52 FR 24963, July 1, 1987, unless otherwise noted.

#### § 270.1 What are the Desegregation of Public Education Programs?

The Desegregation of Public Education Programs provide grants to projects that help public school districts and personnel in the preparation, adoption, and implementation of plans for the desegregation of public schools and in the development of effective methods of coping with special educational problems occasioned by desegregation.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

#### § 270.2 What regulations apply to these programs?

The following regulations apply to these programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants), part 75 (Direct Grant Programs), part 77 (Definitions That Apply to Department Regulations), part 78 (Education Appeal Board), and part 79 (Intergovernmental

Review of Department of Education Programs and Activities), except that 34 CFR 75.200 through 75.217 (relating to the evaluation and competitive review of grants) do not apply to grants awarded under 34 CFR part 271 and 34 CFR 75.232 (relating to the cost analysis) does not apply to grants under 34 CFR part 272.

(b) The regulations in this part and in 34 CFR parts 271 and 272.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

#### § 270.3 What definitions apply to these programs?

In addition to the definitions in 34 CFR 77.1, the following definitions apply to the regulations in this part:

*Desegregation assistance* means the provision of technical assistance (including training) in the areas of race, sex, and national origin desegregation of public elementary and secondary schools.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

*Desegregation assistance areas* means the areas of race, sex, and national origin desegregation.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

*Desegregation Assistance Center* means a regional desegregation technical assistance and training center funded under 34 CFR part 272.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

*Limited English proficiency* has the same meaning under this part as the same term defined in 34 CFR 500.4 of the General Provisions regulations for the Bilingual Education Program.

(Authority: 20 U.S.C. 3223(a)(1))

*National origin desegregation* means the assignment of students to public schools and within those schools without regard to their national origin, including providing students of limited English proficiency with a full opportunity for participation in all educational programs.

(Authority: 42 U.S.C. 2000c(b))

*Public school* means any elementary or secondary educational institution operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or