

**§§ 301.2–301.3**

**34 CFR Ch. III (7–1–02 Edition)**

(b) At a State’s discretion, to two-year-old children with disabilities who will turn three during the school year.

(Authority: 20 U.S.C. 1419(a))

*State* means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Authority: 20 U.S.C. 1402, 1419)

**§§ 301.2–301.3 [Reserved]**

**§ 301.6 Applicability of part C of the Act to 2-year-old children with disabilities.**

**§ 301.4 Applicable regulations.**

The following regulations apply to the Preschool Grants program:

(a) The Education Department General Administrative Regulations (EDGAR) in title 34 of the Code of Federal Regulations—

(1) Part 76 (State-Administered Programs) except §§ 76.125–76.137 and 76.650–76.662;

(2) Part 77 (Definitions that Apply to Department Regulations);

(3) Part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(4) Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);

(5) Part 81 (General Education Provision Act—Enforcement);

(6) Part 82 (New Restrictions on Lobbying); and

(7) Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for a Drug-Free Workplace (Grants)).

(b) The regulations in this part 301.

(c) The regulations in 34 CFR part 300.

(Authority: 20 U.S.C. 1419)

Part C of the Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with part B of the Act, with funds received under the Preschool Grants program.

(Authority: 20 U.S.C. 1419(h))

**Subpart B—State Eligibility for a Grant**

**§ 301.10 Eligibility of a State to receive a grant.**

A State is eligible to receive a grant if—

(a) The State is eligible under 34 CFR part 300; and

(b) The State demonstrates to the satisfaction of the Secretary that it has in effect policies and procedures that assure the provision of a free appropriate public education—

(1) For all children with disabilities aged 3 through 5 years in accordance with the requirements in 34 CFR part 300; and

(2) For any 2-year-old children, provided services by the SEA or by an LEA or ESA under § 301.1.

(Approved by the Office of Management and Budget under control number 1820–0030)

(Authority: 20 U.S.C. 1419 (a), (b))

**§ 301.5 Applicable definitions.**

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant	Fiscal year
Application	Grant period
Award	Secretary
EDGAR	Subgrant

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

*Act* means the Individuals with Disabilities Education Act, as amended.

*Part B child count* means the child count required by section 611(d)(2) of the Act.

*Preschool* means the age range of 3 through 5 years.

**§ 301.11 [Reserved]**

**§ 301.12 Sanctions if a State does not make a free appropriate public education available to all preschool children with disabilities.**

If a State does not meet the requirements in section 619(b) of the Act—

(a) The State is not eligible for a grant under the Preschool Grant program;

(b) The State is not eligible for funds under 34 CFR part 300 for children with disabilities aged 3 through 5 years; and

(c) No SEA, LEA, ESA, or other public institution or agency within the