

entity to provide protection and advocacy services, pursuant to § 345.30(b)(12)(ii).

(Authority: 29 U.S.C. 2213 (d) and (e); section 103 (d) and (e) of the Act).

**Subpart D—How Does the Secretary Make a Grant?**

**§ 345.40 How does the Secretary evaluate an application for a development grant under this program?**

The Secretary evaluates each application using the selection criteria in 34 CFR 75.210.

(Authority: 29 U.S.C. 2212(a); section 102(a) of the Act)

**§ 345.41 What other factors does the Secretary take into consideration in making development grant awards under this program?**

In making development grants under this program, the Secretary takes into consideration, to the extent feasible—

- (a) Achieving a balance among States that have differing levels of development of consumer-responsive comprehensive statewide programs of technology-related assistance; and
- (b) Achieving a geographically equitable distribution of the grants.

(Authority: 29 U.S.C. 2212(c); section 102(c) of the Act)

**§ 345.42 What is the review process for an application for an extension grant?**

(a) The Secretary may award an initial extension grant to any State that—

- (1) Provides the evidence described in § 345.6(b) and makes the demonstration described in paragraph (a)(2) of this section;
- (2) Demonstrates that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with this part; and
- (3) Holds a public hearing in the third year of a program carried out under a development grant, after providing appropriate and sufficient notice to allow

interested groups and organizations and all segments of the public an opportunity to comment on the program.

(b) The Secretary may award a second extension grant to any State that—

- (1) Provides the evidence described in § 345.6(b) and makes the demonstration described in paragraph (a)(2) of this section;
- (2) Describes the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities;
- (3) Identifies future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program; and
- (4) Holds a public hearing in the second year of a program carried out under an initial extension grant, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(c) In making any award to a State for a second extension grant, the Secretary makes an award contingent on a determination, based on the on-site visit in § 345.53, that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, except where the Secretary determines that the on-site visit is unnecessary. If the Secretary determines that the State is not making significant progress, the Secretary may take an action described in § 345.61.

(Authority: 29 U.S.C. 2213 (b) and (e) and 2215(a)(2); sections 103 (b) and (e) and 105(a)(2) of the Act)

**§ 345.43 What priorities does the Secretary establish?**

(a) The Secretary gives, in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for carrying out development grants, priority for funding to States that received development grants