

Subpart B—Selection of Peer Review Panels

§ 702.10 What are the characteristics of peer reviewers?

(a) The Assistant Secretary selects each peer reviewer. Each peer reviewer must have the necessary knowledge and expertise in the area of the project being reviewed to evaluate the performance of a recipient. This experience may include—

- (1) Expert knowledge of subject matter in the area of the activities to be reviewed;
- (2) Expert knowledge of theory or methods or both in the area of the activities to be reviewed;
- (3) Practical experience in the area of the activities or type of institution or both to be reviewed;
- (4) Knowledge of a broad range of education policies and practices;
- (5) Experience in managing complex organizations; or
- (6) Expertise and experience in evaluation theory and practice.

(b) Each peer reviewer must be free of conflict of interest, as determined in accordance with § 702.11 or § 702.12.

(c) The Assistant Secretary may solicit nominations for peer reviewers from professional associations, nationally recognized experts, and other sources.

(d) OERI and other Department staff who possess the qualifications in paragraphs (a) and (b) of this section may serve as peer reviewers only in exceptional circumstances as determined by the Assistant Secretary.

(Authority: 20 U.S.C. 6011(i)(2)(B))

§ 702.11 What constitutes a conflict of interest for grants and cooperative agreements?

A peer reviewer assessing the performance of the recipient of a grant from or cooperative agreement with OERI is considered an employee of the Department for the purposes of conflict of interest analysis. As an employee of the Department, the peer reviewer is subject to the provisions of 18 U.S.C. 208, 5 CFR 2635.502, and the Depart-

ment's policies used to implement those provisions.

(Authority: 20 U.S.C. 6011(i)(2)(B))

§ 702.12 What constitutes a conflict of interest for contracts?

A peer reviewer assessing the performance of the recipient of a contract with OERI is considered an employee of the Department in accordance with the Federal Acquisition Regulation (FAR), 48 CFR 3.104-4(h)(2). As an employee of the Department, the peer reviewer is subject to the provisions of the FAR, 48 CFR Part 3, Improper Business Practices and Personal Conflict of Interest.

(Authority: 41 U.S.C. 423)

§ 702.13 How are peer reviewers selected for panels?

(a) The Assistant Secretary assigns peer reviewers to panels that conduct the performance assessments.

(b) The Assistant Secretary may establish panels by category of recipient, such as a panel to review the performance of all Regional Educational Laboratories. Each recipient is evaluated individually by reviewers who have been assigned to this type of panel.

(c) In establishing panels, the Assistant Secretary, to the greatest extent feasible, selects peer reviewers for each evaluation who represent a broad range of perspectives.

(Authority: 20 U.S.C. 6011(i)(2)(B))

Subpart C—The Evaluation Process

§ 702.21 How does a peer review panel evaluate the performance of a recipient?

(a) In each evaluation, a peer review panel—

- (1) Considers relevant information about the recipient's performance, as described in §§ 702.22 and 702.23; and
- (2) Makes judgments about the recipient's performance, using the criteria in § 702.24.

(b) Each peer reviewer prepares a report based on the reviewer's assessment of the quality of the project according to the evaluation criteria.

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(c) After each peer reviewer has evaluated each project independently, the panel may be convened to discuss the strengths and weaknesses of the project. Each reviewer may then independently re-evaluate each project with appropriate changes made to the written report.

(d) The report of the interim assessment must include any recommendations the peer reviewer may have for improving the recipient's performance.

(e) The report of the final assessment must contain each peer reviewer's evaluative summary of the recipient's performance, from the beginning of the contract, grant, or cooperative agreement to its conclusion.

(Authority: 20 U.S.C. 6011(i)(2)(F))

§ 702.22 What information does a peer review panel consider for an interim assessment?

(a) Sources of information for the interim assessment must include—

(1) The original request for proposals or grant announcement and the contract proposal or grant application;

(2) Documentation of any changes in the work described in the contract, grant, or cooperative agreement, including reasons for the changes;

(3) Any progress reports delivered to the Department or made available to the public by the recipient;

(4) Examples of products delivered to the Department or made available to the public by the recipient;

(5) Any relevant reports written by OERI staff, including reports of site visits by OERI staff;

(6) Any performance evaluations conducted under the FAR or the Education Department General Administrative Regulations (34 CFR Part 75).

(7) Any relevant information provided by the recipient in response to Government Performance and Results Act (GPRA) (Pub. L. 103-62) requirements; and

(8) Any reports from program evaluations commissioned by the Department.

(b) Sources of information for the interim assessment may also include—

(1) A self-assessment, prepared by the recipient, addressing the criteria in § 702.24;

(2) One or more site visits by the peer review panel;

(3) One or more oral or written presentations to the panel by the recipient describing its performance; or

(4) Other information about the recipient's performance.

(Approved by the Office of Management and Budget under control number 1850-0746)

(Authority: 20 U.S.C. 6011(i)(2)(F))

§ 702.23 What information does a peer review panel consider for a final assessment?

(a) Sources of information for the final assessment must include—

(1) The original request for proposals or application notice and the contract proposal or grant application, together with documentation of any changes in the work described in the proposal or application, including reasons for the changes;

(2) If consistent with the recipient's contract, grant, or cooperative agreement with OERI, a written report or oral presentation or both by the recipient summarizing its activities and accomplishments;

(3) Any relevant information provided by the recipient in response to Government Performance and Results Act (GPRA) (Pub. L. 103-62) requirements;

(4) Any reports from program evaluations commissioned by the Department; and,

(5) Any relevant information provided by the interim assessment.

(b) The final assessment may also include other sources of information, such as one or more of those listed in § 702.22.

(Approved by the Office of Management and Budget under control number 1850-0746)

(Authority: 20 U.S.C. 6011(i)(2)(F))

§ 702.24 What evaluation criteria must be used for performance assessments?

(a) Peer reviewers (and those recipients who conduct self-evaluations) shall use the criteria in paragraph (b) of this section to assess performance and, in case of interim assessments, to