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34 CFR Ch. VI (7-1-03 Edition)

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 636.

(Authority: 20 U.S.C. 1136, 1136a)

§ 636.7 What definitions apply?

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

Applicant	EDGAR
Application	Grant
Award	Project
Budget period	Project period
Department	Secretary

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

Contiguous areas means counties or independent cities sharing a part of a border with the metropolitan area within which an urban academic institution is located.

Consortium of institutions of higher education means two or more institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out common objectives.

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HEA means the Higher Education Act of 1965, as amended.

Individuals with disabilities means individuals who—

- (i) Have physical or mental impairments that substantially limits one or more of the major life activities;
- (ii) Have a record of physical or mental impairments; or
- (iii) Are regarded as having physical or mental impairments.

Institution of higher education means an institution of higher education as defined in section 1201(a) of the HEA.

Local government means a city, town, township, county, or other unit of general government organized under State laws and given delegated taxing or expenditure authority for providing governmental services to local communities.

Metropolitan area means a metropolitan area or a consolidated metropolitan area, as designated by the United States Office of Management and Budget.

Nonprofit municipal university means an institution of higher education that—

- (i) Is chartered or otherwise established as a not-for-profit institution by the governing body of the city in which it is located; and
- (ii) Is accredited by an agency or association recognized by the Secretary.

Planning consortium means the applicant institution and one or more of the following:

- (i) A community college.
- (ii) An urban school system.
- (iii) A local government.
- (iv) A business or other employer.
- (v) A nonprofit institution.

Substantial portion of its undergraduate students means 40 percent or more of the enrolled undergraduate student population.

Urban area means—

- (i) A metropolitan area having a population of not less than 350,000;
- (ii) Two contiguous metropolitan areas having a combined total population of not less than 350,000;
- (iii) In any State that does not have a metropolitan area having a population of not less than 350,000, the one urban area designated by the entity of the State having an agreement under the HEA to make a designation; or
- (iv) If a State entity does not have an agreement under the HEA to make a designation, the one urban area designated by the Secretary.

Urban infrastructure means the underlying mechanical or technological networks for providing goods and services, such as transportation systems (including mass transit), water and sewage

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systems, and communication systems (including telecommunications).

(Authority: 20 U.S.C. 1136a-1136g)

Subpart B—How Does One Apply for an Award?

§ 636.10 What must an application include?

An application must include the following:

(a) A description of the activities for which the grant is sought.

(b) The plan agreed to by each of the members of the planning consortium.

(c) An assurance that the applicant and the local governments associated with the application will contribute to the conduct of the project supported by the grant an amount, in cash or in-kind, from non-Federal funds equal to at least one-fourth of the amount of the grant.

(Authority: 20 U.S.C. 1136b)

§ 636.11 How does an applicant request a waiver of the planning consortium requirement?

(a) An applicant may request that the Secretary waive the requirement for a planning consortium by submitting as part of the application a request that includes the following:

(1) The reasons why the applicant seeks the waiver.

(2) Detailed information evidencing the applicant's integrated and coordinated plan to work with private and civic organizations to meet the pressing and severe problems of the urban community.

(b) The Secretary may grant the request for a waiver if the Secretary finds that—

(1) The applicant has shown an integrated and coordinated plan to meet the purposes of the Urban Community Service Program; and

(2) A planning consortium would not substantially improve the applicant's proposed project.

(Authority: 20 U.S.C. 1136b)

Subpart C—How Does the Secretary Make an Award?

§ 636.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the selection criteria in § 636.21.

(b) The Secretary awards up to 100 points for these selection criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1136b)

§ 636.21 What selection criteria does the Secretary use to evaluate an application?

The Secretary uses the following criteria to evaluate an application under this part:

(a) *Determination of need for the project.* (10 points). The Secretary reviews each application to assess the effectiveness of the procedures used by the applicant in determining need for the project, including consideration of—

(1) The process used to ensure that the pressing and severe problems that are identified are in fact high priority problems for the urban area;

(2) The priority relationship of the problems addressed by the project to other pressing and severe problems identified for the urban area;

(3) The extent to which the problems addressed by the project represent pressing and severe problems in urban areas nationally;

(4) The process by which project participants review and comment on proposed project goals, objectives, and strategies; and

(5) The specific benefits to be gained by meeting the identified problems.

(b) *Quality of the applicant's organization for operation.* (20 points). The Secretary reviews each application to determine the quality of the organization for operation, including consideration of how the application describes the following:

(1) The cooperative arrangement between the applicant and any of the following that are appropriate for the conduct of the proposed project:

(i) Agencies of local government.