

(d) Upgrading or updating basic skills of adult workers in accordance with changes in workplace requirements, technology, products, or processes;

(e) Improving the competency of adult workers in speaking, listening, reasoning, and problem solving; or

(f) Providing educational counseling, transportation, and child care services for adult workers during nonworking hours while the workers participate in the project.

(Authority: 20 U.S.C. 1211(a)(3))

**§ 472.4 What regulations apply?**

The following regulations apply to the National Workplace Literacy Program:

(a) The regulations in this part 472.

(b) The regulations in 34 CFR part 425.

(Authority: 20 U.S.C. 1211(a))

**§ 472.5 What definitions apply?**

(a) The definitions in 34 CFR 460.4 apply to this part.

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

*Adult worker* means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law, and whose receipt of project services is expected to result in new employment, enhanced skills related to continued employment, career advancement, or increased productivity.

*Area vocational school* means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

(3) A technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

(4) The department or division of a junior college or community college or university operating under the policies of the State board and that provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in paragraphs (3) and (4) of this definition it admits as regular students both individuals who have completed high school and individuals who have left high school.

(Authority: 20 U.S.C. 2471)

*Business and industry organizations* include, but are not limited to—

(1) For-profit businesses or industrial concerns;

(2) Nonprofit businesses or industrial concerns, such as hospitals and nursing homes;

(3) Associations of business and industry organizations, such as local or State Chambers of Commerce;

(4) Associations of private industry councils; and

(5) Educational associations—such as the American Association for Adult and Continuing Education, the American Council on Education, the National Association for Bilingual Education, the National Association of Independent Colleges and Universities, or the National Association of Technical and Trade Schools.

*Contractor* means an individual or organization other than a partner that provides specific and limited services, equipment, or supplies to a partnership under a contractual agreement.

*Employment and training agency* includes any nonprofit agency that provides—as a substantial portion of its activity—employment and training services, either directly or through contract.

*Helping organization* means an entity other than a partner that voluntarily assists a partnership by providing services, technical assistance, or cash or in-kind contributions to the project. Helping organizations may not be recipients of funds from partners or serve as contractors.

*Partner* means an entity included in the list of entities in § 472.2(a) (1) or (2).

## § 472.20

*Private industry council* means the private industry council established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

*Project director* means the person with day-to-day operational responsibility for the project.

*Site* means an entity other than a partner that participates in a project by providing adult workers to be trained and, at the site's option, space for this training. A site may not be a recipient of funds from partners or serve as a contractor.

*Small business* means a business entity that—

(1) Is organized for profit, with a place of business located in the United States and that makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials, or labor, or both; and

(2) May be in the legal form of an individual proprietorship, partnership, corporation, joint venture, association, trust or a cooperative, except that if the form is a joint venture, there can be no more than 49 percent participation by foreign business entities in the joint venture; and

(3) Meets the requirements found in 13 CFR part 121 concerning Standard Industrial Classification codes and size standards.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 57 FR 24091, June 5, 1992, and amended at 59 FR 1443, Jan. 10, 1994]

### Subpart B [Reserved]

### Subpart C—How Does the Secretary Make an Award?

#### § 472.20 What priorities may the Secretary establish?

(a) The Secretary may announce through one or more notices published in the FEDERAL REGISTER the priorities for this program, if any, from the types of projects described in paragraph (b) of this section.

(b) Priority may be given to projects training adult workers who have inadequate basic skills and who—

(1) Are currently unable to perform their jobs effectively or are ineligible

## 34 CFR Ch. IV (7–1–04 Edition)

for career advancement due to an identified lack of basic skills;

(2) Are employed in industries retooling with high technology and for whom training in basic skills is expected to result in continued employment;

(3) Require training in English-as-a-second-language in order to increase productivity, to continue employment, or to be eligible for career advancement; or

(4) Are employed in an industry adversely impacted by competitiveness in the world economy and for whom training is expected to result in the increased competitiveness of that industry in world markets.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated and amended at 57 FR 24091, 24102, June 5, 1992; 59 FR 1443, Jan. 10, 1994]

#### § 472.21 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 472.22.

(b) The Secretary may award up to 100 points, including a reserved 10 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 472.22.

(c) Subject to paragraph (d) of this section, the maximum possible score for each criterion is indicated in parentheses.

(d) For each competition as announced through a notice published in the FEDERAL REGISTER, the Secretary may assign the reserved points among the criteria in § 472.22.

(e) In addition to the points to be awarded based on the criteria in § 472.22, the Secretary awards five points to applications from partnerships that include as a partner a small business that has signed the partnership agreement.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 57 FR 24091, June 5, 1992, and amended at 59 FR 1443, Jan. 10, 1994]

#### § 472.22 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application: