

Frequently Asked Questions for Scholars Funded under Personnel Development to Improve Services and Results for Children with Disabilities Program

For PDF of full current regulatory language, please click the URL below:

<https://www.pdp.ed.gov/OSEP/Content/pdf/2006faq.pdf>

General Information

1. Who is required to perform the service obligation?

Individuals that receive scholarship assistance from projects funded under IDEA are required to complete a service obligation or repay all or part of the costs of such assistance. For each academic year scholars receive assistance they must maintain full-time employment for the equivalent of two years (see question 10), or repay the Federal government for the portion of assistance they received that has not been repaid through service (see question 21).

2. How is the term “academic year” defined for purposes of the service obligation work or repayment requirement?

Because there is a great deal of variation in how grantees and institutions of higher education (IHEs) utilize the term “academic year,” the definition of this term provided in section 304.3(a) of the regulations is only intended to establish general guidelines. As defined in the regulations, “academic year” means a full-time course of study taken for: (1) a period totaling at least 9 months; or (2) the equivalent of at least 2 semesters, 2 trimesters, or 3 quarters. It is up to each individual grantee to determine what constitutes a “full-time course of study” and what constitutes an “academic year” for their particular institution. The determination that individual grantees make must fall within the above-mentioned guidelines established in section 304.3(a) of the regulations. For part-time scholars, the definition of “academic year” should be based on the accumulation of part-time courses of study that are equivalent to the grantee’s academic year.

For PEEAK funding through MSU, full-time course of study is a minimum of two courses per semester. An academic year is considered 2 semesters with the exception of 3 semesters if one of these semesters is summer school. Therefore, a student following the curriculum map of attending for two years, taking courses for 2 fall, 2 spring, and 2 summer semesters would be considered enrolled for two academic years.

3. Does the work or repayment requirement apply to all categories of financial aid or scholarship assistance, or just certain kinds of financial aid or scholarship assistance?

The requirement only applies to IDEA scholarship assistance that is provided through a grant to an institution of higher education (IHE) under section 662 of IDEA , and includes all disbursements or credits intended to cover the cost of attendance, including tuition and fees allowances for books, supplies, transportation, miscellaneous personal expenses, and allowances for room and board, stipends, and travel in conjunction with training assignments. The scholar's service obligation is based upon the "accumulated academic years" of training for which the scholar received financial assistance rather than on the amount of the assistance.

5. When a scholar receives partial funding, what are the work or repayment requirements?

The service obligation for individual scholars is calculated based solely on the number of academic years of training for which the scholar received scholarship assistance. The amount of financial assistance disbursed, whether such financial assistance is used to cover part or all of a student's costs incurred during an academic year, has no effect on an individual scholar's employment commitments.

Service Obligation

1. How do scholars fulfill their service obligation?

Regardless of the training received or degree obtained, obligees can fulfill their service obligation through eligible employment providing indirect or direct service to students with disabilities. All eligible employment must meet the following criteria:

1) Must provide compensation;

If providing direct service, the employment positions must meet the following criteria:

- At least 51 percent of the infants, toddlers, and children to whom the individual provides services are receiving special education, related services, or early intervention services from the individual; **or**
- The individual spends at least 51 percent of his or her time providing special education, related services, or early intervention services to infants, toddlers, and children with disabilities; and
- If serving children, the children served must fall under the definition of eligible children as described in section 602(3) of IDEA for the IDEA definition), or

If providing indirect service, the employment position must meet the following criteria:

- If the position involves supervision including in the capacity of a principal, teaching at the postsecondary level, research, policy, technical assistance, program development, or administration, the individual spends at least **51 percent of his or her time** performing work related to the training for which a scholarship was received under section 662 of the Act available on the NCSO Web site at: <http://www.serviceobligations.ed.gov/ProgramRegsIDEA662.cfm>.

2. How is the length of the service obligation calculated?

The length of the **service obligation is the full-time equivalent of 2 years for each academic year of scholarship assistance provided**. (See question 2 for definition of academic year). If a scholar receives scholarship assistance for a portion of an academic year, then his or her service obligation will be calculated proportionally. **For example, if a scholar receives assistance for three semesters at a grantee institution that considers an academic year to be two semesters, then the scholar's service obligation is three years**. The service obligation is based upon the "accumulated academic years" of training for which the scholar received assistance, not the amount of time the scholar spends in the program.

3. What is the minimum amount of academic training a scholar must complete before he or she may start to fulfill the service obligation through employment?

Except as follows, individual **scholars must complete at least one-full academic year of training (or the full-time equivalent of one-full academic year if the scholar is part-time) before he or she may begin to fulfill the service obligation through employment**.

Therefore, any individual who fails to complete at least one full-time academic year of training will not be eligible to fulfill his or her service obligation requirement through employment, but will instead have to repay the entire amount of scholarship assistance received. (However, it is worth noting that scholars who complete at least one full academic year of training [or the full-time equivalency of one year if the scholar is part-time] but who fail to complete a program or obtain full certification in their State will not necessarily be considered qualified to fill available special education, related service, or early intervention jobs that meet the requirements in section 304.30(e).)

NA for PEEAK - The primary exception to this rule is when the full-time course of study in which the scholar is enrolled is designed to last less than one full academic year. For example, courses leading to various certifications for special education teachers who are already employed on a full-time or part-time basis, and are currently working in the classroom, are typically designed to last less than one full academic year. In such cases, if the scholar completes the required program, the scholar is eligible to fulfill his or her service obligation requirement. The length of the scholar's service obligation will be calculated based on the portion of the academic year to which the full-time course of study was equivalent. For calculation purposes, see Question 10.

4. If a scholar is dismissed or drops out of a program for an academic or non-academic reason, will he or she be required to fulfill the employment or repayment requirement?

Yes. The regulations apply to scholars who are dismissed or drop out of a program in the same manner that they apply to other scholarship recipients (See question 11).

5. When does the service obligation begin?

Unless there is a basis for a deferral or an exception (See below), the service obligation begins immediately upon exiting the program.

6. How long do scholars/obligees have to complete their service obligations?

The period of time within which any individual who owes a service obligation (an obligee) must fulfill his or her obligation is calculated by determining the sum of the number of years of service owed plus a grace period of five additional years.

7. What is full-time employment?

Full-time employment means a full-time position, as defined by the individual's employer or by the agencies served by the individual.

8. Must obligees work on a full-time basis to satisfy their obligations?

No. Obligees may fulfill the obligation through full- or part-time employment. If an obligee works part-time, he or she still must work the full-time equivalent of two years for each academic year for which assistance was received. Further, obligees who work on a part-time basis must also fulfill the obligation within the required period which is calculated by determining the sum of the number of years of service owed plus five additional years.

9. Can a scholar begin working to satisfy the service obligation while still receiving the academic training for which the scholarship was awarded?

Employment that meets the regulatory requirements and is performed by a scholar subsequent to the completion of one full-time academic year of training (or full-time equivalent if the student is part-time) may be used to meet, in part, the scholar's service obligation.

10. Can the service obligation be satisfied by working with children with disabilities in a country outside of the United States, its territories and the Freely Associated States ?

No, unless the employment in question takes place in a Department of Defense school, any service obligation to be fulfilled by working directly with children with disabilities

must occur within a school that is covered by IDEA. IDEA only applies to State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) that receive funds under IDEA. IDEA does not have extra-territorial effect because schools outside the US, its territories, and the Freely Associated States (i.e., American Samoa, Guam, Puerto Rico, the US Virgin Islands, and the Commonwealth of the Northern Marianas, Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau) do not qualify as SEAs or LEAs and may not receive IDEA funds.

11. Can the service obligation be satisfied by working as post-secondary faculty at a university or college in a country outside of the United States, its territories and the Freely Associated States?

Generally no, but there is a very narrow exception. According to section 304.30(f)(3), in order to fulfill the service obligation by teaching at the postsecondary level, an obligee must spend at least 51 percent of his or her time “performing work related to the training for which the scholarship was received.” Thus, obligees performing their service obligation through faculty positions must teach students to serve children with disabilities under the Individuals with Disabilities Education Act (IDEA) or teach IDEA requirements and strategies to students, such as Ph.D. candidates or students who will perform in administrative positions. The teaching that satisfies these requirements must occur at an institution of higher education (IHE) located in the United States its territories, or one of the Freely Associated States (i.e., American Samoa, Guam, Puerto Rico, the US Virgin Islands, and the Commonwealth of the Northern Marianas, Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau). Teaching that occurs in IHEs in foreign countries can be eligible only if the obligee receives prior approval from the Office of Special Education Programs. Any request for such prior approval must establish that the students being taught either intend to provide special education services in IDEA-eligible schools in a manner consistent with 7 section 304.30(e)(3).

Repayment Requirements

1. What are the consequences of an obligee’s failure to satisfy the service obligation?

According to the terms and conditions of the scholar’s written agreement with the grantee, he or she must repay the amount of scholarship assistance not satisfied through employment. Also, the obligee will be charged interest on the unpaid balance of the scholarship owed; accruing from the date he or she is determined to have entered repayment status. The Secretary of Education may also impose reasonable collection costs in accordance with 31 U.S.C. 3717.

2. When does an obligee enter repayment status?

Any service obligee who fails to meet the service obligation through eligible employment enters repayment status on the first day of the first calendar month after the earliest of the following dates:

1. the date the obligee informs the grantee or the Secretary that he or she does not plan to fulfill the service obligation under the agreement;
2. the date the obligee's failure to begin or maintain employment makes it impossible for that individual to complete the service obligation within the number of years required by section 304.30(f); or
3. the date on which the scholar discontinues enrollment in the course of study prior to finishing at least one year.

If the NCSO does not receive regular employment status reports, obligees will be referred to ED for repayment.

3. Under what circumstances may repayment of a scholarship be deferred?

The Secretary may grant a deferral for repayment of a scholarship under any circumstance in which a scholar or an obligee:

1. is engaging in a full-time course of study at an institution of higher education;
2. is serving on active duty as a member of the armed services of the United States;
3. is serving as a volunteer under the Peace Corps Act; or
4. is serving as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973.

4. Under what circumstances may an obligee receive an exception to the repayment requirement?

The Secretary may grant an exception to the repayment requirements in whole or part, if a scholar or an obligee:

1. is unable to continue the course of study or perform the service obligation because of a permanent disability; or
2. has died.

Special Circumstances

1. How are early intervention personnel affected by the service obligation requirements?

Scholars who receive training in the area of early intervention have the same obligation as other scholars who receive training assistance under an IDEA training grant. However, if the State has elected to serve at-risk infants and toddlers and their families under Part C of IDEA, the early intervention services performed may include services to infants and toddlers who are at risk for experiencing developmental delays and their families, as well as infants and toddlers with identified disabilities and their families.

2. If a general education teacher or paraprofessional receives funding from a training grant, are they affected by the service obligation requirement?

Yes. General education teachers and paraprofessionals, who receive funding from a training grant, like all other IDEA-funded scholars, must subsequently work in the special education, related service, or early intervention field consistent with the requirements of the regulations, or repay the scholarship. Neither the statute nor the regulations provide an exception to the service obligation for general education teachers, principals, and paraprofessionals.

3. Will any remaining service obligation be waived for obligees who pursue a doctoral level degree after completing a Master's level program for which they received a scholarship?

No. Obligees may fulfill the service obligation accrued during their Master's level program in any of the ways described in Question 8.

4. If scholars/obligees receive grant funding from both the Individuals with Disabilities Education Act (IDEA) and the Teacher Education Assistance for College and Higher Education (TEACH) programs, can they satisfy service obligations under both programs at the same time?

Yes. Section 304.30(b) of the regulations prohibits scholars from accepting additional financial assistance only if that assistance "conflicts with the scholar's obligation."

Scholars/obligees may complete their service obligation requirements associated with grant funding under IDEA and TEACH grants concurrently. Please note, however, that scholars/obligees receiving only partial funding under an IDEA grant are still required to fulfill a two-year service obligation for every one year of academic funding received.

Operational

1. To whom must the obligee report his or her whereabouts, employment settings, or employment status?

Once a record is submitted for an exited or completed scholar/obligee, the scholar/obligee is given access to the database for input of employment information. **Once an obligee has exited the program, he or she must return the signed exit certification to the grantee (Morehead State University). Obligees are required to provide all information that the Secretary needs to monitor their service obligation within 60 days after exiting the program, and as necessary thereafter for any changes** (including any change related to an obligee choosing not to fulfill or being unable to fulfill the obligation). This includes: social security number, address, employment setting, and employment status. Any changes to the information above must be submitted on an annual basis.

2. How will the service obligations of obligees be monitored?

NCSO was established to monitor the fulfillment of service obligations required of students who received scholarship assistance from federally funded university projects through the Office of Special Education Programs Personnel Development Program.

NCSO tracks the scholarships funded by grants awarded to IHEs in federal fiscal year 2005 and any year thereafter. NCSO is available to answer questions and provide technical support for the SOTS.

3. Who collects the funds repaid by an obligee if he or she does not fulfill the service obligation through eligible employment?

If an obligee does not comply with the service obligation requirements by fulfilling the terms of his or her obligation, ED is responsible for collecting any funds to be repaid (scholarship, interest, and collection costs) according to a schedule established by the Secretary. Interest is charged in accordance with the Debt Collection Act of 1982, as amended 31 U.S.C. 3717.

TITLE I AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

For a PDF of full regulatory language, please click the URL below:

<https://www.pdp.ed.gov/OSEP/Regulation/ProgramRegsIDEA662>

TITLE I AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

This Act may be cited as the Individuals with Disabilities Education Improvement Act of 2004.

PART D NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

Sec. 662. Personnel development to improve services and results for children with disabilities.

For a PDF of full regulatory language, please click the URL below:

<https://www.pdp.ed.gov/OSEP/Regulation/ProgramRegsIDEA662>

- (A) [PURPOSE](#)
- (B) [PERSONNEL DEVELOPMENT; ENHANCED SUPPORT FOR BEGINNING SPECIAL EDUCATOR](#)
- (C) [LOW INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES](#)
- (D) [LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES](#)
- (E) [APPLICATIONS](#)
- (F) [SELECTION OF RECIPIENTS](#)
- (G) [SCHOLARSHIPS](#)
- (H) [SERVICE OBLIGATION](#)
- (I) [AUTHORIZATION OF APPROPRIATIONS](#)

(A) PURPOSE

(a) IN GENERAL.—The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to carry out 1 or more of the following objectives: (1) To help address the needs identified in the State plan described in section 653(a)(2) for highly qualified personnel, as defined in section 651(b), to work with infants or toddlers with disabilities, or children with disabilities, consistent with the qualifications described in section 612(a)(14). (2) To ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children. (3) To encourage increased focus on academics and core content areas in special education personnel preparation programs. (4) To ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom. (5) To ensure that all special education teachers are highly qualified. (6) To ensure that preservice and in-service personnel preparation programs include training in (A) the use of new technologies; (B) the area of early intervention, educational, and transition services; (C) effectively involving parents; and (D) positive behavioral supports. (7) To provide high-quality professional development for principals, superintendents, and other administrators, including training in (A) instructional leadership; (B) behavioral supports in the school and classroom; (C) paperwork reduction; (D) promoting improved collaboration between special education and general education teachers; (E) assessment and accountability; (F) ensuring effective learning environments; and (G) fostering positive relationships with parents.

(B) PERSONNEL DEVELOPMENT; ENHANCED SUPPORT FOR BEGINNING SPECIAL EDUCATORS

§§(1) IN GENERAL. In carrying out this section, the Secretary shall support activities: (A) for personnel development, including activities for the preparation of personnel who will serve children with high incidence and low incidence disabilities, to prepare special education and general education teachers, principals, administrators, and related services personnel (and school board members, when appropriate) to meet the diverse and individualized instructional needs of children with disabilities and improve early intervention, educational, and transitional services and results for children with disabilities, consistent with the objectives described in subsection (a); and (B) for enhanced support for beginning special educators, consistent with the objectives described in subsection (a). (2) PERSONNEL DEVELOPMENT. In carrying out paragraph (1)(A), the Secretary shall support not less than 1 of the following activities: (A) Assisting effective existing, improving existing, or developing new, collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities that incorporate best practices and scientifically based research, where applicable, in providing special education and general education teachers, principals, administrators, and related services personnel with the knowledge and skills to effectively support students with disabilities, including: (i) working collaboratively in regular classroom settings; (ii) using appropriate supports, accommodations, and curriculum modifications; (iii) implementing effective teaching strategies, classroom-based techniques, and interventions to ensure appropriate identification of students who may be eligible for special education services, and to prevent the misidentification, inappropriate overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children; (iv) effectively working with and involving parents in the education of their children; (v) utilizing strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom; (vi) effectively constructing IEPs, participating in IEP meetings, and implementing IEPs; (vii) preparing children with disabilities to participate in statewide assessments (with or without accommodations) and alternate assessments, as appropriate, and to ensure that all children with disabilities are a part of all accountability systems under the Elementary and Secondary Education Act of 1965; and (viii) working in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in section 7113(d)(1)(A)(ii) of the Elementary and Secondary Education Act of 1965, and schools that serve high numbers or percentages of limited English proficient children. (B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, highly qualified teachers to reduce teacher shortages, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities. (C) Providing continuous personnel preparation, training, and professional development designed to provide support and ensure retention of special education and general education teachers and personnel who teach and provide related services to children with disabilities. (D) Developing and improving programs for paraprofessionals to become special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable the paraprofessionals to improve early intervention, educational, and transitional results for children with disabilities. (E) In the case of principals and superintendents, providing activities to promote instructional leadership and improved collaboration between general educators, special education teachers, and related services personnel. (F) Supporting institutions of higher education with minority enrollments of not less than 25 percent for the purpose of preparing personnel to work with children with disabilities. (G) Developing and improving programs to train special education teachers to develop an expertise in autism spectrum disorders. (H) Providing continuous personnel preparation, training, and professional development designed to provide support and improve the qualifications of personnel who provide related services to children with disabilities, including to enable such personnel to obtain advanced degrees. (3) ENHANCED SUPPORT FOR BEGINNING SPECIAL EDUCATORS. In carrying out paragraph (1)(B), the Secretary shall support not less than 1 of the following activities: (A) Enhancing and restructuring existing programs or developing preservice teacher education programs to prepare special education teachers, at colleges or departments of education within institutions of higher education, by incorporating an extended (such as an additional 5th year) clinical learning opportunity, field experience, or supervised practicum into such programs. (B) Creating or supporting teacher-faculty partnerships (such as professional development schools) that: (i) consist of not less than: (I) 1 or more institutions of higher education with special education personnel preparation programs; (II) 1 or more local educational agencies that serve high numbers or percentages of low-income students; or (III) 1 or more elementary schools or secondary schools, particularly schools that have failed to make adequate yearly progress on the basis, in whole and in part, of the assessment results of the disaggregated subgroup of students with disabilities; (ii) may include other entities eligible for assistance under this part; and (iii) provide: (I) high-quality mentoring and induction opportunities with ongoing support for beginning special education teachers; or (II) inservice professional development

to beginning and veteran special education teachers through the ongoing exchange of information and instructional strategies with faculty.

(C) LOW INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES

§§(1) IN GENERAL. In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low incidence disabilities. §§(2) AUTHORIZED ACTIVITIES. Activities that may be carried out under this subsection include activities such as the following: (A) Preparing persons who (i) have prior training in educational and other related service fields; and (ii) are studying to obtain degrees, certificates, or licensure that will enable the persons to assist children with low incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636. (B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low incidence disabilities. (C) Preparing personnel in the innovative uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services (i) to enhance learning by children with low incidence disabilities through early intervention, educational, and transitional services; and (ii) to improve communication with parents. (D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children. (E) Preparing personnel to be qualified educational interpreters, to assist children with low incidence disabilities, particularly deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs. (F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities. (G) Preparing personnel who provide services to children with low incidence disabilities and limited English proficient children. §§(3) DEFINITION. In this section, the term "low incidence disability" means (A) a visual or hearing impairment, or simultaneous visual and hearing impairments; (B) a significant cognitive impairment; or (C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education. §§(4) SELECTION OF RECIPIENTS. In selecting eligible entities for assistance under this subsection, the Secretary may give preference to eligible entities submitting applications that include 1 or more of the following: (A) A proposal to prepare personnel in more than 1 low incidence disability, such as deafness and blindness. (B) A demonstration of an effective collaboration between an eligible entity and a local educational agency that promotes recruitment and subsequent retention of highly qualified personnel to serve children with low incidence disabilities. §§(5) PREPARATION IN USE OF BRAILLE. The Secretary shall ensure that all recipients of awards under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille, will prepare those individuals to provide those services in Braille.

(D) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES

§§(1) IN GENERAL. In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a). §§(2) AUTHORIZED ACTIVITIES. Activities that may be carried out under this subsection include activities such as the following: (A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities. (B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, related services faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities, including children with disabilities who are limited English proficient children.

(E) APPLICATIONS

§§(1) IN GENERAL. An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. §§(2) IDENTIFIED STATE NEEDS. §§(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS. An application for assistance under subsection (b), (c), or (d) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the eligible entity proposes to serve. §§(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES. An eligible entity that is not a local educational agency or a State educational agency shall include in the eligible entity's application information demonstrating to the satisfaction of the Secretary that the eligible entity and 1 or more State

educational agencies or local educational agencies will cooperate in carrying out and monitoring the proposed project. □□(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.□The Secretary may require eligible entities to provide in the eligible entities□ applications assurances from 1 or more States that such States intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities. □□(f) SELECTION OF RECIPIENTS.□□□(1) IMPACT OF PROJECT.□In selecting eligible entities for assistance under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States. □□(2) REQUIREMENT FOR ELIGIBLE ENTITIES TO MEET STATE AND PROFESSIONAL QUALIFICATIONS.□The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible entities that meet State and professionally recognized qualifications for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.□□(3) PREFERENCES.□In selecting eligible entities for assistance under this section, the Secretary may give preference to eligible entities that are institutions of higher education that are□□□(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings;□□(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and □□(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

(F) SELECTION OF RECIPIENTS

□□(1) IMPACT OF PROJECT.□In selecting eligible entities for assistance under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States.□□(2) REQUIREMENT FOR ELIGIBLE ENTITIES TO MEET STATE AND PROFESSIONAL QUALIFICATIONS.□The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible entities that meet State and professionally recognized qualifications for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.□□(3) PREFERENCES.□In selecting eligible entities for assistance under this section, the Secretary may give preference to eligible entities that are institutions of higher education that are□ □□(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings; □□(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and□□(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

(G) SCHOLARSHIPS

The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), and (d).

(H) SERVICE OBLIGATION

□□(1) IN GENERAL.□Each application for assistance under subsections (b), (c), and (d) shall include an assurance that the eligible entity will ensure that individuals who receive a scholarship under the proposed project agree to subsequently provide special education and related services to children with disabilities, or in the case of leadership personnel to subsequently work in the appropriate field, for a period of 2 years for every year for which the scholarship was received or repay all or part of the amount of the scholarship, in accordance with regulations issued by the Secretary. □□(2) SPECIAL RULE.□Notwithstanding paragraph (1), the Secretary may reduce or waive the service obligation requirement under paragraph (1) if the Secretary determines that the service obligation is acting as a deterrent to the recruitment of students into special education or a related field.□□(3) SECRETARY'S RESPONSIBILITY.□The Secretary□□□(A) shall ensure that individuals described in paragraph(1) comply with the requirements of that paragraph; and□□(B) may use not more than 0.5 percent of the funds appropriated under subsection (i) for each fiscal year, to carry out subparagraph (A), in addition to any other funds that are available for that purpose."

(I) AUTHORIZATION OF APPROPRIATIONS

□There are authorized to be appropriated to carry out this section such sums as maybe necessary for each of the fiscal years 2005 through 2010.

Personnel Development Program Regulations

For PDF of full current regulatory language, please click the URL below:

<https://www.pdp.ed.gov/OSEP/Regulation/ProgramRegs2006>

Personnel Development Program Regulations

Federal Register 34 CFR Part 304 Vol. 71 No. 107 June 5, 2006

Service Obligations Under Special Education □ Personnel Development to Improve Services and Results for Children with Disabilities, 34 C.F.R. § 304 (2006).

§ 304.1 2006 Regulations Purpose

§ 304.3 2006 Regulations Definitions

- (a) [Academic Year](#)
- (b) [Act](#)
- (c) [Early Intervention Services](#)
- (d) [Full-time](#)
- (e) [Related Services](#)
- (f) [Repayment](#)
- (g) [Scholar](#)
- (h) [Scholarship](#)
- (i) [Service Obligation](#)
- (j) [Special Education](#)

§ 304.21 2006 Regulations and requirements pertaining to Allowable Costs for Institutions of Higher Education (IHEs)

- (a) [Cost of Attendance](#)
- (b) [Stipends](#)
- (c) [Travel](#)

§ 304.22 2006 Regulations and requirements pertaining to disbursing scholarships by the Institutions of Higher Education (IHEs)

- (a) [Grantee Requirements](#)
- (b) [Cost of Attendance](#)
- (c) [Certification of Eligibility](#)

§ 304.23 2006 Regulations and requirements pertaining to Institutions of Higher Education (IHEs)

- (a) [Pre-scholarship Agreement](#)
- (b) [Reporting Requirements for Satisfactory Progress](#)
- (c) [Certification Requirement Upon Scholar Exit or Graduation](#)
- (d) [Information Reporting to Department of Education](#)
- (e) [Notifying the Secretary](#)

§ 304.30 2006 Regulations and Requirements pertaining to Scholars

- (a) [Training](#)
- (b) [Other Educational Allowances](#)
- (c) [Maintenance of Satisfactory Progress](#)
- (d) [Required Length of Service Obligation](#)

- (e) [Eligible Employment](#)
- (f) [Time Period in which Service Must Occur](#)
- (g) [Part-time Scholars](#)
- (h) [Information upon Program Exit](#)
- (i) [Information after Program Exit](#)
- (j) [Failure to Meet Obligation and Repayment](#)

§ 304.31 2006 Regulations and Requirements pertaining to Scholars obtaining an exception or deferral to performance or repayment under an agreement

- (a) [Exceptions for Service Obligations](#)
- (b) [Deferrals for Service Obligations](#)

Regulations

Service Obligations Under Special Education-Personnel Development to Improve Services and Results for Children with Disabilities, 71 Fed. Reg. 107 (June 5, 2006) (to be codified at 34 C.F.R. pt. 304).

§ 304.1 Purpose

Individuals who receive scholarship assistance from projects funded under the Special Education-Personnel Development to Improve Services and Results for Children with Disabilities program are required to complete a service obligation, or repay all or part of the cost of such assistance, in accordance with [section 662\(h\) of the Act](#) and the regulations of this part.

§304.3 Definitions

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- (a) **Academic year** means- (1) A full-time course of study- (i) Taken for a period totaling at least nine months; or (ii) Taken for the equivalent of at least two semesters, two trimesters, or three quarters; or (2) For a part-time scholar, the accumulation of periods of part-time courses of study that is equivalent to an "academic year" under paragraph (a)(1) of this definition.
 - (b) **Act** means the Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 et seq.
 - (c) **Early intervention services** means early intervention services as defined in [section 632\(4\) of the Act](#) and includes early intervention services to infants and toddlers with disabilities, and as applicable, to infants and toddlers at risk for disabilities under sections [632\(1\)](#) and [632\(5\)\(b\) of the Act](#).
 - (d) **Full-time**, for purposes of determining whether an individual is employed full-time in accordance with § 304.30 means a full-time position as defined by the individual's employer or by the agencies served by the individual.
 - (e) **Related services** means related services as defined in [section 602\(26\) of the Act](#).
 - (f) **Repayment** means monetary reimbursement of scholarship assistance in lieu of completion of a service obligation.
 - (g) **Scholar** means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under [section 662 of the Act](#).
 - (h) **Scholarship** means financial assistance to a scholar for training under the program and includes all disbursements or credits for tuition, fees, stipends, books, and travel in conjunction with training assignments.
 - (i) **Service obligation** means a scholar's employment obligation, as described in [section 662\(h\) of the Act](#) and § 304.30.
 - (j) **Special education** means special education as defined in section [602\(29\) of the Act](#).

§ 304.21 Allowable Cost

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- (a) **Cost of attendance**, as defined in [Title IV of the Higher Education Act of 1965](#), as amended, 20 U.S.C. 1087 (HEA), including the following (1) Tuition and fees. (2) An allowance for books, supplies, transportation, and miscellaneous personal expenses. (3) An allowance for room and board.
 - (b) **Stipends.**
 - (c) **Travel in conjunction with training assignments.**

§ 304.22 Requirements for grantees in disbursing scholarship

- (a) **Ensure that the scholar** (1) Is a citizen or national of the United States. (2) Is a permanent resident of (i) Puerto Rico, United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or (ii) The Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau during the period in which these entities are eligible to receive an award under the Personnel Development to Improve Services and Results for Children with Disabilities program; or (3) Provides evidence for the U.S. Department of Homeland Security that the individual is (i) A lawful permanent resident of the United States; or (ii) In the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;
- (b) **Limit the cost of attendance** portion of the scholarship assistance (as discussed § 304.21 (a)) to the amount by which the individual's cost of attendance at the institution exceeds the amount of the grant assistance the scholar is to receive for the same academic year under [title IV of the HEA](#);
- (c) **Obtain a Certification of Eligibility** for Federal Assistance from each scholar, as prescribed in 34 CFR 75.60, 75.61, and 75.62.

§ 304.23 Assurances that must be provided by grantee.

- (a) **Requirement for agreement.** Prior to granting a scholarship, the grantee will require each scholar to enter into a written agreement in which the scholar agrees to the terms and conditions set forth in § 304.30. This agreement must explain the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to § 304.31 and include the current Department address for purposes of the scholar's compliance with § 304.30(i), or any other purpose under this part.
- (b) **Standards for satisfactory progress.** The grantee must establish, notify scholars of, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study.
- (c) **Exit certification.** (1) At the time of exit from the program, the grantee must provide the following information to the scholar: (i) The number of years the scholar needs to work to satisfy the work requirements in § 304.30(d); (ii) The total amount of scholarship assistance received subject to § 304.30; (iii) The time period, consistent with § 304.30(f)(1), during which the scholar must satisfy the work requirements; and (iv) As applicable, all other obligations of the scholar under § 304.30. (2) Upon receipt of this information from the grantee, the scholar must provide written certification to the grantee that the information is correct.
- (d) **Information.** The grantee must forward the information and written certification required in paragraph (c) of this section to the Secretary, as well as any other information that is necessary to carry out the Secretary's functions under [section 662 of the Act](#) and this part.
- (e) **Notification to the Secretary.** If the grantee is aware that the scholar has chosen not to fulfill or will be unable to fulfill the obligation under § 304.30(d), the grantee must notify the Secretary when the scholar exits the program.

§304.30 Requirements for Scholar

- (a) **Training.** Receive the training at the educational institution or agency designated in the scholarship;
- (b) **Educational allowances.** Not accept payment of educational allowances from any other entity if that allowance conflicts with the scholar's obligation under [section 662 of the Act](#) and this part;
- (c) **Satisfactory progress.** Maintain satisfactory progress toward the degree, certificate, endorsement, or license as determined by the grantee;
- (d) **Service obligation.** Upon exiting the training program under paragraph a) of this section, subsequently maintain employment- 1) On a full-time or full-time equivalent basis; and 2) For a period of at least two years

for every academic year for which assistance was received;

(e) **Eligible employment.** In order to meet the requirements of paragraph (d) of this section for any project funded under [section 662 of the Act](#), be employed in a position in which- 1) At least 51 percent of the infants, toddlers, and children to whom the individual provides services are receiving special education, related services, or early intervention services from the individual; 2) The individual spends at least 51 percent of his or her time providing special education, related services, or early intervention services to infants, toddlers, and children with disabilities; or 3) If the position involves supervision including in the capacity of a principal), teaching at the postsecondary level, research, policy, technical assistance, program development, or administration, the individual spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received under [section 662 of the Act](#).

(f) **Time period.** Meet the service obligation under paragraph (d) of this section as follows: 1) A scholar must complete the service obligation within the period ending not more than the sum of the number of years required in paragraph (d) 2) of this section, as appropriate, plus five additional years, from the date the scholar completes the training for which the scholarship assistance was awarded. 2) A scholar may begin eligible employment subsequent to the completion of one academic year of the training for which the scholarship assistance was received that otherwise meets the requirements of paragraph 1);

(g) **Part-time scholars.** If the scholar is pursuing coursework on a part-time basis, meet the service obligation in this section based on the accumulated academic years of training for which the scholarship is received;

(h) **Information upon exit.** Provide the grantee all requested information necessary for the grantee to meet the exit certification requirements under § 304.23 c);

(i) **Information after exit.** Within 60 days after exiting the program, and as necessary thereafter for any changes, provide the Department, via U.S. mail, all information that the Secretary needs to monitor the scholar's service obligation under this section, including social security number, address, employment setting, and employment status;

(j) **Repayment.** If not fulfilling the requirements in this section, subject to the provisions in § 304.31 regarding an exception or deferral, repay any scholarship received, plus interest, in an amount proportional to the service obligation not completed as follows: 1) The Secretary charges the scholar interest on the unpaid balance owed in accordance with the [Debt Collection Act of 1982](#), as amended, 31 U.S.C. 3717. (2)(i) Interest on the unpaid balance accrues from the date the scholar is determined to have entered repayment status under paragraph 4) of this section. ii) Any accrued interest is capitalized at the time the scholar's repayment schedule is established. iii) No interest is charged for the period of time during which repayment has been deferred under § 304.31. 3) Under the authority of the [Debt Collection Act of 1982](#), as amended, the Secretary may impose reasonable collection costs. 4) A scholar enters repayment status on the first day of the first calendar month after the earliest of the following dates, as applicable: i) The date the scholar informs the grantee or the Secretary that the scholar does not plan to fulfill the service obligation under the agreement. ii) Any date when the scholar's failure to begin or maintain employment makes it impossible for that individual to complete the service obligation within the number of years required in § 304.30(f). iii) Any date on which the scholar discontinues enrollment in the course of study under § 304.30(a). 5) The scholar must make payments to the Secretary that cover principal, interest, and collection costs according to a schedule established by the Secretary. 6) Any amount of the scholarship that has not been repaid pursuant to paragraphs (j)(1) through (j)(5) of this section will constitute a debt owed to the United States that may be collected by the Secretary in accordance with 34 CFR part 30.

§ 304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

(a) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant an exception to the repayment requirement in § 304.30(j), in whole or part, if the scholar- 1) Is unable to continue the course of study in § 304.30 or perform the service obligation because of a permanent disability; or 2) Has died.

(b) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant a deferral of the repayment requirement in § 304.30(j) during the time the scholar- (1) Is engaging in a full-time course of study at an institution of higher education; (2) Is serving on active duty as a member of the armed services of the United States; (3) Is serving as a volunteer under the [Peace Corps Act](#); or (4) Is serving as a full-time volunteer under title I of the [Domestic Volunteer Service Act of 1973](#).