

§ 397.5

§ 397.5 What definitions apply?

(a) The following terms have the meanings given to them in 34 CFR 361.5(c):

- (1) Act;
- (2) Competitive integrated employment;
- (3) Customized employment;
- (4) Designated State unit;
- (5) Extended services;
- (6) Individual with a disability;
- (7) Individual with a most significant disability;
- (8) Individual's representative;
- (9) Individualized plan for employment;
- (10) Pre-employment transition services;
- (11) Student with a disability;
- (12) Supported employment;
- (13) Vocational rehabilitation services; and
- (14) Youth with a disability.

(b) The following terms have the meanings given to them in 34 CFR part 300:

- (1) Local educational agency (§ 300.28);
- (2) State educational agency (§ 300.41); and
- (3) Transition services (§ 300.43).

(c) The following terms have the meanings given to them in 29 CFR 525.3 and section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)):

(1) *Federal minimum wage* has the meaning given to that term in section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)); and

(2) *Special wage certificate* means a certificate issued to an employer under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) and 29 CFR part 525 that authorizes payment of subminimum wages, wages less than the statutory minimum wage.

(d) *Entity* means an employer, or a contractor or subcontractor of that employer, that holds a special wage certificate described in section 14(c) of

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the Fair Labor Standards Act (29 U.S.C. 214(c)).

(Authority: Sections 7, 12(c), and 511(a) and (f) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705, 709(c), and 794g(a) and (f); sections 601 and 614(d) of the Individuals with Disabilities Education Act, 20 U.S.C. 1401 and 1414(d); section 901 of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7801; and sections 6(a)(1) and 14(c) of the Fair Labor Standards Act, 29 U.S.C. 206(a)(1) and 29 U.S.C. 214(c))

Subpart B—Coordinated Documentation Procedures Related to Youth with Disabilities

§ 397.10 What documentation process must the designated State unit develop?

(a) The designated State unit, in consultation with the State educational agency, must develop a new process, or utilize an existing process, to document the completion of the actions described in § 397.20 and § 397.30 by a youth with a disability, as well as a process for the transmittal of that documentation from the educational agency to the designated State unit, consistent with confidentiality requirements of the Family Education Rights and Privacy Act (20 U.S.C. 1232g(b) and 34 CFR 99.30 and 99.31) and the Individuals with Disabilities Education Act (20 U.S.C. 1417(c) and 34 CFR 300.622).

(1) Such documentation must, at a minimum, contain the—

- (i) Youth's name;
- (ii) Determination made, including a summary of the reason for the determination, or description of the service or activity completed;
- (iii) Name of the individual making the determination or the provider of the required service or activity;
- (iv) Date determination made or required service or activity completed;
- (v) Signature of the designated State unit or educational personnel making the determination or documenting completion of the required services or activity;
- (vi) Date of signature described in paragraph (a)(1)(v) of this section;
- (vii) Signature of designated State unit personnel transmitting documentation to the youth with a disability; and