

**PART 400 [RESERVED]**

**PART 401—NATIVE AMERICAN CAREER AND TECHNICAL EDUCATION PROGRAM**

**Subpart A—General**

Sec.

401.1 Is the Secretary's decision not to make an award under the Native American Career and Technical Education Program subject to a hearing?

401.2–401.55 [Reserved]

AUTHORITY: 20 U.S.C. 2313(b), 25 U.S.C. 5321.

SOURCE: 57 FR 36730, Aug. 14, 1992, unless otherwise noted.

**Subpart A—General**

**§ 401.1 Is the Secretary's decision not to make an award under the Native American Career and Technical Education Program subject to a hearing?**

(a) After receiving written notice from an authorized official of the Department that the Secretary will not award a grant or cooperative agreement to an eligible applicant, an Indian tribal organization has 30 calendar days to make a written request to the Secretary for a hearing to review the Secretary's decision.

(b) Within 10 business days of the Department's receipt of a hearing request, the Secretary designates a Department employee who is not assigned to the Office of Career, Technical, and Adult Education to serve as a hearing officer. The hearing officer conducts a hearing and issues a written decision within 75 calendar days of the Department's receipt of the hearing request. The hearing officer establishes rules for the conduct of the hearing. The hearing officer conducts the hearing solely on the basis of written submissions unless the officer determines, in accordance with standards in 34 CFR 81.6(b), that oral argument or testimony is necessary.

(c) The Secretary does not make any award under this part to an Indian tribal organization until the hearing officer issues a written decision on any appeal brought under this section.

[84 FR 7299, Mar. 4, 2019]

§§ 401.2–401.5 [Reserved]

**PARTS 402–403 [RESERVED]**

**PART 406 [RESERVED]**

**PARTS 410–413 [RESERVED]**

**PART 415 [RESERVED]**

**PART 421 [RESERVED]**

**PARTS 425–429 [RESERVED]**

**PART 460–461 [RESERVED]**

**PART 462—MEASURING EDUCATIONAL GAIN IN THE NATIONAL REPORTING SYSTEM FOR ADULT EDUCATION**

**Subpart A—General**

Sec.

462.1 What is the scope of this part?

462.2 What regulations apply?

462.3 What definitions apply?

462.4 What are the transition rules for using tests to measure educational gain for the National Reporting System for Adult Education (NRS)?

**Subpart B—What Process Does the Secretary Use To Review the Suitability of Tests for Use in the NRS?**

462.10 How does the Secretary review tests?

462.11 What must an application contain?

462.12 What procedures does the Secretary use to review the suitability of tests?

462.13 What criteria and requirements does the Secretary use for determining the suitability of tests?

462.14 How often and under what circumstances must a test be reviewed by the Secretary?

**Subpart C [Reserved]**

**Subpart D—What Requirements Must States and Local Eligible Providers Follow When Measuring Educational Gain?**

462.40 Must a State have an assessment policy?

462.41 How must tests be administered in order to accurately measure educational gain?

462.42 How are tests used to place students at an NRS educational functioning level?

462.43–462.44 [Reserved]