

## DEPARTMENT OF EDUCATION

## 34 CFR Part 371

RIN 1820-AB32

**Vocational Rehabilitation Service Projects for American Indians With Disabilities**

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

**SUMMARY:** The Secretary proposes to amend the regulations implementing the Vocational Rehabilitation Service Projects for American Indians with Disabilities program authorized under Title I, Part D, section 130 of the Rehabilitation Act of 1973, as amended (Act). Proposed changes are needed to implement section 130(b)(3) of the Act to provide greater funding continuity for tribal projects that are performing effectively by extending the normal 36-month project period for up to 24 additional months. Proposed changes are also needed to conform the purpose and outcome of the program, consistent with section 100(a)(2) of the Act as revised by the 1992 Amendments, from placement in suitable employment to placement in gainful employment consistent with individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. The Secretary also invites public comment on whether other changes to existing program regulations are needed in order to clarify program requirements, reduce grantee burden, and increase program effectiveness and flexibility.

**DATES:** Comments must be received on or before September 11, 1995.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Fredric K. Schroeder, Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 600 Independence Avenue, SW., Room 3028, Mary E. Switzer Building, Washington, DC 20202-2531. Comments may also be sent through the internet to "American\_\_\_Indians@ed.gov".

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Barbara M. Sweeney, U.S. Department of Education, 600 Independence Avenue, SW., Room 3225 Mary E. Switzer Building, Washington, DC 20202-2575. Telephone: (202) 205-9544. Individuals who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** These proposed regulations would, in part, implement section 130(b)(3) of the Act, which authorizes the Secretary to prescribe regulations that would extend the project period for certain tribal projects beyond the maximum 36 months specified in the Act. The Secretary proposes to grant, on a case-by-case basis, extensions of up to 24 months to tribal projects that meet the requirements to be established in a new § 371.5. In order to receive an extension of its project period, a tribal grantee must submit a written request for extension that contains an assurance of compliance with all program requirements and that provides satisfactory evidence that there is a continuing need for the project and that the project has been effective in meeting the rehabilitation needs of the American Indians it has served, including achieving employment outcomes that are consistent with individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

In addition, the Secretary is particularly interested in whether other changes are needed in existing program regulations in order to clarify requirements, reduce grantee burden, and increase program flexibility and effectiveness. For example, § 371.21 of the current regulations requires Indian tribes to provide evidence in their applications for grant assistance that they will comply, in carrying out their tribal projects, with certain State Vocational Rehabilitation (VR) Services Program requirements. These requirements include developing individualized written rehabilitation programs for each individual receiving services, providing an opportunity for dissatisfied service recipients to file grievances under procedures that are comparable to the fair hearing procedures required of State VR agencies, establishing minimum standards for providers of services comparable to those used by State VR agencies, and making an effort to provide a broad scope of VR services in a manner and at a level of quality comparable to the services provided by State VR agencies. Do these application requirements need to be clarified or revised in light of the changes made to the State VR Services Program by the 1992 Amendments to the Act (for example, by requiring individual choice in the selection of VR services, goals, and providers) or because these

requirements may be burdensome or unfeasible for a tribal VR project, especially a developing one? In what ways should tribal projects be comparable to VR programs administered by State VR agencies, other than providing comparable rehabilitation services to the extent feasible as required by section 130(b)(1)(B) of the Act? Should Federal regulations establish additional comparability requirements or should tribal applicants be given the flexibility in their funding proposals to describe how their projects would or would not be comparable and the reasons therefor?

The Secretary also is interested in whether revisions are needed to the selection criteria for this program in § 371.30 in order to better evaluate applications for funding.

The program supports the National Education Goal that every adult American, including individuals with disabilities, will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

**Executive Order 12866***Clarity of the Regulations*

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (groupings and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "\$" and a numbered heading; for example, § 371.5) What is the length of the project period under this program? (4) Is the description of the regulations in the "Supplementary Information" section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600

Independence Avenue, SW. (Room 5121, FB-10B), Washington, D.C. 20202-2241.

#### *Regulatory Flexibility Act Certification*

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Because these proposed regulations would affect only Indian tribes and consortia of Indian tribes located on Federal or State reservations, the regulations would not have an impact on small entities. Indian tribes and consortia of Indian tribes are not defined as "small entities" in the Regulatory Flexibility Act.

#### *Paperwork Reduction Act of 1980*

Section 371.5 contains information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of this section to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

The governing bodies of Indian tribes and consortia of these governing bodies located on Federal and State reservations are eligible to apply for grants under these regulations. The Department needs and will use the information to give extensions of grants in which the original project period is ending. Annual public reporting burden for this collection of information is estimated to average 10 hours per response for around an average of 10 respondents each year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs,

OMB, Room 10235, New Executive Office Building, Washington, D.C. 20503; Attention: Laura Oliven.

#### *Intergovernmental Review*

This program is not subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79.

#### **Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3214 Switzer Building, 330 C Street, S.W., Washington D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

#### **List of Subjects in 34 CFR Part 371**

Education, Grant programs—education, Vocational rehabilitation.

Dated: July 19, 1995.

#### **Howard R. Moses,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

(Catalog of Federal Domestic Assistance Number: 84.250 Vocational Rehabilitation Service Projects for American Indians with Disabilities)

The Secretary proposes to amend part 371 of title 34 of the Code of Federal Regulations as follows:

#### **PART 371—VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES**

1. The authority citation for part 371 continues to read as follows:

**Authority:** 29 U.S.C. 711(c) and 750, unless otherwise noted.

2. Section 371.1 is revised to read as follows:

#### **§ 371.1 What is the Vocational Rehabilitation Services Program for American Indians with Disabilities?**

This program is designed to provide vocational rehabilitation services to American Indians with disabilities who reside on Federal or State reservations, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice, so that they may prepare for and engage in gainful employment.

(Authority: Secs. 100(a)(2) and 130(a) of the Act; 29 U.S.C. 720(a)(2) and 750(a))

3. A new § 371.5 is added to subpart A to read as follows:

#### **§ 371.5 What is the length of the project period under this program?**

(a) The Secretary approves a project period of up to three years.

(b) The Secretary may extend a grant for up to two additional years if the grantee includes in its extension request—

(1) An assurance that the project is in compliance with all applicable program requirements; and

(2) Satisfactory evidence that—

(i) The project has made substantial and measurable progress in meeting the needs of American Indians with disabilities on the reservation or reservations it serves;

(ii) American Indians with disabilities who have received project services have achieved employment outcomes consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice; and

(iii) There is a continuing need for the project.

(Authority: Section 130(b)(3) of the Act; 29 U.S.C. 750(b)(3))

[FR Doc. 95-18422 Filed 7-26-95; 8:45 am]

BILLING CODE 4000-01-P