

**DEPARTMENT OF EDUCATION****National Institute on Disability and Rehabilitation Research**

**AGENCY:** Department of Education.

**ACTION:** Notice of Final Funding Priority for Fiscal Years 1996-1997 for the Knowledge Dissemination and Utilization Program.

**SUMMARY:** The Secretary announces a final funding priority for the Knowledge Dissemination and Utilization (D&U) Program under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1996-1997. The Secretary takes this action to ensure that rehabilitation knowledge generated from projects and centers funded by NIDRR and others is utilized fully to improve the lives of individuals with disabilities and their families.

**EFFECTIVE DATE:** This priority takes effect on January 11, 1996.

**FOR FURTHER INFORMATION CONTACT:**

David Esquith, U.S. Department of Education, 600 Independence Avenue, S.W., Switzer Building, Room 3424, Washington, D.C. 20202-2601. Telephone: (202) 205-8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8133.

**SUPPLEMENTARY INFORMATION:** This notice contains a final priority to establish ten regional Disability and Business Technical Assistance Centers.

Authority for the D&U program of NIDRR is contained in sections 202 and 204(a) and 204(b)(6) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760-762). Under this program the Secretary makes awards to public and private agencies and organizations, including institutions of higher education and Indian tribes or tribal organizations.

This final priority supports the National Education Goal calling for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Under the regulations for this program (see 34 CFR 355.32) the Secretary may establish research priorities by reserving funds to support particular research activities.

On July 24, 1995, the Secretary published a notice of a proposed priority in the Federal Register (59 FR 46300). The Department of Education received thirty-five letters commenting on the proposed priority. Modifications were made to the priority as a result of those comments. The comments, and the Secretary's responses, are discussed in an appendix to this notice.

*Note:* This notice of final priority does not solicit applications. A notice inviting applications under this competition will be published in the Federal Register concurrent with or following publication of the notice of final priority.

**Priority**

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary will fund under this program only applications that meet this absolute priority:

*Priority: Regional Disability and Business Technical Assistance Centers*

*Background:* Public Law 101-336, the Americans with Disabilities Act (ADA), enacted on July 26, 1990, prohibits discrimination against individuals with disabilities in employment, public accommodations, transportation, State and local government, and telecommunications. Because of NIDRR's experience and support of information dissemination and technical assistance, and its support of research and demonstration efforts to promote employment and independence for individuals with disabilities, Congress directed NIDRR to use FY 1991 funds to establish a technical assistance program to further the successful implementation of the ADA. In October of 1991, NIDRR awarded grants to establish ten regional Disability and Business Technical Assistance Centers (DBTACs), previously referred to as Regional Disability and Business Accommodation Centers), for five years. There is one DBTAC in each of the ten Department of Education regions. The final funding priority for the original DBTACs is contained in the Federal Register of August 13, 1991, Vol.5, No.156, page 40168.

Covered entities and individuals with responsibilities and rights under the ADA continue to need technical assistance on the ADA. The ADA is a complex and relatively new civil rights statute. Many covered entities may be unaware of the basic requirements of the law or unfamiliar with legal precedents or policy guidance being issued by Federal agencies. According to a recent General Accounting Office (GAO) Report, "[GAO] observed steady improvement in both accessibility and awareness during the initial 15 months that the ADA was in effect. However, enough areas of concern remain to suggest a need for continuing educational outreach and technical assistance to business and government agencies..." (U.S. General Accounting Office, *Americans with Disabilities Act:*

*Effects of the Law on Access to Goods and Services* (GAO/PEMD-94-14; June 21, 1994).

The DBTACs provide a wide range of technical assistance services such as referrals, consultation, and facility surveys. The DBTACs provide training to individuals and entities with responsibilities and rights under the ADA and disseminate information on the ADA through such methods as distributing materials that have been created or reviewed and approved by Federal agencies, issuing newsletters and information briefs, and participating in discussion groups on the INTERNET. In addition, the DBTACs carry out public awareness activities on the ADA and the services provided by the DBTACs and other NIDRR ADA grantees through a variety of means including, but not limited to, the use of public service announcements, radio and television appearances, presentations at conferences, and the publication of newspaper and magazine articles.

In order to tailor their efforts to State and local needs and maximize their resources, DBTACs increase the capacity of State and local organizations to provide technical assistance, disseminate information, provide training, and promote awareness of the ADA. The DBTACs have established at least one affiliate in every State. The State affiliates carry out their activities in collaboration with coalitions of organizations interested in promoting the implementation of the ADA. In addition, the DBTACs provide support to and collaborate with Centers for Independent Living (CILs) in each region to increase the capacity of CILs to promote the successful implementation of the ADA through the provision of technical assistance and training.

In FY 1994 the DBTACs fielded over 75,700 ADA-related telephone inquiries, made 13,764 referrals, distributed almost 700,000 publications, engaged in over 4,600 different types of public awareness and outreach activities such as public speeches, TV and radio appearances, newspaper interviews, and public workshops, and trained approximately 54,000 individuals with responsibilities and rights under the ADA.

The DBTACs rely to the maximum extent possible on existing Federally-approved materials, and, through a systematic process of quality control, ensure the legal sufficiency and accuracy of the information disseminated by the Centers and their affiliates. All of the materials that the DBTACs distribute are available in

alternate formats and DBTAC services and activities are accessible to all individuals with disabilities. The DBTACs share a national toll-free 800 telephone number that automatically connects the caller with the DBTAC serving the caller's area code. The DBTACs participate in a discussion group on an electronic bulletin board operated by Project Enable at the University of West Virginia to share information and discuss answers to technical questions. The DBTACs meet semi-annually to coordinate their activities and receive briefings from Federal agencies with responsibilities under the ADA.

**Priority:** The Secretary will establish a Regional Disability and Business Technical Assistance Center in each Department of Education region to facilitate implementation of the ADA by: (1) Providing technical assistance, disseminating information, and providing training to individuals or entities with responsibilities and rights under the Act on the requirements of the ADA and developments in ADA case law, policy and implementation; (2) increasing the capacity of organizations, including Centers for Independent Living, at the State and local level to provide technical assistance, disseminate information, provide training, and promote awareness of the ADA; and (3) promoting awareness of the ADA and the availability of services provided by the DBTACs, and other NIDRR ADA grantees, and other Federal information sources on the ADA.

In carrying out the objectives of the priority each DBTAC shall:

- Involve individuals with disabilities, parents or other family members of individuals with disabilities, in all phases of the design and operation of the DBTAC to the maximum extent possible;
- Cooperate and coordinate its activities with other NIDRR ADA technical assistance projects as well as Federal agencies including, but not limited to, the Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation, the Federal Communications Commission, the Access Board, the Department of Education's Office for Civil Rights, the Rehabilitation Services Administration, the President's Committee on Employment of Persons with Disabilities, and the National Council on Disability;
- Provide performance accountability data on a monthly and annual basis as requested by NIDRR; and

- Distribute services and resources equitably—taking into account population and size—among each State in its region.

**Applicable Program Regulations:** 34 CFR Parts 350 and 355.

Program Authority: 29 U.S.C. 760–762. (Catalog of Federal Domestic Assistance Number 84.133D, Knowledge Dissemination and Utilization Program)

Dated: December 6, 1995.

Howard R. Moses,

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

Appendix

#### *Analysis of Comments and Changes*

By the deadline date, the Department received thirty-five comments in response to the proposed priority. Eleven additional comments were received after the deadline date and were not considered in this response. All thirty-five letters supported the priority. This Appendix contains an analysis of the comments and the changes in the priority since the publication of the notice of proposed priority. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under applicable statutory authority—are not addressed.

#### *Priority: Regional Disability and Business Technical Assistance Centers*

**Comment:** One commenter noted that while the priority indicates that the DBTACs trained approximately 54,000 individuals in FY 1994, training is not included among the list of services provided by the DBTACs in the Background section.

**Discussion:** The Secretary agrees that training should be included in the Background section of the priority in the list of services provided by the DBTACs.

**Changes:** The Background section has been revised to indicate that the DBTACs provide training to individuals and entities with responsibilities and rights under the ADA.

**Comment:** Two commenters pointed out that the current DBTACs meet semi-annually and submit data for an annual report that NIDRR issues on its ADA technical assistance program. The commenters recommended including these activities in the priority for planning purposes.

**Discussion:** NIDRR plans to continue with semi-annual meetings and to issue an annual report on the ADA technical assistance program. The Secretary agrees to include the semi-annual meetings and the submission of annual performance data in the priority.

**Changes:** The Background section has been revised to indicate that the DBTACs meet semi-annually to coordinate their activities and receive briefings from Federal agencies with responsibilities under the ADA. In addition, the priority has been revised to require that the DBTACs submit annual performance data.

**Comment:** One commenter suggested emphasizing minority outreach activities. A second commenter recommended requiring the DBTACs to address the needs of cultural and linguistic minorities.

**Discussion:** The Secretary believes that is important for the DBTACs to address the needs of underserved populations. The Secretary points out that under 34 CFR part 350.21, an applicant for assistance under the Knowledge Dissemination and Utilization program must demonstrate how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds. This requirement applies to cultural and linguistic minorities.

**Changes:** None.

**Comment:** One commenter suggested requiring applicants to specify how their grant funds will be distributed to each State in the region in order to address the equitable distribution of the DBTAC's resources.

**Discussion:** The Secretary agrees with the commenter's purpose. However, the Secretary believes that the commenter's suggestion may be an administrative burden that relies too heavily on allocation of funds to determine equitable distribution of services. The Secretary believes that the requirement to distribute resources and financial support equitably among the States in the region should be based on factors such as population and geographic size and extended to all of a DBTAC's activities. The Secretary believes that each applicant should be provided with the discretion to propose how it will meet this requirement.

**Changes:** The priority has been revised to require each DBTAC to distribute services and resources equitably—taking into account population and size—among each State in its region.

**Comment:** One commenter recommended increasing the emphasis on interaction between the DBTACs and Federal agencies responsible for the enforcement of the ADA. A second commenter recommended requiring the DBTACs to coordinate services and resources with the National Council on Disability.

**Discussion:** The Secretary agrees that communication between the DBTACs and Federal agencies with administrative responsibilities under the ADA is imperative. The Secretary points out that the priority requires the DBTACs to cooperate and coordinate their activities with Federal agencies including, but not limited to, the Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation, and the Federal Communications Commission, the Access Board, the Department of Education's Office for Civil Rights, the Rehabilitation Services Administration, and the President's Committee on Employment of Persons with Disabilities. The Secretary agrees that the National Council on Disability should be added to this list of Federal agencies, but does not believe any further requirements are necessary.

**Changes:** The National Council on Disability has been added to the list of Federal agencies for coordination purposes.

**Comment:** One commenter recommended emphasizing collaboration between the DBTACs and the business community, labor associations, and State and local governments, including State associations of mayors and counties. Another commenter recommended that the priority include

States' Protection and Advocacy Systems as potential collaborators for the DBTACs.

*Discussion:* The Secretary believes that the types of collaborative relationships suggested by both commenters could be valuable and expects the DBTACs to work with all types of entities with rights and responsibilities under the ADA. However, the Secretary prefers to provide applicants with the discretion to propose those collaborative relationships that the applicant believes would be appropriate for the States in their region.

*Changes:* None.

*Comment:* One commenter recommended focusing the efforts of the DBTAC's capacity-building activities on the business community.

*Discussion:* The capacity-building requirement in the priority refers to "organizations at the State and local level." The Secretary expects the DBTACs to undertake capacity-building with a variety of organizations, including business organizations. The Secretary declines to direct the DBTACs to focus its capacity-building activities on only one community.

*Changes:* None.

*Comment:* One commenter recommended changing the name of the DBTACs because it is "awkward and not easy to use."

*Discussion:* The Secretary declines to change the name of the DBTAC in order to take advantage of the name recognition that the DBTACs have developed.

*Changes:* None.

*Comment:* One commenter recommended revising the priority to indicate that the DBTACs provide referrals to individuals and entities with responsibilities and rights under the ADA.

*Discussion:* The Secretary points out that, in the Background section, referrals are included among examples of the technical assistance services that the DBTACs provide, along with consultation and facility surveys. The Secretary expects the DBTACs to provide a wide range of technical assistance services including those in the Background section as well as any others that an applicant may propose.

*Changes:* None.

*Comment:* One commenter pointed out that, while the Background section refers to the capacity-building support that the DBTACs provide to Centers for Independent Living (CILs), this support is not specified in the priority. A second commenter recommended requiring the DBTACs to interact with State's Independent Living Councils "and/or any other associations that the CILs may have formed."

*Discussion:* The Secretary agrees that the priority should specify that CILs are to be included in the DBTACs capacity-building activities. However, the Secretary declines to provide further specification regarding the DBTACs' relationships with various associations of CILs.

*Changes:* Centers for Independent Living have been included in the requirement addressing capacity-building.

*Comment:* One commenter recommended requiring the DBTACs to build local capacity to implement mediation services to resolve ADA complaints.

*Discussion:* The priority authorizes the DBTACs to increase the capacity of organizations at the State and local level to provide technical assistance, disseminate information, provide training, and promote awareness of the ADA. The Secretary believes that an applicant could propose to build local capacity to implement mediation services to resolve ADA complaints under the priority. However, the Secretary cautions that conflict resolution through mediation is a specialized field that requires a great deal of expertise. Properly developing local capacity to implement mediation services to resolve ADA complaints would require a significant financial commitment. The Secretary declines to impose this requirement.

*Changes:* None.

*Comment:* One commenter suggested that it would be more efficient to produce a national DBTAC newsletter rather than authorizing the DBTACs to produce regional newsletters.

*Discussion:* NIDRR's ADA Coordination contractor will provide all of the DBTACs with core information about developments in case law and policy to ensure that the production of newsletters will be carried out as economically as possible. This will enable each DBTAC to continue to address issues and events that are unique to its region through the issuance of regional newsletters.

*Changes:* None.

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## DEPARTMENT OF EDUCATION

[CFDA No. 84.133D]

### Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research; Notice Inviting Applications Under the Knowledge Dissemination and Utilization Program for Fiscal Year (FY) 1996

*Purpose of Program:* The Knowledge Dissemination and Utilization Program is designed to support activities that will ensure that rehabilitation knowledge generated from projects and centers funded by NIDRR and from other sources is fully utilized to improve the lives of individuals with disabilities and their families. The final priority for this award, entitled "Regional Disability and Business Technical Assistance Centers," is published in this issue of the Federal Register. Potential applicants should consult the statement of the final priority published in this issue to ascertain the substantive requirements for their application.

This notice supports the National Education Goal that calls for all Americans to possess the knowledge

and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

*Eligible Applicants:* Parties eligible to apply for grants under this program are public and private nonprofit and for-profit agencies and organizations, including institutions of higher education and Indian tribes and tribal organizations.

*Applications Available:* December 12, 1995.

*Application Deadline:* February 12, 1996.

Estimated Range of Awards:

Region I: \$500,000-525,000  
 Region II: \$550,000-600,000  
 Region III: \$550,000-600,000  
 Region IV: \$650,000-700,000  
 Region V: \$650,000-700,000  
 Region VI: \$550,000-600,000  
 Region VII: \$500,000-525,000  
 Region VIII: \$500,000-525,000  
 Region IX: \$600,000-650,000  
 Region X: \$500,000-525,000

*Estimated Number of Awards:* 10 (1 per Department of Education Region).

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

*Project Period:* Up to 60 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, 80, 81, 82, 85, 86; (b) the regulations for this program in 34 CFR Parts 350 (amended April 5, 1995 (60 FR 17426)), and 355 (amended September 22, 1993 (58 FR 49419)); and the notice of final priority published elsewhere in this issue of the Federal Register.

*For Further Information Contact:* In order to obtain an application package, contact William H. Whalen, U.S. Department of Education, 600 Independence Avenue SW., Switzer Building, Room 3411, Washington, DC 20202. Telephone: (202) 205-9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8887.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 29 U.S.C. 761a and 762.