

regarding whether a school district is required to conduct additional testing of a child with a disability in order for that child to receive accommodations on the Scholastic Aptitude Test (SAT) or American College Test (ACT).

Topic Addressed: Revocation of Consent

○ Letter dated August 21, 2009 to Virginia Assistant Superintendent for Special Education and Student Services H. Douglas Cox, regarding what LEAs are required to do when parents, both of whom have legal authority to make educational decisions for their child, disagree on the revocation of consent for special education and related services.

Topic Addressed: Individualized Education Programs

○ Letter dated August 21, 2009 to Maryland Assistant State Superintendent for the Division of Special Education/Early Intervention Services Carol Ann Heath, denying the request to waive the requirement for a measurable postsecondary goal in employment for students with disabilities who have severe medical conditions and developmental needs and denying the State's request to exclude data on this population of students when reporting on the relevant State Performance Plan/Annual Performance Report indicator.

*Section 615—Procedural Safeguards*

Topic Addressed: Discipline Procedures

○ Letter dated August 21, 2009 to New Jersey attorney Rotimi Owoh, clarifying when a LEA is required to conduct a manifestation determination review prior to a short-term disciplinary removal of a child with a disability.

*Other Letters That Do Not Interpret Idea But May Be of Interest to Readers*

Topic Addressed: Seclusion and Restraints

○ Letter dated July 31, 2009 to Chief State School Officers from Secretary of Education Arne Duncan, encouraging schools to review and, if appropriate, revise their current policies and guidelines on the use of seclusion and restraints in schools to ensure that every student is safe and protected from unnecessary or inappropriate restraint or seclusion.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: March 12, 2010.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

#### DEPARTMENT OF EDUCATION

##### Proposed Waivers for the Comprehensive Centers Program and Funding of Continuation Grants

**AGENCY:** Office of Elementary and Secondary Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary proposes to waive the requirements in 34 CFR 75.250 and 75.261(c)(2) of the Education Department General Administrative Regulations (EDGAR) that, respectively, generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The proposed waivers would enable the 21 current eligible grantees under the Comprehensive Centers program to continue to receive Federal funding beyond the five-year limitation contained in 34 CFR 75.250.

**DATES:** We must receive your comments on or before April 19, 2010.

**ADDRESSES:** Address all comments about these proposed waivers to Frances Walter, U.S. Department of Education, 400 Maryland Ave., SW., Room 3W113, Washington, DC 20202-2800. You may provide comments by e-mail addressed to [fran.walter@ed.gov](mailto:fran.walter@ed.gov). You must include the term "Comprehensive Centers Program Waivers" in the subject line of your electronic message.

**FOR FURTHER INFORMATION CONTACT:** Frances Walter. Telephone: (202) 205-9198 or via Internet: [Fran.walter@ed.gov](mailto:Fran.walter@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print,

audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

##### Invitation To Comment

We invite you to submit comments regarding this notice of proposed waivers.

During and after the comment period, you may inspect all public comments about this notice of proposed waivers in Room 3W113, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

##### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed waivers. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### Background

Under the Comprehensive Centers program, the Department supports grants to operate regional technical assistance centers and national content centers as authorized by sections 203 through 207 of the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. 9602). The purpose of these centers is to provide technical assistance to States as States work to help local educational agencies (LEAs) and schools to close achievement gaps in core content areas and raise student achievement in schools, especially to help those in need of improvement (as defined by section 1116(b) of the Elementary and Secondary Act of 1965, as amended (ESEA)) in implementing the school improvement provisions under section 1116 of the ESEA.

Eligible applicants for Comprehensive Center grants are research organizations, institutions, agencies, institutions of higher education, partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in the notice inviting applications published in the **Federal Register** on June 3, 2005 (70 FR 53283) and corrected on June 20, 2005 (70 FR 35415).

We do not believe it would be in the public interest to hold new

competitions under the Comprehensive Centers program until after the Congress has completed the process of reauthorizing the ESEA and the ETAA since the primary work of the Comprehensive Centers is to help States, LEAs, and schools implement key school improvement provisions of the ESEA. We also have concluded that it would be contrary to the public interest to have a lapse in Comprehensive Centers projects pending these reauthorizations. For these reasons, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limit the extension of a project period if the extension involves the obligation of additional Federal funds. With these waivers: (1) Current Comprehensive Centers grantees would receive FY 2010 funds and continue to operate through FY 2011 and possibly beyond, if Congress continues to appropriate funds for that purpose, and (2) we would not announce a new competition or make new awards under the Comprehensive Centers program in FY 2010.

The proposed waivers of 34 CFR 75.250 and 75.261(c)(2) would not affect the applicability of the requirements in 34 CFR 75.253 (continuation of a multi-year project after the first budget period) to any current Comprehensive Centers grantee that receives a continuation award as a result of the waivers.

In addition, these proposed waivers would not exempt current Comprehensive Centers grantees from the account-closing provisions in 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to current Comprehensive Centers grantees. Under 31 U.S.C. 1552(a), appropriated funds may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Treasury Department and is unavailable for restoration for any purpose. The waivers proposed in this notice would not change this requirement.

Making these waivers, therefore, would ensure that the important services provided by the current Comprehensive Centers grantees can be continued, as the Department works on reauthorization of the ETAA and ESEA and designs a Comprehensive Centers program that is clearly aligned with the Department's technical assistance priorities. During this interim period the activities of the current Comprehensive

Centers grantees would be modified to support the Department's technical assistance priorities.

We will announce the final waivers, if any, in a notice in the **Federal Register**. We will determine the final waivers after considering responses to this notice and other information available to the Department.

#### **Proposed Waivers—Comprehensive Centers Program**

The Secretary proposes to waive the requirements in 34 CFR 75.250 and 75.261(c)(2), which prohibit project periods exceeding five years and extensions of project periods that involve the obligation of additional Federal funds, for the current Comprehensive Centers grantees.

#### **Regulatory Flexibility Act Certification**

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

The small entities that would be affected by these proposed waivers are:

(a) The FY 2005 grantees currently receiving Federal funds; and

(b) The entities that are eligible for an award under the Comprehensive Centers program (*i.e.*, research organizations, institutions, agencies, institutions of higher education, partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in the notice inviting applications published in the **Federal Register** on June 3, 2005 (70 FR 53283) and corrected on June 20, 2005 (70 FR 35415)).

The Secretary certifies that the proposed waivers would not have a significant economic impact on these entities because the proposed waivers and the activities required to support the additional years of funding would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposed waivers would impose minimal requirements to ensure the proper expenditure of program funds, including requirements that are standard for continuation awards.

#### **Paperwork Reduction Act of 1995**

This notice of proposed waivers does not contain any information collection requirements.

#### **Intergovernmental Review**

This program is subject to Executive Order 12372 and the regulations in 34 CFR 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a

strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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(Catalog of Federal Domestic Assistance Number 84.283B, Comprehensive Centers Program).

**Program Authority:** 20 U.S.C 99601–99608.

Dated: March 12, 2010.

**Thelma Meléndez de Santa Ana**,  
*Assistant Secretary for Elementary and Secondary Education*.

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## **DEPARTMENT OF EDUCATION**

### **Office of Special Education and Rehabilitative Services Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Advanced Rehabilitation Research Training (ARRT) Projects**

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice reopening the Advanced Rehabilitation Research Training (ARRT) Projects fiscal year (FY) 2010 competition.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133P-1.

**SUMMARY:** On December 11, 2009, we published in the **Federal Register** (74 FR 65765–65769) a notice inviting applications for the Advanced Rehabilitation Research Training Projects FY 2010 competition. The notice established a February 9, 2010