



Federal Register

**Monday,
December 3, 2001**

Part VI

**Department of
Education**

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulations. The agenda is issued under the authority of section 4(b) of Executive Order 12866 "Regulatory Planning and Review." The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Questions or comments related to preparation of this agenda should be directed to Sandy Jablonski, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6E107, FB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 401-8300. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, OMB, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5

U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.

In accordance with the Department's Principles for Regulating listed in its regulatory plan, ED is committed to regulating that improves the quality and equality of services to its customers, learners of all ages. ED will regulate only when absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on regulations listed in this agenda that are designated for periodic review under the Regulatory Flexibility Act (5 U.S.C. 610).

We will also review all regulations that are published to ensure that, if

appropriate, those regulations support the National Education Goals.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item in the agenda. The Department may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

For this edition of ED's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Electronic Access to This Document

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at:

<http://www.access.gpo.gov/nara/index.html>

Dated: September 4, 2001.

Steven Y. Winnick,

Deputy General Counsel.

ED

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
915	Student Rights in Research, Experimental Programs, and Testing	1880-AA66

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
916	Protection of Human Subjects (Classified Research)	1880-AA79

Office of the Chief Financial Officer—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
917	Governmentwide Requirement for Drug-Free Workplace (Financial Assistance) and Governmentwide Debarment and Suspension (Nonprocurement)	1890-AA07

Office of the Chief Financial Officer—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
918	Education Department General Administrative Regulations (EDGAR)	1890-AA02

Office of the Chief Financial Officer—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
919	Protection of Human Subjects (Classified Research)	1890-AA08

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
920	Reauthorization of the Elementary and Secondary Education Act of 1965 (Section 610 Review) (Reg Plan Seq No. 19)	1810-AA91

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Student Financial Assistance—Completed Actions

Sequence Number	Title	Regulation Identification Number
921	Performance Standards for Retention of Electronic Records in the Student Financial Assistance Programs	1845-AA21

ED

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
922	Early Intervention Program for Infants and Toddlers with Disabilities	1820-AB53

**Department of Education (ED)
Departmental Management (EDMAN)**

Proposed Rule Stage

915. STUDENT RIGHTS IN RESEARCH, EXPERIMENTAL PROGRAMS, AND TESTING

Priority: Other Significant

Legal Authority: 20 USC 1232h

CFR Citation: 34 CFR 98

Legal Deadline: None

Abstract: These regulations are needed to implement section 1017 of the Goals 2000: Educate America Act (Pub. L. 103-227, 20 U.S.C. 1232h). That provision amends the Protection of Pupil Rights Amendment (PPRA) to require schools, in certain instances, to make specific educational materials available to parents for inspection. The

provision also amends the PPRA to prohibit schools from requiring a student to submit to certain surveys, analyses, or evaluations without prior parental consent. The regulations are being developed in accordance with the Department's Principles for Regulating. We are expecting new legislation that would amend the PPRA. As our next action we anticipate issuing a new NPRM based on this new legislation.

Timetable:

Action	Date	FR Cite
NPRM	08/28/95	60 FR 44696

Action	Date	FR Cite
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NPRM Comment Period End	10/27/95	
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ellen Campbell, Family Policy Compliance Office, Department of Education, Room 2W101, 400 Maryland Avenue SW, FB-6, Washington, DC 20202-4605
Phone: 202 260-3887

RIN: 1880-AA66

**Department of Education (ED)
Departmental Management (EDMAN)**

Completed Actions

916. PROTECTION OF HUMAN SUBJECTS (CLASSIFIED RESEARCH)

Priority: Substantive, Nonsignificant

CFR Citation: 34 CFR 97

Completed:

Reason	Date	FR Cite
Transferred to RIN 1890-AA08	08/22/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Helene Deramond
Phone: 202 260-5353

RIN: 1880-AA79

**Department of Education (ED)
Office of the Chief Financial Officer (OCFO)**

Proposed Rule Stage

917. GOVERNMENTWIDE REQUIREMENT FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE) AND GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Other Significant

Legal Authority: EO 12549; EO 12689; 20 USC 1082; 20 USC 1094; 20 USC 1221e-3; 20 USC 3474; sec 2455, PL 103-355, 108 Stat 3243 at 3327; ...

CFR Citation: 34 CFR 84; 34 CFR 85; 34 CFR 668; 34 CFR 682

Legal Deadline: None

Abstract: These regulations are part of a common rule amending the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988. These regulations clarify the relationship between debarment and suspension actions and limitation, suspension, and termination actions under title IV of the HEA. Additionally, these regulations set the dollar threshold on prohibited lower-tier procurement transactions

with excluded persons at \$25,000. These regulations also relocate the Drug-Free Workplace Act regulations in a separate part from the debarment and suspension regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

ED—OCFO

Proposed Rule Stage

Agency Contact: Peter Wathen-Dunn,
General Attorney, Department of
Education, Office of the Chief Financial

Officer, Room 6E211, 400 Maryland
Avenue SW, FB-6, Washington, DC
20202-2243

Phone: 202 401-6700

RIN: 1890-AA07

Department of Education (ED)

Final Rule Stage

Office of the Chief Financial Officer (OCFO)

**918. EDUCATION DEPARTMENT
GENERAL ADMINISTRATIVE
REGULATIONS (EDGAR)**

Priority: Substantive, Nonsignificant

Legal Authority: 20 USC 1221e-3(a)(1);
20 USC 3474

CFR Citation: 34 CFR 75

Legal Deadline: None

Abstract: These regulations are needed to implement features of the Department's streamlined discretionary grants process. These regulations will establish the procedures the Secretary may use for reviewing and selecting

applications submitted for new grants under discretionary grant programs. New review and selection procedures will be established and defined including a new policy to give special consideration to novice applicants.

Timetable:

Action	Date	FR Cite
NPRM	04/17/00	65 FR 20698
NPRM Comment Period End	06/30/00	65 FR 37090
Final Action	12/00/01	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: NPRM published under RIN 1880-AA02.

Agency Contact: Valerie A. Sinkovits,
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Education, Office of the Chief Financial
Officer, Room 3652, ROB-3, 400
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20202-4248

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RIN: 1890-AA02

Department of Education (ED)

Long-Term Actions

Office of the Chief Financial Officer (OCFO)

**919. PROTECTION OF HUMAN
SUBJECTS (CLASSIFIED RESEARCH)**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 42 USC
300v-1(b)

CFR Citation: 34 CFR 97

Legal Deadline: None

Abstract: These amendments would revise existing regulations to eliminate certain waiver and expedited review

provisions by adopting additional protection pertaining to human subjects in classified research.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1880-AA79

Agency Contact: Helene Deramond,
Department of Education, Office of the
Chief Financial Officer, Room 3652,
ROB-3, 400 Maryland Avenue SW,
Washington, DC 20202

Phone: 202 260-5353

RIN: 1890-AA08

Department of Education (ED)

Proposed Rule Stage

Office of Elementary and Secondary Education (OESE)

**920. REAUTHORIZATION OF THE
ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965 (SECTION
610 REVIEW)**

Regulatory Plan: This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.

RIN: 1810-AA91

Department of Education (ED)

Completed Actions

Office of Student Financial Assistance (OSFA)

921. PERFORMANCE STANDARDS FOR RETENTION OF ELECTRONIC RECORDS IN THE STUDENT FINANCIAL ASSISTANCE PROGRAMS

Priority: Other Significant

CFR Citation: 34 CFR 50

Completed:

Reason	Date	FR Cite
Withdrawn	08/22/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Gail McLarnon
Phone: 202 219-7048

RIN: 1845-AA21

Department of Education (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

922. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES

Priority: Other Significant

Legal Authority: 20 USC 1431 to 1445

CFR Citation: 34 CFR 303

Legal Deadline: None

Abstract: These regulations provide clarification and guidance regarding the provision of early intervention services in "natural environments," revise the requirements on State financing of early

intervention services (including the use of public and private insurance by States), and make other changes to clarify and improve implementation of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53808
NPRM Period End	12/04/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: JoLeta Reynolds, Department of Education, Office of Special Education and Rehabilitative Services, Room 3082, Switzer Building, 400 Maryland Avenue SW, Washington, DC 20202
Phone: 202 205-5507

RIN: 1820-AB53

[FR Doc. 01-23850 Filed 11-30-01; 8:45 am]

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