



Federal Register

**Monday,
May 13, 2002**

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 (66 FR 61530; published December 3, 2001), 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).

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.

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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: March 25, 2002.

Brian W. Jones, General Counsel.

Departmental Management—Proposed Rule Stage

Table with 3 columns: Sequence Number, Title, and Regulation Identification Number. Row 1: 645, Student Rights in Research, Experimental Programs, and Testing, 1880-AA66

ED

Office of the Chief Financial Officer—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
646	Governmentwide Requirement for Drug-Free Workplace (Financial Assistance) and Governmentwide Debarment and Suspension (Nonprocurement)	1890-AA07
647	Protection of Human Subjects (Classified Research)	1890-AA08

Office of the Chief Financial Officer—Completed Actions

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

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
649	Reauthorization of Title I of the Elementary and Secondary Education Act of 1965 (Section 610 Review)	1810-AA91
650	Improving the Academic Achievement of the Disadvantaged	1810-AA92

Office of Federal Student Aid—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
651	Student Assistance General Provisions; Institutional Eligibility; GEAR UP; Federal Pell Grant Program; Federal Work-Study Programs	1845-AA24
652	Federal Perkins Loan Program	1845-AA22
653	Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program	1845-AA23

Office of Special Education and Rehabilitative Services—Completed Actions

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

Department of Education (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

645. 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. New legislation amending the PPRA

passed as part of the No Child Left Behind Act of 2001. As our next action we will issue a new NPRM based on this new legislation.

Timetable:

Action	Date	FR Cite
NPRM	08/28/95	60 FR 44696
NPRM Comment Period End	10/27/95	
Second NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No

ED—EDMAN

Proposed Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Ellen Campbell,
Family Policy Compliance Office,
Department of Education, Room2W101, 400 Maryland Avenue SW, FB-
6, Washington, DC 20202-4605
Phone: 202 260-3887**RIN:** 1880-AA66

Department of Education (ED)

Long-Term Actions

Office of the Chief Financial Officer (OCFO)

**646. 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	01/23/02	67 FR 3326
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**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**647. 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)

Completed Actions

Office of the Chief Financial Officer (OCFO)

**648. EDUCATION DEPARTMENT
GENERAL ADMINISTRATIVE
REGULATIONS (EDGAR)****Priority:** Substantive, Nonsignificant**CFR Citation:** 34 CFR 75**Completed:**

Reason	Date	FR Cite
Final Action	11/30/01	66 FR 60136

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Valerie A. Sinkovits
Phone: 202 708-7568

Fax: 202 205-0667

Email: valerie.sinkovits@ed.gov

RIN: 1890-AA02

Department of Education (ED)

Proposed Rule Stage

Office of Elementary and Secondary Education (OESE)

649. REAUTHORIZATION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SECTION 610 REVIEW)**Priority:** Other Significant**Legal Authority:** PL 107-110**CFR Citation:** 34 CFR 200**Legal Deadline:** Final, Statutory, July 8, 2002.

Abstract: These regulations would implement changes made by the reauthorization of title I of the Elementary and Secondary Education Act of 1965. This action is a notice that ED is reviewing the regulations in 34 CFR part 200 under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). The purpose of this review is to determine if these regulations should be continued without change, or should be amended or rescinded, to minimize any significant economic impact upon a substantial number of small entities. We are requesting comment on the continued need for the regulations; the complexity of the regulations; the extent to which they overlap, duplicate, or conflict with other Federal, State, or local government rules; and the degree

to which technology, economic conditions, or other relevant factors have changed since the regulations were promulgated.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** No**Government Levels Affected:** Undetermined

Agency Contact: Susan Wilhelm, Compensatory Education Programs, Department of Education, Office of Elementary and Secondary Education, Room 3W202, 400 Maryland Avenue SW, Washington, DC 20202-6132
Phone: 202 260-0826

RIN: 1810-AA91**650. • IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED****Priority:** Other Significant**Legal Authority:** PL 107-110**CFR Citation:** 34 CFR 200

negotiated rulemaking process under section 492 of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Wendy Macias, Department of Education, Office of Postsecondary Education, Room 8056, 1990 K Street NW, Washington, DC 20006
Phone: 202 502-7526

RIN: 1845-AA24**652. • FEDERAL PERKINS LOAN PROGRAM****Priority:** Other Significant**Legal Authority:** 20 USC 1001 et seq**CFR Citation:** 34 CFR 674**Legal Deadline:** Final, Statutory, January 8, 2003.

Abstract: These regulations are needed to implement title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and are subject to negotiated rulemaking. The proposed changes concern, at a minimum, standards and assessments.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Susan Wilhelm, Compensatory Education Programs, Department of Education, Office of Elementary and Secondary Education, Room 3W202, 400 Maryland Avenue SW, Washington, DC 20202-6132
Phone: 202 260-0826

RIN: 1810-AA92

Department of Education (ED)

Proposed Rule Stage

Office of Federal Student Aid (OFSA)

651. • STUDENT ASSISTANCE GENERAL PROVISIONS; INSTITUTIONAL ELIGIBILITY; GEAR UP; FEDERAL PELL GRANT PROGRAM; FEDERAL WORK-STUDY PROGRAMS**Priority:** Other Significant**Legal Authority:** 20 USC 1001 et seq**CFR Citation:** 34 CFR 600; 34 CFR 668; 34 CFR 673; 34 CFR 675; 34 CFR 690; 34 CFR 693; ...**Legal Deadline:** None

Abstract: These regulations will implement various changes to the Student Assistance General Provisions, the regulations governing institutional eligibility, the GEAR UP program, the Federal Pell Grant Program, the general provisions for the Federal Perkins Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program and will be negotiated with the financial aid, higher education, and other related community members through the

Legal Deadline: None

Abstract: These regulations will implement various changes to the Perkins Loan Program and will be negotiated with the financial aid, higher education, and other related community members through the negotiated rulemaking process under section 492 of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gail McLarnon, Department of Education, Office of Postsecondary Education, Room 8062, 1990 K Street NW, Washington, DC 20006

ED—OFSA

Proposed Rule Stage

Phone: 202 219-7048

RIN: 1845-AA22

653. • FEDERAL FAMILY EDUCATION LOAN PROGRAM AND WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

Priority: Other Significant

Legal Authority: 20 USC 1001 et seq

CFR Citation: 34 CFR 682; 34 CFR 685

Legal Deadline: None

Abstract: These regulations will implement various changes to the FFEL and Direct Loan Programs and will be negotiated with the financial aid, higher education, and other related community members through the negotiated rulemaking process under section 492 of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gail McLarnon, Department of Education, Office of Postsecondary Education, Room 8062, 1990 K Street NW, Washington, DC 20006

Phone: 202 219-7048

RIN: 1845-AA23

Department of Education (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

654. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES

Priority: Other Significant

CFR Citation: 34 CFR 303

Completed:

Reason	Date	FR Cite
Withdrawn	01/10/02	67 FR 1410

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: JoLeta Reynolds

Phone: 202 205-5507

RIN: 1820-AB53

[FR Doc. 02-8352 Filed 05-10-02; 8:45 am]

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