



Federal Register

**Monday,
April 24, 2000**

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 Kenneth C. Depew, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6E109, 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 Secretary's Principles for Regulating, listed in the Department's regulatory plan, the Department of Education 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 on 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.

We have established two negotiated rulemaking committees under title IV of the Higher Education Act of 1965, as amended (64 FR 73458; December 30, 1999). Each committee includes representatives of the interests that are significantly affected by the subject matter of the regulations. We expect that the topics to be addressed by each committee will include the following:

Committee I: Loan Issues Committee

Cohort Default Rates
Death and Disability
Delinquency and Default Management
Teacher Loan Forgiveness
False Certification Discharges
Federal Perkins Loans
Cash Management

Committee II: Program and Eligibility Issues Committee

Change of Ownership
Nontraditional Programs
Special Leveraging Education Assistance Partnerships (SLEAP)
Electronic Authorization and Verification, and Electronic Retention

Each negotiating committee includes representatives of significantly affected interests, including students, legal assistance organizations that represent students, institutions of higher education, guaranty agencies, lenders, secondary markets, loan services, guaranty agency servicers, and collection agencies.

We will add specific entries to future agendas as soon as we have determined, based on the results of the regulatory negotiations, the number and content of the notices of proposed rulemaking.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on 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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Dated: March 3, 2000.

Judith A. Winston,

General Counsel.

Departmental Management—Final Rule Stage

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

Departmental Management—Long-Term Actions

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

Office of the Chief Financial Officer—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
837	Education Department General Administrative Regulations (EDGAR)	1890-AA00
838	Education Department General Administrative Regulations (EDGAR)	1890-AA02

Office of the Chief Financial Officer—Completed Actions

Sequence Number	Title	Regulation Identification Number
839	Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	1890-AA05

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
840	Title I—Helping Disadvantaged Children Meet High Standards	1810-AA90

Office of Elementary and Secondary Education—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
841	Reauthorization of the Elementary and Secondary Education Act of 1965 (Section 610 Review)	1810-AA91

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
842	Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	1840-AC82

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Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identification Number
843	Teacher Quality Enhancement Grants Program	1840-AC65
844	Preparing Tomorrow's Teachers To Use Technology	1840-AC81

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
845	Assistance to States for the Education of Children with Disabilities	1820-AB51
846	The State Vocational Rehabilitation Services Program (Section 610 Review)	1820-AB50

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
847	The State Vocational Rehabilitation Services Program—Evaluation Standards and Performance Indicators	1820-AB14
848	Projects With Industry	1820-AB45

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identification Number
849	Personnel Preparation To Improve Services and Results for Children With Disabilities	1820-AB46

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

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

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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.

Timetable:

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

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

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)
Long-Term Actions
836. 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

Agency Contact: Helene Deramond, Department of Education, Room 3652, ROB-3, 400 Maryland Avenue SW, Washington, DC 20202
Phone: 202 260-5353

RIN: 1880-AA79

DEPARTMENT OF EDUCATION (ED)
Office of the Chief Financial Officer (OCFO)
Long-Term Actions
837. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS (EDGAR)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 34 CFR 75; 34 CFR 76; 34 CFR 77

Legal Deadline: None

Abstract: These proposed regulations would reinvent key parts of EDGAR by eliminating unnecessary, obsolete, or duplicative provisions; replacing some provisions with non-regulatory guidance; and revising other sections to improve clarity and ease of use by the Department's customers.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/96	61 FR 43640
ANPRM Comment Period End	09/23/96	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tony Cavataio, Management Analyst, Grants Policy and Oversight Staff, Department of Education, Office of the Chief Financial Officer, Room 3652, 400 Maryland Avenue SW, ROB-3, Washington, DC 20202-4248
Phone: 202 708-7802
Fax: 800 877-8339
Email: tony_cavataio@ed.gov

RIN: 1890-AA00

838. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS (EDGAR)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 redesigned discretionary

grants process. These regulations will establish the procedures the Secretary may use for reviewing and selecting applications submitted for new grants under the discretionary grant programs. Several new review and selection procedures will be established and defined. These regulations will also propose a new policy to give special consideration to novice applicants and will define the procedures for reviewing and selecting applications submitted under a novice set-aside.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Valerie A. Sinkovits, Management Analyst, Department of Education, Office of the Chief Financial Officer, Room 3652, 400 Maryland Avenue SW, ROB-3, Washington, DC 20202-4248
Phone: 202 708-7568
Fax: 800 877-8339
Email: valerie_sinkovits@ed.gov

RIN: 1890-AA02

DEPARTMENT OF EDUCATION (ED)**Completed Actions****Office of the Chief Financial Officer (OCFO)****839. • ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Other Significant**Legal Authority:** 20 USC 1221e-3; 20 USC 3474; OMB Circular A-110**CFR Citation:** 34 CFR 74**Legal Deadline:** None

Abstract: These final regulations with request for comments adopt revised OMB Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."

Timetable:

Action	Date	FR Cite
Final Action	03/16/00	65 FR 14416

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

Agency Contact: Arthur Stewart, Department of Education, Office of the Chief Financial Officer, Room 3652, ROB-3, 400 Maryland Avenue SW, Washington, DC 20202-4248
Phone: 202 708-4249

RIN: 1890-AA05**DEPARTMENT OF EDUCATION (ED)****Proposed Rule Stage****Office of Elementary and Secondary Education (OESE)****840. TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS****Priority:** Other Significant**Legal Authority:** 20 USC 6301-6514**CFR Citation:** 34 CFR 200**Legal Deadline:** None

Abstract: These regulations would reflect the Department's initial experience in making allocations

directly to 15,000 school districts. The regulations will potentially affect all formula grant allocations under title I, part A, of the Elementary and Secondary Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Sandy Brown, Department of Education, Office of Elementary and Secondary Education, Room 3C132, FB-6, 400 Maryland Avenue SW, Washington, DC 20202
Phone: 202 260-0976

RIN: 1810-AA90**DEPARTMENT OF EDUCATION (ED)****Long-Term Actions****Office of Elementary and Secondary Education (OESE)****841. • REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 20 USC 6301-6514**CFR Citation:** 34 CFR 299**Legal Deadline:** None

Abstract: These regulations would implement changes made by the reauthorization of the Elementary and Secondary Education Act of 1965. This action is a notice that ED is reviewing the regulations in 34 CFR chapter II 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: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined

Agency Contact: William H. Wooten, Drug-Free Schools and Campuses Task Force, Department of Education, Office of Elementary and Secondary Education, Room 3W308, 400 Maryland Avenue SW, Portals Building, Washington, DC 20202-6123
Phone: 202 260-1922

RIN: 1810-AA91

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Postsecondary Education (OPE)

842. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS (GEAR UP)**Priority:** Other Significant**Legal Authority:** 20 USC 1070a-21 et seq**CFR Citation:** 34 CFR 694**Legal Deadline:** None**Abstract:** These regulations are needed to implement section 403 of the Higher Education Amendments of 1998 (Pub. L. 105-244, enacted October 7, 1998)

establishing GEAR UP, a program designed to give more low-income students the skills, encouragement, and preparation needed to pursue postsecondary education and to strengthen academic programs and student services at participating schools.

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71551
NPRM Comment Period End	02/10/00	65 FR 5844
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Condon, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202
Phone: 202 502-7676**RIN:** 1840-AC82

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Postsecondary Education (OPE)

843. TEACHER QUALITY ENHANCEMENT GRANTS PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 34 CFR 611**Completed:**

Reason	Date	FR Cite
NPRM	11/05/99	64 FR 60631
NPRM Comment Period End	12/06/99	
Final Action	01/12/00	65 FR 1780

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Louis J. Venuto
Phone: 202 502-7878**RIN:** 1840-AC65**844. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY****Priority:** Substantive, Nonsignificant**CFR Citation:** 34 CFR 614**Completed:**

Reason	Date	FR Cite
NPRM	10/22/99	64 FR 57287
NPRM Comment Period End	11/22/99	
Final Action	12/28/99	64 FR 72801

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Mary Gonzales
Phone: 202 502-7788**RIN:** 1840-AC81

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

845. ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES**Priority:** Other Significant**Legal Authority:** 20 USC 1411-1420**CFR Citation:** 34 CFR 300**Legal Deadline:** None**Abstract:** These regulations are needed to implement a provision under part B of the Individuals with Disabilities Education Act that for any fiscal year in which the appropriation for section 611 of part B exceeds \$4.1 billion, a local educational agency may treat as local funds up to 20 percent of the amount it receives under that part that exceeds the amount it received during the prior fiscal year.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	

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: 202 205-5465**RIN:** 1820-AB51**846. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 29 USC 711(C)**CFR Citation:** 34 CFR 361**Legal Deadline:** None**Abstract:** These regulations are needed to implement changes made by the Rehabilitation Act Amendments of 1998, the Reading Excellence Act, the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1998, and the Workforce Investment Act of 1998. This action also results from a review of the existing regulations for this program under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). The purpose of this review was 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.**Timetable:**

Action	Date	FR Cite
NPRM	02/28/00	65 FR 10620
NPRM Comment Period End	04/28/00	

ED—OSERS

Proposed Rule Stage

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Beverlee Stafford, Director, Planning, Policy, and Evaluation Services, Department of Education, Office of Special Education and Rehabilitative Services, Room

3014, Switzer Building, 400 Maryland Avenue SW, Washington, DC 20202-2531
Phone: 202 205-8299
RIN: 1820—AB50

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

847. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM—EVALUATION STANDARDS AND PERFORMANCE INDICATORS

Priority: Other Significant

Legal Authority: 29 USC 726; PL 102-569

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: These proposed revisions to existing regulations are needed because of changes in the authorizing legislation made by the Rehabilitation Act Amendments of 1992 (Pub. L. 102-569) and the Rehabilitation Act Amendments of 1998 (Pub. L. 105-220). The Amendments require the development of standards and performance indicators. The proposed regulations are being developed in accordance with the Department's Principles for Regulating.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/93	58 FR 9458

Action	Date	FR Cite
NPRM	10/14/98	63 FR 55291
NPRM Comment	11/30/98	
Period End		
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Beverlee Stafford, Director, Planning, Policy, and Evaluation Services, Department of Education, Office of Special Education and Rehabilitative Services, Room 3014, Switzer Building, 400 Maryland Avenue SW, Washington, DC 20202-2531
Phone: 202 205-8299

RIN: 1820—AB14

848. PROJECTS WITH INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 711(c); 29 USC 795

CFR Citation: 34 CFR 379

Legal Deadline: None

Abstract: These amendments change the performance indicators for this program in order to improve project performance, enhance project accountability, better reflect statutory intent, and reduce grantee burden.

Timetable:

Action	Date	FR Cite
NPRM	06/23/98	63 FR 34218
NPRM Comment	08/24/98	
Period End		
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas E. Finch, Department of Education, Office of Special Education and Rehabilitative Services, Room 3028, Switzer Building, 400 Maryland Avenue SW, Washington, DC 20202-2575
Phone: 202 205-8292

RIN: 1820—AB45

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

849. PERSONNEL PREPARATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES

Priority: Other Significant

CFR Citation: 34 CFR 304

Completed:

Reason	Date	FR Cite
Final Action	12/09/99	64 FR 69137

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Renee Bradley
Phone: 202 358-2849

RIN: 1820—AB46

[FR Doc. 00-5995 Filed 04-21-00; 8:45 am]

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