



Federal Register

**Monday,
May 14, 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 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 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.

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

Dated: March 9, 2001.

Steven Y. Winnick,
Deputy General Counsel.

Departmental Management—Final Rule Stage

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

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Departmental Management—Long-Term Actions

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

Office of the Chief Financial Officer—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
735	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
736	Education Department General Administrative Regulations (EDGAR)	1890-AA02

Office of the Chief Financial Officer—Completed Actions

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

Office for Civil Rights—Completed Actions

Sequence Number	Title	Regulation Identification Number
738	Conforming Amendments to the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Disability, Sex, and Age Under the Civil Rights Restoration Act of 1987	1870-AA10

Office of Elementary and Secondary Education—Long-Term Actions

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

Office of Student Financial Assistance—Proposed Rule Stage

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

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Office of Student Financial Assistance—Completed Actions

Sequence Number	Title	Regulation Identification Number
741	Institutional Eligibility; Student Assistance General Provisions; Federal Work-Study Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program (General Provisions)	1845-AA19
742	Student Assistance General Provisions; Federal Family Education Loan (FFEL) Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program (Cohort Default Rates)	1845-AA17
743	Federal Perkins Loan Program; Federal Family Education Loan (FFEL) Program; and William D. Ford Federal Direct Loan Program (Death and Disability)	1845-AA12
744	Federal Perkins Loan Program	1845-AA15
745	Federal Family Education Loan (FFEL) Program and William D. Ford Federal Direct Loan Program (Teacher Loan Forgiveness)	1845-AA11
746	Federal Family Education Loan (FFEL) Program; William D. Ford Federal Direct Loan Program (Guaranty Agencies)	1845-AA16
747	Special Leveraging Educational Assistance Partnership Program	1845-AA18

Office of Special Education and Rehabilitative Services—Final Rule Stage

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

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identification Number
749	Assistance to States for the Education of Children With Disabilities	1820-AB51
750	The State Vocational Rehabilitation Services Program	1820-AB50
751	The State Vocational Rehabilitation Services Program (Employment Outcomes)	1820-AB52

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

733. 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.

Timetable:

Action	Date	FR Cite
NPRM	08/28/95	60 FR 44696
NPRM Comment Period End	10/27/95	
Final Action	09/00/01	

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
734. 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)
Proposed Rule Stage
735. • 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

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)
Office of the Chief Financial Officer (OCFO)
Final Rule Stage
736. 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	06/30/00	65 FR 37090
Period End		
Final Action	11/00/01	

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, Management Analyst, Department of Education, Office of the Chief Financial Officer, Room 3652, ROB-3, 400 Maryland Avenue SW, Washington, DC 20202-4248
Phone: 202 708-7568
Fax: 202 205-0667
Email: valerie.sinkovits@ed.gov

RIN: 1890-AA02

DEPARTMENT OF EDUCATION (ED)
Office of the Chief Financial Officer (OCFO)
Completed Actions
**737. EDUCATION DEPARTMENT
GENERAL ADMINISTRATIVE
REGULATIONS (EDGAR)**
Priority: Substantive, Nonsignificant

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

Reason	Date	FR Cite
Withdrawn	02/28/01	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Tony Cavataio
Phone: 202 708-7802

Fax: 800 877-8339

Email: tony.cavataio@ed.gov

RIN: 1890-AA00

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)
Completed Actions
**738. CONFORMING AMENDMENTS TO
THE REGULATIONS GOVERNING
NONDISCRIMINATION ON THE BASIS
OF RACE, COLOR, NATIONAL
ORIGIN, DISABILITY, SEX, AND AGE
UNDER THE CIVIL RIGHTS
RESTORATION ACT OF 1987**
Priority: Other Significant

CFR Citation: 34 CFR 100; 34 CFR 104;
34 CFR 106; 34 CFR 110
Completed:

Reason	Date	FR Cite
Final Action	11/13/00	65 FR 68050

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Jeanette J. Lim

Phone: 202 205-5557

RIN: 1870-AA10

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)
Long-Term Actions
**739. REAUTHORIZATION OF THE
ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965 (SECTION
610 REVIEW)**
Priority: Other Significant

Legal Authority: 20 USC 6301 to 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 A. Wooten,
Office of the Assistant Secretary,
Department of Education, Office of
Elementary and Secondary Education,
Room 3W308, 400 Maryland Avenue
SW, Washington, DC 20202-6123
Phone: 202 260-1922

RIN: 1810-AA91

DEPARTMENT OF EDUCATION (ED)
Office of Student Financial Assistance (OSFA)
Proposed Rule Stage
**740. • PERFORMANCE STANDARDS
FOR RETENTION OF ELECTRONIC
RECORDS IN THE STUDENT
FINANCIAL ASSISTANCE PROGRAMS**
Priority: Other Significant

Legal Authority: 15 USC 7001(d)

CFR Citation: 34 CFR 50

Legal Deadline: None

Abstract: These regulations are needed to set performance standards regarding the accuracy, integrity, and accessibility

of electronic records that would apply to lenders, guaranty agencies, schools, and other parties administering any student financial assistance program authorized under title IV of the Higher Education Act of 1965, as amended (HEA).

Timetable:

Action	Date	FR Cite
ANPRM	03/02/01	66 FR 13034

Action	Date	FR Cite
ANPRM Comment Period End	03/19/01	
NPRM	04/00/01	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gail McLarnon,
Department of Education, Office of
Student Financial Assistance, Room

ED—OSFA

Proposed Rule Stage

8062, 1990 K Street NW, Washington,
DC 20006-8540

Phone: 202 219-7048
RIN: 1845-AA21

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Student Financial Assistance (OSFA)

**741. INSTITUTIONAL ELIGIBILITY;
STUDENT ASSISTANCE GENERAL
PROVISIONS; FEDERAL WORK-
STUDY PROGRAM; WILLIAM D. FORD
FEDERAL DIRECT LOAN PROGRAM;
FEDERAL PELL GRANT PROGRAM
(GENERAL PROVISIONS)**

Priority: Other Significant

CFR Citation: 34 CFR 600; 34 CFR 668;
34 CFR 675; 34 CFR 682; 34 CFR 685;
...

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65662

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Mark Washington
Phone: 202 260-9321

RIN: 1845-AA19

**742. STUDENT ASSISTANCE
GENERAL PROVISIONS; FEDERAL
FAMILY EDUCATION LOAN (FFEL)
PROGRAM; WILLIAM D. FORD
FEDERAL DIRECT LOAN PROGRAM;
FEDERAL PELL GRANT PROGRAM
(COHORT DEFAULT RATES)**

Priority: Other Significant

CFR Citation: 34 CFR 668; 34 CFR 682;
34 CFR 685; 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65632

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Kenneth Smith
Phone: 202 708-8242

RIN: 1845-AA17

**743. FEDERAL PERKINS LOAN
PROGRAM; FEDERAL FAMILY
EDUCATION LOAN (FFEL) PROGRAM;
AND WILLIAM D. FORD FEDERAL
DIRECT LOAN PROGRAM (DEATH
AND DISABILITY)**

Priority: Other Significant

CFR Citation: 34 CFR 674; 34 CFR 682;
34 CFR 685

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65678

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Brian Smith
Phone: 202 708-8242

RIN: 1845-AA12

**744. FEDERAL PERKINS LOAN
PROGRAM**

Priority: Other Significant

CFR Citation: 34 CFR 674

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65612

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Vanessa Freeman
Phone: 202 708-8242

RIN: 1845-AA15

**745. FEDERAL FAMILY EDUCATION
LOAN (FFEL) PROGRAM AND
WILLIAM D. FORD FEDERAL DIRECT
LOAN PROGRAM (TEACHER LOAN
FORGIVENESS)**

Priority: Other Significant

CFR Citation: 34 CFR 682; 34 CFR 685

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65624

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Beth Grebeldinger
Phone: 202 708-8242

RIN: 1845-AA11

**746. FEDERAL FAMILY EDUCATION
LOAN (FFEL) PROGRAM; WILLIAM D.
FORD FEDERAL DIRECT LOAN
PROGRAM (GUARANTY AGENCIES)**

Priority: Other Significant

CFR Citation: 34 CFR 682; 34 CFR 685

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65616

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: George Harris
Phone: 202 708-8242

RIN: 1845-AA16

**747. SPECIAL LEVERAGING
EDUCATIONAL ASSISTANCE
PARTNERSHIP PROGRAM**

Priority: Other Significant

CFR Citation: 34 CFR 692

Completed:

Reason	Date	FR Cite
Final Action	11/01/00	65 FR 65606

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Jackie Butler
Phone: 202 708-8242

RIN: 1845-AA18

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

748. 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	07/00/01	

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: 202 205-5465

RIN: 1820-AB53

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

749. ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

Priority: Other Significant

CFR Citation: 34 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	01/08/01	66 FR 1474
Final Action Effective	02/09/01	
Final Action Effective Delayed until 04/10/2001	02/02/01	66 FR 8770

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: JoLeta Reynolds
Phone: 202 205-5465

RIN: 1820-AB51

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	
Final Action	01/17/01	66 FR 4380
Final Action Effective	02/16/01	
Final Action Effective Delayed until 04/17/2001	02/02/01	66 FR 8770

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: 202 205-8831

RIN: 1820-AB50

751. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM (EMPLOYMENT OUTCOMES)

Priority: Other Significant

CFR Citation: 34 CFR 361

Completed:

Reason	Date	FR Cite
Final Action	01/22/01	66 FR 7250
Delay of Voluntary Implementation Date until 04/03/2001	02/02/01	66 FR 8770
Final Action Effective	10/01/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Beverlee Stafford
Phone: 202 205-8831

RIN: 1820-AB52

[FR Doc. 01-6921 Filed 05-11-01; 8:45 am]

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