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DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED-2014-OSERS-0025]

Final Priority; National Institute on Disability and Rehabilitation Research-- Rehabilitation Engineering Research Centers

[CFDA Number: 84.133E-5.]

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

ACTION: Final priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR).

Specifically, we announce a priority for a Rehabilitation Engineering Research Center (RERC) on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairments. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus research attention on an area of national need. We intend the priority to contribute to improved outcomes related to

independence in daily activities in the home, community, or workplace setting for adults with cognitive impairments.

EFFECTIVE DATE: This priority is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue, SW., room 5142, Potomac Center Plaza (PCP), Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: patricia.barrett@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. The program is also intended to improve the effectiveness of services

authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers

The purpose of the RERCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDRR with guidance from its Rehabilitation Research Advisory Council. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RERC program can be found at:

<http://www2.ed.gov/programs/rerc/index.html#types>.

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority for this program in the Federal Register on April 2, 2014 (79 FR 18490). That notice contained background information and our reasons for proposing the particular priority.

There are no differences between the proposed priority and this final priority.

Public Comment: In response to our invitation in the notice of proposed priority we did not receive any comments on the proposed priority.

FINAL PRIORITY:

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for a RERC on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairments.

The RERC must focus on innovative technological solutions, new knowledge, and implementation strategies that enhance the independence and self-management of adults with cognitive impairment.

Under this priority, the RERC must research, develop, and evaluate new technologies, or adapt and evaluate existing technologies, to enhance the ability of adults with cognitive impairment to perform daily activities of their choice in the home, community, or workplace.

Technologies developed or adapted must be designed for commercialization as consumer products or for integration into rehabilitation practice or relevant service delivery systems. Research and development topics under this priority may include, but are not limited to: monitoring

and prompting technologies or other information or communication aids; assistive technologies, including socially assistive robotics; mobile and wearable technologies; virtual reality; and care coordination or tele-health, tele-rehabilitation, and other tele-support systems to facilitate improved activities of daily living.

In responding to this priority, applicants must specify the target populations or subgroups of adults with cognitive impairments that they intend to focus on and identify the setting or settings for which they intend to develop technologies: home, community, or workplace. Applicants must also limit the number of research and development projects to a maximum of eight, and restrict the range of different types of technologies to what is manageable with available resources.

Under this priority, the RERC must be designed to contribute to the following outcomes:

(a) Increased technical and scientific knowledge relevant to technologies for increasing independence in daily living for adults with cognitive impairments. The RERC must contribute to this outcome by establishing a rigorous research and development plan that is balanced between technology development or adaption and technology evaluation and incorporates needs assessment, usability

testing, and intervention development or efficacy studies, as appropriate. The research and development plan must be designed to build a base of evidence for assessing the usability, accessibility, acceptance, utility, and cost-benefit of technologies intended to improve independence in daily activities for adults with cognitive impairment in the home, community, or workplace settings. The RERC must contribute to this outcome by:

(i) Building a transdisciplinary team of collaborators from relevant disciplines, such as: rehabilitation and bio-engineering, computer science, human factors specialists, cognitive and behavioral scientists, clinicians, and other relevant providers;

(ii) Conducting research and research syntheses or secondary analysis of existing data to evaluate user needs and specify the accessibility, acceptance, and human factors design features that will need to be built into the technology solutions developed and evaluated by the RERC to accommodate the cognitive impairments and preferences of the target population;

(iii) Conducting rigorous usability testing in the settings in which the technology will be used;

(iv) Developing and prioritizing a list of evaluation topics that, when addressed, will lead to research-based

information on the utility or efficacy of technology solutions developed by the RERC; and

(v) Involving key stakeholders in the research and research planning activities to maximize the relevance and usefulness of the research products being developed. Stakeholders can include, but are not limited to, individuals with disabilities and their families; national, State, or local-level policymakers, administrators, or service providers; and industry representatives.

(b) Improved usability and effectiveness of technologies, products, devices, systems, performance guidelines, and assessment tools through systematic development or adaptation, testing, and evaluation of innovations. In developing the technologies under this priority the RERC must:

(i) Incorporate user-centered design strategies and consider the context in which the technology product, device, or system will be used;

(ii) Emphasize the principles of universal design and, as appropriate, conform to human factors standards, such as reliability, safety, and simplicity; accessibility and acceptability to users; protective of users' privacy preferences; intuitive user interfaces; feedback in

meaningful sensory modalities; and appropriateness to diverse populations;

(iii) Incorporate ongoing training opportunities or user supports into the design of the technology or into the practice settings or delivery systems in which the technology will be integrated; and

(iv) Ensure that the technologies are interoperable within existing rehabilitation systems or home or mobile technologies and that they communicate with existing information technology systems, as appropriate.

(c) Improved research capacity areas that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by collaborating with the relevant institutions of higher education, professional associations, clinicians and service providers, and other researchers or educators, as appropriate.

(d) Improved awareness and understanding of cutting-edge developments and promising technology solutions that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by identifying and communicating with relevant stakeholders, including NIDRR, individuals with disabilities and their representatives,

disability organizations, service providers, professional journals, manufacturers, and other interested parties regarding trends and evolving product concepts related to its designated priority research area.

(e) Increased impact of research and development activities carried out under this priority area. The RERC must contribute to this outcome by:

(i) Providing technical assistance to relevant public and private organizations, individuals with disabilities and their families, long-term services and supports providers, and employers on policies, guidelines, and standards; and

(ii) Establishing or contributing to an existing program or service that provides objective information and technical and consumer reviews about technologies of promise to support independence in daily living for adults with cognitive impairments.

(f) Increased transfer of RERC-developed technologies to the marketplace for widespread testing and use by developing and implementing a plan to ensure that technologies developed by the RERC are made available to the public or to service delivery systems that serve the public. This technology transfer plan must be developed in the first year of the project period in consultation with

the NIDRR-funded Center on Knowledge Translation for Technology Transfer.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the Federal Register.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives

and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as user fees or marketable permits--to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully. The new RERC would generate, disseminate, and promote the use of new information that is intended to

improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: 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 via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Dated: June 2, 2014

Michael K. Yudin,
Acting Assistant
Secretary for
Special Education and
Rehabilitative Services.

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