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DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED-2019-OSERS-0044]

Final Waiver and Extension of the Project Period for Various Grants that Provide Technical Assistance on Transition

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

ACTION: Final waiver and extension of project periods.

SUMMARY: The Secretary waives the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The waiver and extension enable 33 projects under Catalog of Federal Domestic Assistance (CFDA) numbers 84.326E, 84.328M, 84.235F, and 84.235G to receive funding for an additional period, not to exceed September 30, 2020.

DATES: The waiver and extension of the project periods are effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: For the National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities (NTACT), CFDA number 84.326E, contact Selete Avoke, U.S. Department of Education, 400 Maryland Avenue, SW, room 5002, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-7260. Email: Selete.Avoke@ed.gov. Or contact Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue, SW, room 5094, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-6103. Email: Kristen.Rhinehart@ed.gov.

For the Office of Special Education Programs (OSEP)-funded Parent Training and Information Centers (PTIs), CFDA number 84.328M, contact Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue, SW, room 5162, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-6595. Email: Carmen.Sanchez@ed.gov.

For the Rehabilitation Services Administration (RSA)-funded Parent Information and Training Centers (PTIs), CFDA number 84.235F, and the National Technical Assistance for Parent Information and Training Centers (national PTI TA center), CFDA number 84.235G, contact Tara Jordan, U.S.

Department of Education, 400 Maryland Avenue, SW, room 5058E, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-7341. Email: Tara.Jordan@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: On June 7, 2019, we published a document in the *Federal Register* (84 FR 26623) proposing an extension of project period and a waiver of the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as a waiver of the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds, in order to enable the Secretary to provide additional funds to 33 projects under CFDA numbers 84.326E, 84.328M, 84.235F, and 84.235G for an additional period, not to exceed September 30, 2020.

Background:

We are extending 33 projects under four programs in order to align and coordinate all OSERS-funded training and TA services focused on transition-age children and youth with disabilities and their families. The waiver and

extensions allow OSERS to align and coordinate, and improve the efficiency and cost-effectiveness of, direct training and TA services focused on transition-age children and youth with disabilities and their families. In addition, the Department of Education (Department) will consider approaches for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and families and to allow for efficient use of the funding available to support these activities.

The projects that provide transition-age TA services (and other TA services for individuals with disabilities and their families) are:

The National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities (NTACT) (CFDA 84.326E)

In September 2014, OSEP and RSA jointly made a 60-month award to the University of North Carolina at Charlotte to establish and operate the NTACT. NTACT was funded under the TA and Dissemination Program as authorized under sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1463 and 1481(d), and section 303(b) of the Rehabilitation Act of

1973, as amended by the Workforce Innovation and Opportunity Act (Rehabilitation Act), 29 U.S.C 773(b). The current project period ends on December 31, 2019.

The purpose of the NTACT is to provide TA to State educational agencies (SEAs), local educational agencies (LEAs), State vocational rehabilitation agencies (SVRAs), and other vocational rehabilitation (VR) service providers to implement evidence-based and promising practices and strategies to ensure that students with disabilities, including those with significant disabilities, graduate from high school with the knowledge, skills, and supports needed for success in postsecondary education and employment.

Specifically, NTACT has five primary goals aligned with OSEP and RSA priorities:

1. Youth and young adults with disabilities receive and participate in evidence-based and promising practices in secondary transition services and supports.

2. SEAs and LEAs implement evidence-based and promising practices and strategies, including early warning and intervention systems to reduce dropout rates and increase graduation rates.

3. Students with disabilities participate in career-related curricula so they are prepared for postsecondary employment and careers.

4. Students with disabilities receive rigorous academic preparation so they are prepared for success in postsecondary education.

5. SEAs, LEAs, SVRAs, and local VR offices use data-driven decision making to develop their respective plans and reports.

OSEP-funded Parent Training and Information Centers
(CFDA 84.328M)

In September 2014, OSEP made twenty-three 60-month awards to the following entities to operate PTIs:

Center	State
Raising Special Kids, Inc.	AZ
Advocates for Justice and Education, Inc.	DC
Parent Information Center of Delaware, Inc.	DE
Learning Disabilities Association of Hawaii	HI
Access for Special Kids Resource Center, Inc.	IA
Idaho Parents Unlimited, Inc.	ID
Indiana Resource Center for Families with Special Needs	IN
Families Helping Families of Greater New Orleans	LA
Federation for Children with Special Needs, Inc.	MA
PACER Center, Inc.	MN
Missouri Parents Act (MPACT)	MO
Mississippi Coalition for Citizens with Disabilities	MS
Exceptional Children's Assistance Center, Inc.	NC
NH Coalition for Citizens with Disabilities	NH

Oklahoma Parents Center, Inc.	OK
Parent Education and Advocacy Leadership Center	PA
Rhode Island Parent Information Network	RI
South Dakota Parent Connection, Inc.	SD
Support & Training for Exceptional Parents, Inc.	TN
Parent Educational Advocacy Training Center	VA
PAVE	WA
WVPTI, Inc.	WV
Parents Helping Parents of Wyoming, Inc.	WY

In June 2016, OSEP made a 36-month award to Learning Disabilities Associates of Hawaii to operate a PTI to serve the outlying areas and freely associated States in the Pacific (American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau).

All 24 of the OSEP-funded PTIs are funded under the Training and Information for Parents of Children with Disabilities program as authorized under sections 671 and 681(d) of IDEA, 20 U.S.C. 1463 and 1481(d), and all current project periods end on September 30, 2019.

The purpose of the OSEP-funded PTIs is to provide services designed to meet the information and training needs of parents of children with disabilities, and transition-age youth with disabilities. The OSEP-funded PTIs were funded to help youth become effective self-

advocates and provide parents with information, individual assistance, and training to enable them to (a) ensure that their children are included in general education classrooms and extracurricular activities with their peers; (b) help their children meet developmental and academic goals; (c) help their children meet challenging expectations established for all children, including college- and career-ready academic standards; and (d) prepare their children to achieve positive postsecondary outcomes that lead to lives that are as productive and independent as possible.

Specifically, the OSEP-funded PTIs (a) inform parents of children with disabilities and youth with disabilities of how they can benefit from the services provided by the PTI; (b) provide high-quality services that increase parents' capacity to help their children with disabilities improve their early learning, school-aged, and postsecondary outcomes and increase youth's capacity to be effective self-advocates; and (c) work in partnership with any Community Parent Resource Centers (CPRCs) and any other PTIs funded in the State under sections 672 and 671 of IDEA, respectively, and local, State, and national organizations and agencies, such as protection and advocacy

agencies and VR agencies, that serve children and youth with disabilities and their families.

RSA-funded Parent Information and Training Centers
(CFDA 84.235F)

In September 2014, RSA made seven 60-month awards to the following entities to operate RSA-funded PTIs:

Center	State
PEAK Parent Center	CO
Statewide Parent Advocacy Network	NJ
Open Doors for Multicultural Families	WA
Federation for Children with Special Needs, Inc.	MA
Resources for Children with Special Needs, Inc.	NY
PACER Center Inc.	MN
Missouri Parents Act MPACT	MO

These RSA-funded PTIs are funded under the Parent Information and Training Program as authorized under section 303(c) of the Rehabilitation Act. The current project periods end on September 30, 2019.

These RSA-funded PTIs are designed to meet the unique training and information needs of those individuals who live in the areas to be served, particularly those who are members of populations that have been unserved or underserved by programs under the Rehabilitation Act. The RSA-funded PTIs are geographically distributed to the extent possible throughout the country. The RSA-funded

PTIs coordinate and work closely with the OSEP-funded PTIs and with the centers for independent living.

The RSA-funded PTIs provide information and training to individuals with disabilities and their parents, family members, guardians, advocates, and other authorized representatives. Specifically, the RSA-funded PTIs help individuals with disabilities and their families to (a) better understand VR and independent living programs and services; (b) provide follow-up support for transition services and employment programs; (c) communicate effectively with transition and rehabilitation personnel and other relevant professionals; (d) provide support in the development of individualized plans for employment; (e) provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and (f) understand the provisions of the Rehabilitation Act, particularly provisions relating to employment, supported employment, and independent living.

National Technical Assistance for Parent Information and Training Centers (84.235G)

In September 2014, RSA made one 60-month award to the Statewide Parent Advocacy Network (SPAN), New Jersey, to

establish and operate the national PTI TA center. The center is funded under the Parent Information and Training Program as authorized by section 303(c) of the Rehabilitation Act. The current project period ends on September 30, 2019.

The purpose of the national PTI TA center is to ensure that the seven State-level PTI centers funded by RSA are providing consistent information and training to assist individuals with disabilities and their families, including youth with disabilities who are of transition age, to achieve their employment and independent living goals.

The national PTI TA center also disseminates information on promising and evidence-based practices that lead to high-quality employment outcomes and independent living for individuals with disabilities; shares strategies for communicating effectively with individuals from culturally, ethnically, and linguistically diverse backgrounds; and coordinates the seven State-level PTIs funded by RSA and the PTIs funded by OSEP in disseminating information and training materials on transition services, VR, supported employment, independent living, and career development.

Public Comment:

In response to our invitation in the notice of proposed waiver and extension of the project periods, 21 parties submitted responsive comments. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension, other than updated estimates of the award amounts, as discussed below.

Analysis of Comments and Changes

Comment: Twenty of the 21 commenters provided favorable and supportive comments regarding the proposed waiver and extension of the project periods. These commenters expressed appreciation for the work carried out by these projects. Many of these commenters also noted that since competing the centers late in the fiscal year (FY) is impractical, the extension allows potential applicants to develop more responsive applications in FY 2020.

Discussion: We thank these commenters for their support of extending the project periods, and we agree that extending the project periods will allow for better and more

responsive applications for all of these projects in FY 2020.

Changes: None.

Comment: One commenter stated that they did not support the extension of the project periods for the OSEP-funded PTIs, expressing their concern that the centers in some States had become complacent and requesting that OSEP hold a competition in order to allow more responsive organizations to apply for the grants.

Discussion: OSEP intends to compete PTIs in all States in FY 2020. In addition, as other commenters noted, competing the centers this late in the fiscal year would be impractical and less likely to generate new applicants. OSEP project officers will continue to monitor the projects to ensure high-quality services are provided to parents and families.

Changes: None.

Final Waivers and Extensions

We do not believe that it would be in the public interest to run competitions for these programs in FY 2019 because the Department is reviewing the alignment of its training and TA services focused on transition from high school to college, careers, and adult services for children

and youth with disabilities and their families. During the remainder of FY 2019 the Department will consider approaches for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and their families and to allow for more efficient use of the funding available to support these activities.

The Department has also concluded that it would not be in the public interest to have a lapse in the critically needed resources currently provided by these programs. Allowing funding to lapse before the Department establishes a new, coordinated strategy for training and TA services would leave youth and families without access to critical services and assistance that ensure that students with disabilities, including those with significant disabilities, transition from K-12 prepared for postsecondary success.

For these reasons, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(a) and (c)(2), which allow for the extension of a project period only if the extension does not involve the

obligation of additional Federal funds. The waiver allows the Department to issue one-time FY 2019 continuation awards to the projects originally funded in FY 2014 and FY 2016, as follows, with estimates updated from the notice of proposed waiver and extension of project periods to reflect the most recent information available:¹

CFDA	Recipient	Amount
84.235F	PEAK Parent Center	\$130,933
84.235F	Statewide Parent Advocacy Network	\$130,933
84.235F	Open Doors for Multicultural Families	\$130,845
84.235F	Federation for Children with Special Needs, Inc.	\$130,886
84.235F	Resources for Children with Special Needs, Inc.	\$130,309
84.235F	PACER Center Inc.	\$130,000
84.235F	Missouri Parents Act MPACT	\$130,929
84.235G	Statewide Parent Advocacy Network	\$250,000
84.326E	University of North Carolina	\$378,000
84.328M	Raising Special Kids, Inc.	\$392,365
84.328M	Advocates for Justice and Education, Inc.	\$200,000
84.328M	Parent Information Center of Delaware, Inc.	\$200,000
84.328M	Learning Disabilities Association of Hawaii (Hawaii PTI)	\$200,000
84.328M	Access for Special Kids Resource Center, Inc.	\$201,543
84.328M	Idaho Parents Unlimited, Inc.	\$200,000
84.328M	Indiana Resource Center for Families with Special Needs	\$399,970
84.328M	Families Helping Families of Greater New Orleans	\$290,932

¹ We note that only the funding amount for 84.326E has changed from the notice of proposed waiver and extension of project periods. The \$78,000 increase is based on subsequent discussions with the grantee and is necessary to accomplish remaining project goals and objectives during the period of the extension. The updated funding level is below the \$2,500,000 the grantee received in each year since FY 2014.

84.328M	Federation for Children with Special Needs, Inc.	\$346,661
84.328M	PACER Center, Inc.	\$307,684
84.328M	Missouri Parents Act (MPACT)	\$358,058
84.328M	Mississippi Coalition for Citizens with Disabilities	\$213,590
84.328M	Exceptional Children's Assistance Center, Inc.	\$590,453
84.328M	NH Coalition for Citizens with Disabilities	\$200,000
84.328M	Oklahoma Parents Center, Inc.	\$236,936
84.328M	Parent Education and Advocacy Leadership Center	\$695,235
84.328M	Learning Disabilities Association of Hawaii (Pacific PTI)	\$200,000
84.328M	Rhode Island Parent Information Network	\$200,000
84.328M	South Dakota Parent Connection, Inc.	\$200,000
84.328M	Support & Training for Exceptional Parents, Inc.	\$386,028
84.328M	Parent Educational Advocacy Training Center	\$462,823
84.328M	PAVE	\$384,480
84.328M	WVPTI, Inc.	\$200,000
84.328M	Parents Helping Parents of Wyoming, Inc.	\$200,000

Any activities carried out during the year of these continuation awards must be consistent with the scope, goals, and objectives of the grantees' applications as approved in either the 2014 or 2016 competitions. The requirements for continuation awards are set forth in 34 CFR 75.253.

Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good

cause (5 U.S.C. 553(d)(3)). All but one of the comments we received supported the proposed waiver and extension, and we have not made any substantive changes to the proposed waiver and extension. A delayed effective date would be contrary to public interest because we would not be able to ensure there is not a lapse in TA services currently provided by the projects. Therefore, the Secretary waives the delayed effective date provision for good cause.

Regulatory Flexibility Act Certification

The Secretary certifies that the waiver and extension of the project periods will not have a significant economic impact on a substantial number of small entities. The only entities that will be affected by the waiver and extension of the project periods are the current grantees and any other potential applicants. Additionally, the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension of the project periods does not contain any information collection requirements.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

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