



DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED-2026-OSERS-0530]

**Proposed Waivers and Extensions of the Project Period with
Funding for the American Indian Vocational Rehabilitation
Services Program and the American Indian Vocational
Rehabilitation Training and Technical Assistance Center.**

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

ACTION: Proposed waivers and extensions of project period with
funding.

SUMMARY: The Department of Education proposes to waive 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 proposed waivers
and extensions would enable 43 American Indian Vocational
Rehabilitation Services (AIVRS) projects under Assistance
Listing Number (ALN) 84.250N and one American Indian Vocational
Rehabilitation Training and Technical Assistance Center
(AIVRTTAC) under ALN 84.250Z, currently in their fifth year, to
receive funding for an additional period, not beyond September
30, 2027.

DATES: We must receive your comments on or before [INSERT DATE
30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *www.regulations.gov*. However, if you require an accommodation or cannot otherwise submit your comments via *www.regulations.gov*, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

Privacy Note: OSERS's policy is generally to make comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: August Martin. Telephone: 202-987-0116. Email: *August.Martin@ed.gov*.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waivers and extensions notice. To ensure that your comments have maximum effect in developing the notice of final waivers and extensions, we urge you to identify clearly the specific grantee or grantees (listed in the table under the *Background section*) that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 14192 and their overall requirement of reducing regulatory burden that might result from the proposed waivers and extensions. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect public comments about the proposed waivers and extensions by accessing *Regulations.gov*.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed waivers and extensions. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background:

Under section 121(a) of the Rehabilitation Act of 1973 (the Act), the purpose of the AIVRS program is to provide grants to the governing bodies of Indian Tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the total costs of vocational rehabilitation (VR) services, including services traditionally used by Indian Tribes, to American Indians with disabilities who reside on or near Federal or State reservations.

Under section 121(c) of the Act, the purpose of the AIVRTTAC is to provide training and technical assistance to the governing bodies of Indian Tribes, or consortia of those governing bodies, that have received an AIVRS grant under section 121(a) of the Act, to improve the delivery of VR services to American Indians with disabilities, and to support AIVRS project personnel.

In fiscal year (FY) 2021, the Department published in the *Federal Register* notices inviting applications (NIAs) announcing grant competitions for the AIVRS program under ALN 84.250N (85 FR 83918) and the AIVRTTAC under ALN 84.250Z (86 FR 14414) for up to five years. Forty-three AIVRS grants and one AIVRTTAC grant were awarded from these competitions.

The Department proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding 60 months (five years). Additionally, the Department proposes to waive 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. The waivers and extensions would enable the Department to provide additional funds, not to exceed their Year 5 planned award amount, to projects currently funded under ALNs 84.250N and 84.250Z for an additional period, not beyond September 30, 2027. These proposed waivers and extensions would maximize continuity of services to those served by the AIVRS program and support grantees by providing an efficient process by which they can obtain their grant funds for this fiscal year.

This action would allow the 43 AIVRS grantees and one AIVRRTAC grantee to submit a request for continuation funding in FY 2026. Within their request, grantees would certify that they have the capacity to continue activities. In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application, or whether the continuation of the project is in the best interest of the Federal Government.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those

applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Waivers and Extensions:

The Department believes that it is in the public interest to extend the AIVRS program and the AIVRTTAC in lieu of running a new competition in FY 2026.

Extending the project end dates of the 43 AIVRS and one AIVRTTAC grants for one year will allow for efficient continuity of VR services for American Indians with disabilities. Pending FY 2027 appropriations, there may be new competitions for all eligible applicants.

For these reasons, the Department proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as 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. These waivers would allow the Department to consider FY 2026 continuation awards to the 43 AIVRS projects (ALN 84.250N) and one AIVRTTAC project (ALN 84.250Z) based on their Year 5 planned amount. It is estimated that each grantee's continuation award would amount to the following, pending review and discussion of carryover:

PR Award Number	AIVRS Grantee	Amount
H250N210001	Coeur D'Alene Tribe	\$584,798.00

H250N210004	The Lower Muskogee Creek Tribe	\$520,131.00
H250N210005	Hannahville Indian Community	\$539,268.00
H250N210006	Laguna Department of Education	\$450,000.00
H250N210008	Intertribal Council of Central Louisiana	\$677,996.00
H250N210009	Salt River Pima-Maricopa Indian Community	\$450,000.00
H250N210010	The Chickasaw Nation	\$1,050,000.00
	H250N210011 Confederated Tribes of the Umatilla Indian Reservation	\$469,346.00
H250N210012	Kawarek, Inc.	\$489,123.00
H250N210013	Oneida Nation	\$475,000.00
H250N210014	Prairie Band of Potawatomie Nation	\$451,334.00
H250N210015	Cook Inlet Tribal Council	\$771,883.87
H250N210016	Blackfeet Tribal Business Council	\$550,000.00
H250N210017	Apache Tribe of Oklahoma	\$609,741.75
H250N210018	Cheyenne River Sioux Tribe	\$428,051.00
H250N210019	Oglala Sioux Tribe	\$829,253.15
H250N210020	Chippewa Cree Tribe of the Rocky Boy Reservation	\$428,630.00
H250N210022	Confederated Salish & Kootenai Tribes	\$608,181.00
H250N210023	Metlakatla Indian Community	\$429,070.00
H250N210024	Three Affiliated Tribes	\$427,369.00
H250N210025	Inupiat Community of the Arctic Slope	\$567,278.14
H250N210026	Ute Mountain Ute Tribe	\$588,851.29
H250N210027	Cherokee Nation	\$630,000.00
H250N210028	The Navajo Nation	\$1,726,000.00
H250N210029	Confederated Tribes of the Chehalis Reservation	\$219,067.00
H250N210031	Lower Elwha Klallam Tribe	\$461,297.78
H250N210032	Northern Arapaho Tribe	\$630,000.00
H250N210033	Hopi Tribe	\$470,224.00
H250N210034	Confederated Tribes and Bands of the Yakama Nation	\$468,784.00
H250N210035	Confederated Tribes of the Colville Indian Reservation	\$568,022.00
H250N210037	Pueblo of Jemez	\$852,623.00
H250N210038	Confederated Tribes of Siletz Indians	\$527,240.00
H250N210039	Samish Indian Nation	\$464,700.83
H250N210040	Saint Regis Mohawk Tribe	\$529,238.00
H250N210041	Lower Brule Sioux Tribe	\$763,532.00
H250N210042	Stillaguamish Tribe of Indians	\$722,348.00

H250N210043	Eastern Shoshone Tribe	\$534,221.00
H250N210044	United Houma Nation, Inc.	\$607,394.00
H250N210045	Moapa Band of Paiute Indians	\$477,055.77
H250N210046	Wichita and Affiliated Tribes	\$522,683.00
H250N210048	Central Council of Tlingit and Haida Indian Tribes of Alaska	\$658,736.00
H250N210051	Association of Village Council Presidents	\$624,186.00
H250N210052	Tohono O'odham Nation	\$450,723.00
PR Award Number	AIVRTTAC Grantee	Amount
H250Z2100001	Northern Arizona University	\$1,012,998.00

Any activities to be carried out during the year of these continuation awards would have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantees' applications as approved in the FY 2021 AIVRS and AIVRTTAC competitions. The FY 2021 AIVRS and AIVRTTAC NIAs would continue to govern each grantee's project during the extension.

Intergovernmental Review

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waivers and extensions of the project period would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected by the proposed waivers and extensions of the project period are the current ALN 84.250N and the ALN 84.250Z grantees, and any potential new applicants who might have applied in the FY 2026 grant competitions.

The Secretary certifies that the proposed waivers and extensions would not have a significant economic impact on these entities, because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waivers and extensions of the project period does not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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Kimberly Richey,

*Acting Assistant Secretary and Deputy Assistant Secretary,
Delegated the authority to perform the functions and duties of
Assistant Secretary for the Office of Special Education and
Rehabilitative Services.*

[FR Doc. 2026-06438 Filed: 4/1/2026 8:45 am; Publication Date: 4/2/2026]