



DEPARTMENT OF EDUCATION

34 CFR Part 75

[ED-2026-OCTAE-1585]

Proposed Waiver and Extension of the Project Period with Funding for Native American Career and Technical Education Program (NACTEP)

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education.

ACTION: Proposed waiver and extension of project period with funding.

SUMMARY: The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit the project period exceeding five years and project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable 36 Native American Career and Technical Education (NACTEP) projects under Assistance Listing Number (ALN) 84.101A, currently in their fifth year, to receive funding for an additional budget 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: OCTAE'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: Adam Flynn, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone: (202) 245-7405. Email: Adam.Flynn-Tabloff@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 waiver and extension notice. To ensure that your comments have maximum effect in developing the notice of final waiver and extension, 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 waiver and extension. 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 waiver and extension by accessing: [Regulations.gov](https://www.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 waiver and extension. 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:

Section 116 of the Carl D. Perkins Career and Technical Education Act of 2006 (Pub. L. 115-224) (Perkins V or the Act), authorizes the Secretary to make grants to or enter into contracts with Indian Tribes and Tribal organizations to carry out career and technical education programs that benefit Native Americans.

In fiscal year (FY) 2021, the Department published in the *Federal Register* notices inviting application (NIA) announcing a grant competition for the NACTEP program under ALN 84.101A (85 FR 76548) published November 30, 2020, and corrected December 11, 2020, for up to five years. Thirty-nine NACTEP grants were awarded from that competition and thirty-six³⁶ NACTEP grants are currently operating career and technical education programs for Native American students as authorized by section 116 of Perkins V (20. U.S.C. 2326).

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 waiver and extension would enable the

Department to provide additional funds, not to exceed their Year 5 planned award amount for projects currently funded under ALN 84.101A for an additional budget period, not beyond September 20, 2027. This proposed waiver and extension would maximize continuity of services to those served by the NACTEP program and support grantees by providing an efficient process by which they can continue to operate their current, approved projects for another budget period with additional funding.

This action would allow the 36 current NACTEP grantees to submit a request for continuation funding in FY 2026, provided grantees have certified 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; if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approval application; and 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 assurance in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receive 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 NACTEP program in lieu of running a new competition in FY 2026. Extending the project end dates of the 36 NACTEP grants for one year will allow for efficient continuity of Career and Technical Education services for Native Americans. The Department intends to hold a new competition FY 2027.

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. This waiver will allow the Department to consider FY 2026 continuation awards for the 36 NACTEP projects (ALN 84.101A) 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:

FY 2021 84.101A Award Number	Grantee	Amount
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V101A210002	The Coeur d'Alene Tribe	\$551,000
V101A210003	Hoopla Valley Tribal Council	\$551,000
V101A210004	College of Menominee Nation	\$532,302
V101A210006	Citizen Potawatomi Nation	\$459,011
V101A210007	Pascua Yaqui Tribe	\$458,000
V101A210009	Angoon Community Association	\$551,000
V101A210010	Sinte Gleska University	\$464,366
V101A210011	Stone Child College Corporation	\$493,274
V101A210012	Blackfeet Community College	\$540,238
V101A210013	Salish Kootenai College, Inc.	\$484,263
V101A210015	Little Wound School Board, Inc.	\$129,909
V101A210016	The Cherokee Boys Club, Inc.	\$479,025
V101A210018	The Alamo Navajo School Board, Inc.	\$508,435
V101A210019	Muckleshoot Indian Tribe	\$401,853
V101A210020	Aaniiih Nakoda College	\$466,787

V101A210021	Nueta Hidatsa Sahnish College	\$568,736
V101A210022	Sitting Bull College	\$478,519
V101A210023	Turtle Mountain Community College	\$548,272
V101A210025	Choctaw Nation of Oklahoma	\$462,145
V101A210026	Oglala Lakota College	\$551,000
V101A210028	Haliwa Saponi Tribal School	\$95,483
V101A210029	Cankdeska Cikana Community College	\$631,057
V101A210030	Pawnee Nation College	\$514,601
V101A210031	Mississippi Band of Choctaw Indians	\$526,369
V101A210032	South Puget Intertribal Planning Agency	\$458,000
V101A210033	Chief Leschi Schools	\$30,000
V101A210035	Kawerak, Inc.	\$546,690
V101A210037	Winnebago Tribe of Nebraska	\$542,748
V101A210041	Nez Perce Tribe	\$99,713
V101A210042	Cook Inlet Tribal Council, Inc.	\$551,000
V101A210043	Sisseton Wahpeton College	\$479,275

V101A210046	Little Traverse Bay Bands of Odawa Indians	\$517,524
V101A210049	Virginia Tribal Education Consortium, Inc.	\$699,465
V101A210053	The Institute for Indian Development, Inc.	\$453,305
V101A210055	Blue Lake Rancheria, California	\$115,043
V101A210057	Northwest Indian College	\$318,000

Any activities to be carried out during the year or years of these continuation awards would have to be consistent with, or be a logical extension of, the scope, goals, and objectives of each grantee's application, as approved in the 2021 NACTEP competition. The FY 2021 NACTEP NIA would continue to govern each grantee's project during the extension.

Intergovernmental Review

The NACTEP is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension 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 waiver and extension are the current AL 84.101A grantees, and any potential new applicants who might have applied in the FY 2026 grant competition.

The Secretary certifies that the proposed waiver and extension 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 waiver and extension 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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www.govinfo.gov. 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 Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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*Nicholas Moore,
Deputy Assistant Secretary and
Acting Assistant Secretary
for the Office of Career,
Technical, and Adult Education.*

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