

by consumers. The populations served by different centers may vary so widely that a reasonable percentage for one center may be unrealistic for another center.

*Changes:* None.

*Comments:* A few commenters stated that requiring a center to measure or track the achievement of IL goals by consumers is inappropriate or may be nearly impossible.

*Discussion:* Any measurement of the achievement of IL goals would require uniformity to be meaningful. However, IL goals and how they are achieved is not uniform. Therefore, the Secretary agrees that requiring a center to measure the achievement of IL goals by a consumer is inappropriate. However, the Secretary believes that maintaining records of the IL goals that consumers believe they have achieved is appropriate and feasible, both for the consumer and the center.

*Changes:* The Secretary has deleted the requirement that a center measure the achievement of IL goals by consumers but has specified that consumer service records meet the requirements of 34 CFR 364.53. Section 364.53 includes the requirements that a consumer service record include (1) the IL goals or objectives established and achieved by the consumer; and (2) either an IL plan or a waiver signed by the consumer that an IL plan is unnecessary.

*Comments:* None.

*Discussion:* Pursuant to the NPRM, a center was required to facilitate the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the center. Since publication of the NPRM, the Secretary has reviewed this section and determined that compliance with this standard can best be accomplished by requiring a center to assess consumer satisfaction with the center's services and policies in facilitating consumers' achievement of IL goals. In addition, the Secretary believes compliance will be further insured by requiring a center to provide this information to its governing board and the appropriate SILC. Finally, the Secretary believes that notifying consumers of their right to develop or waive the development of an IL plan (ILP) also is important to insure compliance with this standard.

*Changes:* The Secretary has added a requirement to the final regulations that a center (1) assess consumer satisfaction with the center's services and policies in facilitating consumers' achievement of IL goals and provide this information to its governing board and the appropriate SILC; and (2) notify all

consumers of their right to develop or waive the development of an ILP.

*Comments:* A few commenters recommended that any reporting requirements be limited in scope and suggested that a consumer service record not be required for "casual services." A couple of commenters suggested that an "intake sheet" be sufficient as a case service record. Another commenter recommended that a case service record include only the consumer's application form and any notes by the center staff member who works with the consumer.

*Discussion:* The information that must be included in a consumer service record is described in 34 CFR 364.53. The Secretary believes that this information is necessary for the proper and efficient administration of this program. An "intake sheet" or an application form and notes made by the center's staff member who works with the consumer are sufficient if they include the information required by 34 CFR 364.53.

*Changes:* The Secretary has added language to the definition of consumer service record in the final regulations to clarify that a consumer service record must meet the requirements of 34 CFR 364.53.

#### *Community Options and Community Capacity (§ 366.63(d))*

*Comments:* One commenter stated that this indicator is meaningless without further explanation and definitions of the required activities. Another commenter recommended that these regulations require more specific measures of compliance. Another commenter recommended that the term "community advocacy," which is used in this provision, be defined. Another commenter stated that clarification is needed on what constitutes a center's service area.

*Discussion:* The Secretary does not believe it is necessary to define further the activities that a center must carry out to comply with this indicator. The Secretary believes that each center should have flexibility in defining these activities within the context of its own operating environment and service area. The Secretary also expects that each center will define its own service area and describe the area it expects to serve in its application for funding under this program. Finally, the Secretary believes that the term "community advocacy" is encompassed by the term "systems (or systemic) advocacy," which is defined in 34 CFR 364.4(b) of the IL regulations. The IL regulations were published on August 15, 1994 (59 FR 41880).

*Changes:* None.

*Comments:* A few commenters recommended that centers not be responsible for removing community barriers or for serving as a catalyst for change in the community. One of these commenters recommended that centers not be evaluated on how well the community responds to the needs of individuals with disabilities.

*Discussion:* Nothing in the proposed regulations required a center to remove community barriers or to serve as a catalyst for change in the community. Furthermore, nothing in the proposed regulations provided that centers would be evaluated on how well the community responds to the needs of individuals with disabilities. However, to the extent that a center engages in systems advocacy, the Secretary fully expects that a center will engage in activities that are designed to accomplish these goals.

*Changes:* None.

*Comments:* One commenter recommended that a center's compliance with the community options and community capacity indicator not be based solely on the center's activities within its service area.

*Discussion:* Although a center may engage in advocacy or other activities that may have an impact outside of its service area, the Secretary believes that a center's performance under its Title VII grant must be assessed in terms of the beneficiaries the grant was intended to serve, i.e., the individuals within the center's service area.

*Changes:* None.

*Comments:* One commenter recommended that centers be required to provide annual community accessibility updates to help centers develop strategies for prioritizing the removal of identified community barriers and to document the results of activities that have been completed to remove those barriers.

*Discussion:* The Secretary does not believe that centers should be required to develop strategies for prioritizing the removal of identified community barriers. The Secretary believes it is sufficient for a center to comply with the requirements already established for this indicator.

*Changes:* None.

*Comments:* One commenter recommended that outreach materials be provided in accessible formats.

*Discussion:* The Secretary believes that new § 366.63(a)(5) will ensure that a center will provide outreach materials in accessible formats.

*Changes:* None.