

IL Services (§ 366.63(e))

Comments: One commenter stated that cross-disability counseling is not a valid service because the commenter believes that "peer" means a person with a similar disability.

Discussion: The Secretary disagrees that "peer counseling" is limited to counseling by an individual with a disability that is similar to the disability of the consumer. The Secretary believes that an individual with a significant disability may engage in peer counseling for another individual with a significant disability, regardless of the types of significant disabilities of the two individuals.

Changes: None.

Resource Development (§ 366.63(f))

Comments: One commenter recommended that a center be rewarded only for specific activities that result in increased funding and that automatic State appropriations not be included in determining the success of a center's fundraising activities.

Discussion: The Secretary encourages States to participate in the funding of centers. Therefore, the Secretary believes it is appropriate to include State funds in determining the success of a center's fundraising activities.

Changes: None.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these regulations, the Secretary has determined that the benefits of the regulations justify the costs.

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

Paperwork Reduction Act of 1980

Sections 366.62 and 366.63 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education submitted a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h)).

States and centers are eligible to apply for grants under these regulations. The Department needs and uses the information to make grants. Annual public reporting burden for this collection of information is estimated to average 40 hours per response for 200 respondents, including the time for gathering and maintaining the data needed and for completing and reviewing the collection of information.

Intergovernmental Review

These programs are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed regulations and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 366

Education, Grant programs—social programs, Vocational rehabilitation, Recordkeeping and reporting requirements.

(Catalog of Federal Domestic Assistance Number 84.132—Centers for Independent Living)

Dated: July 26, 1995.

Richard W. Riley,

Secretary of Education.

The Secretary amends Part 366 of Title 34 of the Code of Federal Regulations as follows:

PART 366—CENTERS FOR INDEPENDENT LIVING

1. The authority citation for part 366 is revised to read as follows:

Authority: 29 U.S.C. 796d-1(b) and 796f-796f-6, unless otherwise noted.

§ 366.6 [Redesignated from § 366.5]

2. Section 366.5 is redesignated as § 366.6.

3. A new § 366.5 is added to read as follows:

§ 366.5 What definitions apply to this program?

Decisionmaking position means the executive director, any supervisory position, and any other policymaking position within the center.

Staff position means a paid non-contract position within the center that is not included within the definition of a "decisionmaking position."

(Authority: 29 U.S.C. 796a(a))

4. Part 366 is amended by adding a new Subpart G consisting of §§ 366.60 through 366.63 to read as follows:

Subpart G—Evaluation Standards and Compliance Indicators

Sec.

366.60 What are project evaluation standards?

366.61 What are the compliance indicators?

366.62 What are the requirements for continuation funding?

366.63 What evidence must a center present to demonstrate that it is in minimum compliance with the evaluation standards?

Subpart G—Evaluation Standards and Compliance Indicators**§ 366.60 What are the project evaluation standards?**

To be eligible to receive funds under this part, an applicant must agree to comply with the following evaluation standards:

(a) *Evaluation standard 1—*

Philosophy. The center shall promote and practice the IL philosophy of—

(1) Consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

(2) Self-help and self-advocacy;

(3) Development of peer relationships and peer role models;

(4) Equal access of individuals with significant disabilities to all of the center's services, programs, activities, resources, and facilities, whether publicly or privately funded, without regard to the type of significant disability of the individual; and

(5) Promoting equal access of individuals with significant disabilities to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, on the same basis that access is provided to other individuals with disabilities and to individuals without disabilities.