## **DEPARTMENT OF EDUCATION**

34 CFR Part 345

RIN 1820-AB28

State Grants Program for Technology-**Related Assistance for Individuals** With Disabilities

**AGENCY:** Department of Education. **ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes regulations for the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. This program provides grants to States to support systems change and advocacy activities designed to assist States in developing and implementing consumer-responsive comprehensive Statewide programs of technologyrelated assistance. These regulations are needed to implement the Technology Related Assistance for Individuals with Disabilities Act Amendments of 1994. The proposed regulations incorporate statutory requirements and provide rules for applying for and spending Federal funds under this program. DATES: Comments must be received on

or before September 8, 1995.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Carol G. Cohen, U.S. Department of Education, Mary E. Switzer Building, Room 3420, Washington, DC. 20202–5251. Internet address Tech-Assistance@ed.gov.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Carol G. Cohen. Telephone: (202) 205-5666. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339

between 8 a.m. and 8 p.m., Eastern time. **SUPPLEMENTARY INFORMATION: These** proposed regulations would implement Title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Act), as amended by the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 (1994 Amendments) (Pub. L. 103-218). Title I of the Act establishes the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. This program provides grants to States to support systems change and advocacy activities designed to assist States in developing and

implementing consumer-responsive comprehensive Statewide programs of technology-related assistance.

The State Grants Program for Technology-Related Assistance for Individuals with Disabilities supports the National Education Goals. The program furthers the goal that every adult American—including individuals with disabilities—will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

## **Summary of Major Provisions**

The following is a summary of the major regulatory provisions for the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. The summary distinguishes between regulatory provisions that (1) incorporate statutory requirements and (2) other regulatory provisions. The other regulatory provisions contain interpretations of statutory text or provide standards and procedures for the program that are not stated in the statutory text. The Secretary is not authorized to change statutory requirements. Therefore, commenters are requested to direct their comments to the other regulatory provisions.

## Statutory requirements

These proposed regulations implement the following statutory changes enacted in the 1994 Amendments:

Types of grants (§ 345.3): Each State is eligible for one 3-year development grant, one 2-year extension grant (initial extension grant), and one 5-year extension grant (second extension grant). During the fourth year of a State's second extension grant, Federal funds will be reduced to 75% of the grant award received by the State in the third year; in the fifth year, Federal funds will be reduced to 50% of the grant award received by the State in the third year. After the fifth year, Federal funding will terminate. Each State is required, during its years of Federal funding under the Act, to seek alternative private and public funds for the future to enable the program to continue on a permanent basis after Federal funding is terminated.

-Mandated activities (§§ 345.30(b)(1) and 345.55):

States receiving grants under this program will be required to either perform six specific systems change and advocacy activities or perform other activities and demonstrate through progress reports that "significant progress" has been made in the development and implementation of a

consumer-responsive comprehensive statewide program of technology-related assistance.

-Protection and advocacy services (§ 345.55):

A State shall provide protection and advocacy services in one of two ways: A State may either provide funds to the designated protection and advocacy organization in that State, or a State may request that the Secretary annually reserve, from the funds made available to the State, an amount of funds to provide to a specific protection and advocacy organization in that State. However, if a State has been providing protection and advocacy services through an entity that is capable of performing the functions that would otherwise be performed under section 102(e)(20) of the Act by the system described in that section, as of June 30, 1993, the State may continue to do so.

The minimum amount that a State must expend on protection and advocacy services is determined by the Secretary, based on the size of the State's grant, the needs of individuals with disabilities within a State, the population of a State, and the geographic size of a State. In determining the minimum amount, the Secretary will primarily rely on the size of the State's grant. Annually the Department will specify the minimum amount for each State and will transmit this information to States. The minimum amount shall not be less than \$40,000 and not more than \$100,000. (There is no statutory limit or ceiling on the amount a State may expend on protection and advocacy services.) During the fourth and fifth years of the State's second extension grant, this minimum amount will be reduced to 75% and 50%, respectively, of the minimum amount specified for the State for the third year of the second extension grant. Federal funding terminates under this authority after the fifth year.

Corrective action plan (§§ 345.60-345.62):

If a State does not make significant progress in developing its program of technology-related assistance, it becomes subject to a corrective action plan. Corrective action may include partial or complete fund termination, ineligibility to participate in the grant program for the following year, reduction in funding for the following year, or required redesignation of the lead agency. The Governor of the State must appoint a monitoring panel to oversee compliance with the corrective action plan. If the Governor fails to appoint a panel, the Secretary terminates Federal funds under this