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DEPARTMENT OF EDUCATION

Disability and Rehabilitation Research Projects and Centers Program; Rehabilitation Engineering Research Centers

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

ACTION: Notice.

Overview Information:

CFDA Numbers: 84.133E-1 and 84.133E-3

Final Priorities; National Institute on Disability and Rehabilitation Research (NIDRR)--Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers (RERC)

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces two priorities for RERCs: Recreational Technologies and Exercise Physiology Benefiting Individuals with Disabilities (Priority 1) and Rehabilitation Robotics (Priority 2). The Assistant Secretary may use one or both of these priorities for competitions in fiscal year (FY) 2012 and later years. We take this action to focus research attention on areas of national need. We intend to use these priorities to

improve rehabilitation services and outcomes for individuals with disabilities.

EFFECTIVE DATE: These priorities are effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue, SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202-2700. Telephone: (202) 245-7532 or by e-mail: marlene.spencer@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

This notice of final priorities (NFP) is in concert with NIDRR's currently approved Long-Range Plan (Plan). The Plan, which was published in the Federal Register on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site:  
[www.ed.gov/about/offices/list/osers/nidrr/policy.html](http://www.ed.gov/about/offices/list/osers/nidrr/policy.html).

Through the implementation of the Plan, NIDRR seeks to: (1) improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine the best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

This notice announces two priorities that NIDRR intends to use for RERC competitions in FY 2012 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award for these priorities. The decision to make an award will be based on the quality of applications received and available funding.

Purpose of Program:

The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities; to

develop methods, procedures, and rehabilitation technologies that maximize the full inclusion and integration of individuals with disabilities into society, and support the employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities; and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers Program (RERCs)

The purpose of the NIDRR's RERCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act by conducting advanced engineering research on and development of innovative technologies that are designed to solve particular rehabilitation problems, or to remove environmental barriers. RERCs also demonstrate and evaluate such technologies, facilitate service delivery system changes, stimulate the production and distribution of new technologies and equipment in the private sector, and provide training opportunities for early-career rehabilitation engineers. RERCs seek to solve

rehabilitation problems and remove environmental barriers to improvements in employment, community living and participation, and health and function outcomes of individuals with disabilities.

The general requirements for RERCs are set out in subpart D of 34 CFR part 350 (What Rehabilitation Engineering Research Centers Does the Secretary Assist?).

Additional information on the RERC program can be found at: [www.ed.gov/rschstat/research/pubs/index.html](http://www.ed.gov/rschstat/research/pubs/index.html).

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priorities (NPP) for NIDRR's Disability and Rehabilitation Research Projects and Centers Program in the Federal Register on April 10, 2012 (77 FR 21547). That notice contained background information and our reasons for proposing the particular priorities.

Public Comment: In response to our invitation in the NPP, one party submitted comments on one of the proposed priorities.

Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raised concerns not directly related to the proposed priorities.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities since publication of the NPP follows.

Recreational Technologies and Exercise Physiology  
Benefiting Individuals with Disabilities

Comment: One commenter requested that NIDRR revise the priority statement to more clearly state that the priority is relevant to populations across the lifespan - including children. This commenter also suggested that the priority should focus more clearly on preventing negative health and functioning outcomes, and that these prevention efforts should be aimed at children.

Discussion: Regarding the commenter's suggestion about the populations to be served under this priority, we note that nothing in the priority precludes applicants from proposing research and development projects that focus on the health and functioning of children with disabilities, or individuals with disabilities across the lifespan.

However, NIDRR does not believe it is appropriate to require all applicants to define their target population in this way, because we do not wish to preclude applicants from proposing promising research and development projects that focus on other target populations. Applicants are expected to describe and justify their target population(s)

in their proposals. The peer review panel will evaluate the merits of each application.

NIDRR agrees with the commenter that the priority should focus on preventing negative health and functioning outcomes. In fact, one of the stated outcomes of the RERC's activities is "to improve physical health and reduce debilitating secondary conditions associated with disability and sedentary lifestyle." Given this language in the priority, we do not believe any changes are necessary to address the commenter's concern.

Changes: None.

Comment: None.

Discussion: NIDRR has decided to withdraw the proposed requirement that each funded RERC conduct a state-of-the-science conference. Instead, NIDRR has added language to the fourth bulleted requirement related to dissemination to clarify that a state-of-the-science conference could be one possible means of disseminating the RERC's findings.

Changes: NIDRR has removed the requirement (reflected in the fifth proposed bulleted requirement applicable to both priorities) that each RERC conduct a state-of-the-science conference on its designated priority research area in the fourth year of the project period, and publish a comprehensive report on the final outcomes of the

conference in the fifth year of the project period. We also have added language to the fourth bulleted requirement applicable to both priorities, related to dissemination. Finally, NIDRR has deleted the language that referred to the National Center for Dissemination of Disability Research. NIDRR no longer funds this center.

FINAL PRIORITIES:

The Assistant Secretary for Special Education and Rehabilitative Services announces the following priorities for the establishment of a Rehabilitation Engineering Research Center (RERC) on Recreational Technologies and Exercise Physiology Benefiting Individuals with Disabilities; and an RERC on Rehabilitation Robotics. Within its designated priority research area, each RERC will focus on innovative technological solutions, new knowledge, and concepts that will improve the lives of individuals with disabilities.

Priority 1--RERC on Recreational Technologies and Exercise Physiology Benefiting Individuals With Disabilities.

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies that will enhance recreational and physical activity opportunities for individuals with disabilities. The RERC

must research, develop, or adapt technologies to capture, monitor, and analyze energy expenditure levels in individuals with disabilities as they perform different recreational and physical activities, so that clinicians, researchers, and individuals with disabilities can better estimate the intensity and frequency of physical activity required to promote health and function within specific disability populations. In addition, the RERC must facilitate access to, and use of, recreational and physical activity equipment, facilities, and recreational programs, that improve physical health and reduce debilitating secondary conditions associated with disability and sedentary lifestyle through such means as collaboration and communication with relevant stakeholders, technical assistance, and technology transfer, in addition to research and the development and testing of innovations.

#### Priority 2--RERC on Rehabilitation Robotics

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies for the safe use of, and expanded access to, rehabilitation robotics by individuals with disabilities. This RERC must engage in research and development activities in the areas of both assistance and therapy robots for use by individuals with disabilities. The RERC must generate new

knowledge and products that can improve the usability and utility of assistance robots so that they are more efficient and effective facilitators of independence and community participation. The RERC must also generate new knowledge and products that expand the use of therapy robots beyond large rehabilitation centers and into more community and home-based settings.

Requirements applicable to both priorities:

Under each priority, the RERC must be designed to contribute to the following outcomes:

(1) Increased technical and scientific knowledge relevant to its designated priority research area. The RERC must contribute to this outcome by conducting high-quality, rigorous research and development projects.

(2) Increased innovation in technologies, products, environments, performance guidelines, and monitoring and assessment tools applicable to its designated priority research area. The RERC must contribute to this outcome through the development and testing of these innovations.

(3) Improved research capacity in its designated priority research area. The RERC must contribute to this outcome by collaborating with the relevant industry, professional associations, institutions of higher

education, health care providers, or educators, as appropriate.

(4) Improved usability and accessibility of products and environments in the RERC's designated priority research area. The RERC must contribute to this outcome by emphasizing the principles of universal design in its product research and development. For purposes of this section, the term "universal design" refers to the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

(5) Improved awareness and understanding of cutting-edge developments in technologies within its designated priority research area. The RERC must contribute to this outcome by identifying and communicating with relevant stakeholders, including NIDRR; individuals with disabilities and their representatives; disability organizations; service providers; editors of professional journals; manufacturers; and other interested parties regarding trends and evolving product concepts related to its designated priority research area.

(6) Increased impact of research in the designated priority research area. The RERC must contribute to this outcome by providing technical assistance to relevant

public and private organizations, individuals with disabilities, employers, and schools on policies, guidelines, and standards related to its designated priority research area.

(7) Increased transfer of RERC-developed technologies to the marketplace. The RERC must contribute to this outcome by developing and implementing a plan for ensuring that all technologies developed by the RERC are made available to the public. The technology transfer plan must be developed in the first year of the project period in consultation with the NIDRR-funded Disability Rehabilitation Research Project, Center on Knowledge Translation for Technology Transfer.

In addition, under each priority, the RERC must--

- Have the capability to design, build, and test prototype devices and assist in the technology transfer and knowledge translation of successful solutions to relevant production and service delivery settings;

- Evaluate the efficacy and safety of its new products, instrumentation, or assistive devices;

- Provide as part of its proposal, and then implement, a plan that describes how it will include, as appropriate, individuals with disabilities or their representatives in all phases of its activities, including

research, development, training, dissemination, and evaluation;

- Provide as part of its proposal, and then implement, a plan to disseminate its research results to individuals with disabilities and their representatives; disability organizations; service providers; professional journals; manufacturers; and other interested parties. In meeting this requirement, each RERC may use a variety of mechanisms to disseminate information, including state-of-the-science conferences, webinars, Web sites, and other dissemination methods; and

- Coordinate research projects of mutual interest with relevant NIDRR-funded projects, as identified through consultation with the NIDRR project officer.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications through a notice in the Federal Register.

Executive Orders 12866 and 13563:

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant"

and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as

user fees or marketable permits--to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are taking this regulatory action only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these priorities are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of

this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. These priorities will generate new knowledge through research and development. Another benefit of these priorities is that the establishment of new RERCs will improve the lives of individuals with disabilities. The new RERCs will generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to fully participate in their communities.

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Dated: June 15, 2012

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