

**DEPARTMENT OF EDUCATION****34 CFR Part 614**

RIN 1840-AC81

**Preparing Tomorrow's Teachers to Use Technology****AGENCY:** Office of Postsecondary Education, Department of Education.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes regulations for the Preparing Tomorrow's Teachers to Use Technology program, which provides grants to consortia that help future teachers become proficient in the use of modern learning technologies. This program provides support for two types of grants: Implementation grants and Catalyst grants.

**DATES:** We must receive your comments on or before November 22, 1999.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to: Mary Gonzales, US Department of Education, 1990 K Street, NW., Room 6153, Washington, DC 20006. Comments may also be sent through the Internet to:

Teacher\_Technology@ed.gov

You should include the term "Regulations for Preparing Tomorrow's Teachers to Use Technology" in the subject line of your electronic message.

If you want to comment on the information collection requirements in the application package associated with these regulations you must send your comments to the Office of Management and Budget (OMB) at the address listed in the Paperwork Reduction Act section of this preamble. You may also send a copy of these comments to the Department representative named in this section.

**FOR FURTHER INFORMATION CONTACT:**

Mary Gonzales, Office of Postsecondary Education, 1990 K Street, NW., Room 6153, Washington, DC 20006. Telephone: (202) 260-1365. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 401-3664.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:****Invitation to Comment:**

We invite you to submit comments regarding these proposed regulations.

We invite you to assist us in complying with the specific

requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further opportunities we should take to 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 all public comments about these proposed regulations in Room 6153, 1990 K Street, NW., Washington, DC 20006, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

**Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record**

On request, we will supply an appropriate aid, such as a reader or printer magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, you may call (202) 205-8113 or (202) 260-9895. If you use a TDD, you may call the Federal Information Relay Service at 1-800-877-8339.

**Background**

Teacher preparation is emerging as a critical factor limiting the contributions of new technologies to improved learning. Federal, State and local agencies are investing billions of dollars to equip schools with computers and modern communications networks. However, despite these investments, only 20 percent of the 2.5 million current public school teachers feel comfortable using technology in their classrooms.

The proposed regulations are necessary to focus available funds on projects that train teachers to become technology-proficient educators, who are well prepared to help all students meet high standards. Grants made under this program would assist teacher preparation programs that are integrating modern technologies into the curriculum to meet the nation's technology literacy challenge.

Section 614.1 of the proposed regulations would outline the purpose of the Preparing Tomorrow's Teachers to Use Technology program. Under § 614.1, the purpose of grants under this program would be to help future teachers to become proficient in the use of modern learning technologies. The proposed regulations would limit grants made under this program to support

training for pre-service teachers. Section 614.1 would prohibit the use of grant funds for in-service training, or for continuing education for currently certified teachers. While we recognize that retraining currently certified teachers is an important objective, in less than a decade over two million teachers must be recruited to replace retiring teachers, to meet increasing student enrollment demands, and to achieve smaller class sizes. Therefore, we believe that an emphasis on training preservice teachers is the most effective way to use limited Federal funds.

Section 614.2 of the proposed regulations would define the eligible applicants for the program. Under § 614.2, an eligible applicant would be a consortium composed of at least two or more organizations that could include: institutions of higher education (IHEs), schools of education, community colleges, State educational agencies (SEAs), local educational agencies (LEAs), private elementary or secondary schools, professional associations, foundations, museums, libraries, private sector businesses, public or private nonprofit organizations, community-based organizations, or any other entity able to contribute to the teacher preparation program reforms that produce technology-proficient educators. Innovative ideas for training prospective teachers must enable applicants to draw upon the commitments and expertise of multiple organizational resources. We believe that requiring the formation of consortia will help promote improved teacher preparation within established institutions and foster more collaboration across disciplines and among higher education, elementary and secondary schools, and the private sector. Teacher preparation programs are strongly encouraged to form partnerships with technology-rich K-12 schools that can provide postsecondary faculty and prospective teachers with hands-on learning opportunities in well-equipped classrooms.

Section 614.3 of the proposed regulations would outline the regulations that would apply to this program. Section 614.3(a) would list the regulations from the Education Department's General Administrative Regulations that would apply to the program, and § 614.3(b) would reference these proposed regulations.

The proposed regulations in § 614.4 would require that the lead applicant for the consortium be a nonprofit member of the consortium, and that only the lead applicant could serve as the fiscal agent for the consortium, to best ensure accountability.

Section 614.5 of the proposed regulations would establish the matching requirements for consortia. The proposed regulations would require that the Federal share of the cost of the project could not be more than fifty percent of the total project cost for each budget period. This matching requirement will help ensure sustained community support, even after Federal grant money is gone. Requiring the consortia to provide some funding will allow more consortia and, therefore, more innovative strategies, to be funded.

Section 614.6 of the proposed regulations would limit the maximum indirect cost rate for all consortium partners and any cost-type contract made under these grants to eight percent of a modified total direct cost base or the partner's negotiated indirect cost rate, whichever rate is lower. Indirect costs are charges that are incurred by so many programs or cost objectives that it would be either impossible or prohibitively expensive to calculate the precise amount of charges allocable to a particular program or grant activity. Examples of typical indirect costs are heat, electricity and other utilities, building services and depreciation, and general administration.

Generally, the formula for determining the amount of indirect costs that may be charged to any grant is based on application of a negotiated indirect cost rate to the grant's direct costs. Thus, the higher the indirect cost rate the more grant funds that will be charged for these "overhead" expenses, and the fewer grant funds that remain available for the costs of direct services. While recognizing the legitimacy of indirect costs, we believe that having these large amounts of funds compensate partners for their general overhead and related expenses is inconsistent with the purpose of the program. We believe that the eight percent maximum on indirect cost reimbursement is a fair percentage for partners in the consortia, which still allows significant funds to be available for direct grant services.

Section 614.7 of the proposed regulations would prohibit the use of Federal grant funds under this program to pay for student financial assistance, such as scholarships, stipends, or other financial aid incentives to recruit future teachers or to subsidize the costs of their education. Individual financial aid incentives like these would not support the development of innovative program improvements for preparing technology-proficient future educators, to meet the rapidly increasing demand for well-prepared teachers during the next decade, as required by § 614.1. We also

believe that using funds under this program for these financial aid incentives would be duplicative of other financial aid sources.

Section 614.8 of the proposed regulations would require that the applications be received by the deadline date that will be announced in a separate notice in the **Federal Register**. This will help facilitate an efficient, yet thorough, review process.

#### Clarity of the Regulations

Executive Order 12866 and the President's Memorandum June 1, 1998 on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: Are the requirements in the proposed regulations clearly stated?

- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A "section" is preceded by the symbol "\$" and a numbered heading; for example, § 614.3 What regulations apply?)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

#### Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. Entities that would be affected by these regulations are States and State agencies, local educational agencies (LEAs), local community organizations, and Institutions of higher education. States and State agencies are not "small entities" under the Regulatory Flexibility Act.

Institutions of higher education are defined as "small entities," according to U.S. Small Business Administration

Size Standards, if they are for-profit or nonprofit institutions with total annual revenue below \$5,000,000 or if they are institutions controlled by governmental entities with populations below 50,000. Small LEAs and local community organizations are small entities for the purposes of the Regulatory Flexibility Act. These proposed regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision.

The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

#### Paperwork Reduction Act of 1995

Although these regulations do not contain any information collection requirements, there is an application package associated with these regulations that does provide for information collection. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of the application package to OMB for its review and is requesting approval from OMB for the forms and information used to apply for new grants under this program.

*Collection of Information:* Discretionary Grant Programs—Application Package for Preparing Tomorrow's Teachers to Use Technology Discretionary Grant Program.

The package would apply to two types of grants, Implementation and Catalyst grants. Grants would be awarded to prepare future teachers to utilize modern learning technologies throughout the teaching curriculum. Three critical issues in the use of technology would be addressed by the grants: access to modern educational tools, support in the preparation of well-qualified, technology proficient teachers, and bridging the digital divide to ensure access to modern learning technologies and qualified teachers for all students.

The likely respondents would be State, local, or tribal governments or agencies; businesses or other for-profit agencies; nonprofit institutions; small businesses or organizations; State, local, or Tribal Government educational agencies; public and private schools, school districts, and institutions of higher education.

This collection of information is necessary for applicants to apply for new grants under the Preparing Tomorrow's Teachers to Use Technology program, authorized under Title III, section 3122 of the Improving

America's Schools Act of 1994. Grants will be awarded on the basis of competitively reviewed applications submitted to the U.S. Department of Education, Office of Postsecondary Education (OPE), Policy Planning and Innovation (PPI), Preparing Tomorrow's Teachers to Use Technology grants competition. Continued funding for each grant is based on availability of funds and substantial progress in achieving project objectives.

This application process occurs once each year to enable applicants to compete for Federal funds annually appropriated by Congress. This once-a-year application is necessary to award the annual appropriations.

The total annual public reporting and recordkeeping burden for this information collection is twenty hours per application. We anticipate that there will be 500 respondents (400 applications for Implementation Grants, and 100 applications for Catalyst grants), for a total burden of 10,000 hours.

If you want to comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education. You may also send a copy of these comments to the Department representative named in the ADDRESSES section of this preamble.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information associated with these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives the comments within 30 days

of publication. This does not affect the deadline for your comments to us on the proposed regulations.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

#### Assessment of Educational Impact

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>  
<http://www.ed.gov/news.html>

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Number: 84.342, Preparing Tomorrow's Teachers to Use Technology program.)

#### List of Subjects in 34 CFR Part 614

Colleges and universities, Grant programs-education, Recordkeeping requirements.

(Program Authority: 20 U.S.C. 6832)

Dated: October 14, 1999.

**Claudio R. Prieto,**

*Acting Assistant Secretary for Postsecondary Education.*

For the reasons stated in the preamble, the Secretary proposes to amend Chapter VI of title 34 of the Code of Federal Regulations by adding a new part 614 to read as follows:

### PART 614—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

Sec.

614.1 What is the purpose of the Preparing Tomorrow's Teachers to Use Technology program?

614.2 Who is eligible for an award?

614.3 What regulations apply to this program?

614.4 Which member of the consortium must act as the lead applicant and fiscal agent?

614.5 What are the matching requirements for the consortia?

614.6 What is the maximum indirect cost rate for all consortium members and any cost-type contract?

614.7 What prohibitions apply to the use of grant funds under this program?

614.8 What is the significance of the deadline for applications?

**Authority:** 20 U.S.C. 6832, unless otherwise noted.

#### § 614.1 What is the purpose of the Preparing Tomorrow's Teachers to Use Technology program?

(a) This program provides grants to help future teachers become proficient in the use of modern learning technologies and to support training for pre-service teachers.

(b) A grantee may not use funds under this program for in-service training or continuing education for currently certified teachers.

(Authority: 20 U.S.C. 6832)

#### § 614.2 Who is eligible for an award?

(a) Except as provided in paragraph (b) of this section, an eligible applicant is a consortium that includes at least two or more of the following: institutions of higher education, schools of education, community colleges, State educational agencies, local educational agencies, private elementary or secondary schools, professional associations, foundations, museums, libraries, private sector businesses, public or private nonprofit organizations, community based organizations, or any other entities able to contribute to teacher preparation program reforms that produce technology-proficient teachers.

(b) At least one member of the consortium must be a nonprofit entity.

(Authority: 20 U.S.C. 6832)

#### § 614.3 What regulations apply to this program?

The following regulations apply to Preparing Tomorrow's Teachers to Use Technology:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs), except for § 75.102.

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(7) 34 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR part 86 (Drug-Free Schools and Campuses).

(10) 34 CFR part 97 (Protection of Human Subjects).

(11) 34 CFR part 98 (Student Rights in Research, Experimental Programs and Testing).

(12) 34 CFR part 99 (Family Educational Rights and Privacy).

(b) The regulations in this part 614. (Authority: 20 U.S.C. 6832)

**§ 614.4 Which member of the consortium must act as the lead applicant and fiscal agent?**

(a) For purposes of 34 CFR 75.127, the lead applicant for the consortium must be a nonprofit member of the consortium.

(b) The lead applicant must serve as the fiscal agent.

(Authority: 20 U.S.C. 6832)

**§ 614.5 What are the matching requirements for the consortia?**

A consortium must provide at least 50 percent of the total project cost per budget period of the project using non-Federal funds.

(Authority: 20 U.S.C. 6832)

**§ 614.6 What is the maximum indirect cost rate for all consortium members and any cost-type contract?**

(a) The maximum indirect cost rate for all consortium partners and any cost-type contract made under these grants is eight percent of a modified total direct cost base or the partner's negotiated indirect cost rate, whichever rate is lower.

(b) For purposes of this section, a modified total direct cost base is total direct costs less stipends, tuition, and related fees, and capital expenditures of \$5,000 or more.

(c) Indirect costs in excess of the maximum may not be—

(1) Charged as direct costs by the grantee;

(2) Used by the grantee to satisfy matching or cost sharing requirements; or

(3) Charged by the grantee to another Federal award.

(Authority: 20 U.S.C. 6832)

**§ 614.7 What prohibitions apply to the use of grant funds under this program?**

Grant funds may not be used—

(a) To recruit prospective teachers;

(b) To support the cost of a prospective teacher's education through any form of financial aid assistance including scholarships, internships, or student stipends; or

(c) For in-service training or continuing education for currently certified teachers.

(Authority: 20 U.S.C. 6832)

**§ 614.8 What is the significance of the deadline date for applications?**

Notwithstanding § 75.102, an application for a grant under this program must be received by the deadline date that will be announced in a separate notice in the **Federal Register**.

(Authority: 20 U.S.C. 6832)

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