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Part V

**Department of
Education**

34 CFR Part 675
Federal Work-Study Programs; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 675

RIN 1840-AC56

Federal Work-Study Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Federal Work-Study (FWS) Program authorized under title IV of the Higher Education Act of 1965, as amended (title IV, HEA programs). The Secretary makes these changes in response to the national need to improve student achievement in mathematics by providing for an additional waiver of the FWS institutional-share requirement for mathematics tutors of children who are in elementary school through the ninth grade.

EFFECTIVE DATE: These regulations take effect on July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy S. Gause, U.S. Department of Education, 600 Independence Avenue, S.W., Regional Office Building 3, Room 3045, Washington, DC 20202-5447. Telephone: (202) 708-8242. 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, Monday through Friday.

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SUPPLEMENTARY INFORMATION:**Part 675—Federal Work-Study Programs**

The Secretary is providing for an additional waiver of the FWS institutional-share requirement in § 675.26. The Secretary will authorize a Federal share of 100 percent of the compensation earned by a student during an award year if both of the following criteria are met:

1. The work performed by the student is for the institution itself, for a Federal, State, or local public agency, or for a private nonprofit organization.

2. The student is employed as a mathematics tutor for children who are in elementary school through the ninth grade.

This regulatory change will provide an institution with additional flexibility necessary to respond to the national

need to improve student achievement in mathematics. Student achievement in mathematics in the United States is not at an internationally competitive level. Thirty-six percent of fourth graders and 38 percent of eighth graders score below the basic level in mathematics. The recent Third International Math and Science Study shows that, while U.S. students perform above the international average in mathematics at the fourth-grade level, by the eighth grade, relative performance is below the international average.

The President has issued a challenge to public officials, business leaders, professional organizations, institutions of higher education, teachers, parents, and students to take the steps necessary to improve student achievement in mathematics in order to prepare our students and the Nation for the twenty-first century. This challenge seeks to mobilize resources to ensure that all students are prepared to pursue rigorous high school mathematics and science courses that prepare them for college and careers. A mastery of mathematics, including a strong foundation in algebra and geometry, is a gateway to college and the job market.

One important step to improving student achievement in mathematics is to ensure that students who need it get support and activities that reinforce the classroom experience and convey the importance of acquiring a solid foundation in mathematics. The tutoring of children who are in elementary school through the ninth grade in mathematics can build a firm foundation for success throughout their lives. This investment in our youth is an investment in this country's future. The efforts associated with this new waiver for mathematics tutors of children, including the preparation of the FWS students as tutors, are justified by the benefits of preparing children to compete in the global economy and ensuring our Nation's economic growth.

This new waiver builds on the success of the "America Reads Challenge." Effective with the 1997-98 award year, the Secretary waived the FWS institutional-share requirement for reading tutors of children from infancy through elementary school. See 61 FR 60392 (November 27, 1996). That waiver provided institutions with the flexibility necessary to respond to the "America Reads Challenge," which is mobilizing resources to ensure that all children can read independently and well by the end of the third grade. The Secretary is pleased with the overwhelming response to that reading initiative. Over one thousand institutions have joined the "America Reads Challenge" by

committing FWS students to tutor young children in reading. A diverse array of institutions, representing all types of students, made the commitment to tutor children in their communities. The "America Reads Challenge" is helping thousands of children learn to read. The FWS students not only help children read better by giving them extra learning time, they also build confidence, boost motivation, and send each child an important message: that reading counts!

Effective with the 1998-99 award year, the Secretary added a waiver of the institutional-share requirement under the FWS Program for students employed as tutors in a family literacy program that provides literacy services to children from infancy through elementary school or to their parents or caregivers. See 62 FR 63438 (November 28, 1997). This waiver for tutors working in family literacy programs is based on research that shows that children whose parents work with them on literacy skills during early childhood have a better chance of reading well and independently.

This new waiver for mathematics tutors will help ensure that students have a solid foundation in mathematics as they enter high school. The Department, in a 1997 report entitled "Mathematics Equals Opportunity," noted that low-income students who take algebra and geometry are almost three times as likely to attend college as those who do not. Although taking algebra by the eighth grade is a gateway to college preparatory courses, only 15 percent of low-income students enroll in algebra by the eighth grade. Mathematics tutors working with students who are in elementary school through the ninth grade can be one component of an institution's efforts to get students on the track to college.

The Secretary strongly encourages all institutions to employ FWS students as reading and mathematics tutors for children and as tutors in family literacy programs that provide services to families with preschool age children or children who are in elementary school. The placement of students in these jobs is, in many instances, an important way for institutions to meet the community service expenditure requirement under the FWS Program, serve the needs of the community, and give the FWS students a rewarding and enriching experience. As with programs providing tutoring in reading and family literacy, programs providing mathematics tutoring may take place during the children's school hours, after school, on weekends, or in the summer in order to extend learning time. The institution may create a

mathematics-tutoring program, expand an existing reading tutoring program to incorporate mathematics, or continue to focus solely on reading. In addition, the institution may construct its own tutoring program or become involved in existing tutoring programs.

The new waiver of the FWS institutional-share requirement in § 675.26 for mathematics tutors of children who are in elementary school through the ninth grade does not require the institution to make a request for a waiver. Also, the institution has the option of still providing an institutional share and determining the amount of that share.

It is important to note that the Secretary continues the current exceptions that authorize a Federal share of 100 percent of the compensation earned by students employed as reading tutors of preschool age children or children who are in elementary school, students employed as tutors in a family literacy program that provides services to families with preschool age children or children who are in elementary school, and students enrolled at eligible institutions under the Strengthening Institutions Program, the Strengthening Historically Black Colleges and Universities Program, or the Strengthening Historically Black Graduate Institutions Program.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These regulations address the National Education Goal that calls for increasing the rate at which students graduate from high school and pursue high quality postsecondary education.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the Secretary is specifically authorized under section 443(b)(5) of the Higher Education Act of 1965, as amended (42 U.S.C. 2753(b)(5)) to determine, through the promulgation of regulations, that the Federal share of compensation for FWS students may exceed 75 percent if required in furtherance of the purposes of the

program. The Secretary has made such a determination in this case. Revising § 675.26(d) will increase institutional flexibility and help to meet an important educational need for mathematics tutors in elementary school through the ninth grade without imposing any burden on the affected parties. For these reasons, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment on the amendment to § 675.26(d) is unnecessary and contrary to the public interest.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of postsecondary education.

The provisions of these regulations provide added flexibility to institutions. Thus, no significant adverse economic impacts on small entities are expected to occur.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Intergovernmental Review

The Federal Work-Study Program is not subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

Based 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.

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Note: The official version of this document is the document published in the **Federal Register**.

List of Subjects in 34 CFR Part 675

Loan programs—education, Student aid.

Dated: September 28, 1998.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.033 Federal Work-Study Program)

The Secretary amends chapter VI of Title 34 of the Code of Federal Regulations as follows:

PART 675—FEDERAL WORK-STUDY PROGRAMS

1. The authority citation for Part 675 continues to read as follows:

Authority: 42 U.S.C. 2751-2756a, unless otherwise noted.

2. Section 675.26 is amended by revising paragraph (d) to read as follows:

§ 675.26 FWS Federal share limitations.

* * * * *

(d) For each award year, the Secretary authorizes a Federal share of 100 percent of the compensation earned by a student under this part if—

(1) The work performed by the student is for the institution itself, for a Federal, State, or local public agency, or for a private nonprofit organization; and
(2)(i) The institution in which the student is enrolled—

(A) Is designated as an eligible institution under the Strengthening Institutions Program (34 CFR part 607), the Strengthening Historically Black Colleges and Universities Program (34 CFR part 608), or the Strengthening Historically Black Graduate Institutions Program (34 CFR part 609); and

(B) Requests that increased Federal share as part of its regular FWS funding application for that year;

(ii) The student is employed as a reading tutor for preschool age children or children who are in elementary school;

(iii) The student is employed as a tutor in a family literacy program that provides services to families with preschool age children or children who are in elementary school; or

(iv) The student is employed as a mathematics tutor for children who are in elementary school through the ninth grade.

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