

Final Rule

Tuesday
December 28, 1999

Part VII

Department of Education

34 CFR Part 614

Preparing Tomorrow's Teachers to Use
Technology; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 614

Preparing Tomorrow's Teachers to Use Technology

RIN 1840-AC81

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary adds the regulations governing 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: These regulations are effective January 27, 2000.

FOR FURTHER INFORMATION CONTACT: Mary Gonzales, Office of Postsecondary Education, 1990 K Street, NW., Room 6153, Washington, DC. 20006-8526. Telephone: (202) 502-7788. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 401-3664.

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SUPPLEMENTARY INFORMATION:

On October 22, 1999, the Secretary published a notice of proposed rulemaking (NPRM) for Preparing Tomorrow's Teachers to Use Technology in the **Federal Register** (64 FR 57287). In the preamble to the NPRM, the Secretary discussed on pages 57287 and 57288 the major regulations proposed for Preparing Tomorrow's Teachers to Use Technology. These included the following:

Establishing the purpose of the Preparing Tomorrow's Teachers to Use Technology program as helping future teachers to become proficient in the use of modern learning technologies.

Limiting grants made under this program to support training for pre-service teachers by prohibiting the use of grant funds for in-service training, or for continuing education for currently certified teachers.

Defining the eligible applicants for the program is 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.

Listing the regulations from the Education Department's General Administrative Regulations that would apply to the program, and referencing these regulations.

Requiring 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.

Establishing the matching requirements for consortia by requiring that the Federal share of the cost of the project not exceed fifty percent of the total project cost for each budget period.

Limiting 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.

Prohibiting the use of Federal grant funds 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.

Requiring that applications for the program be received by the deadline date that will be announced in a separate notice in the **Federal Register**.

Except for minor editorial revisions, there are no differences between the NPRM and these final regulations.

Analysis of Comments and Changes

In the NPRM the Secretary invited comments on the proposed regulations. In response to our invitation in the NPRM, three parties submitted comments on the proposed regulations. An analysis of the comments follows.

Comments: One commenter encouraged the program to allow the use of funds for in-service professional development for current teachers to help address their discomfort with technology.

Discussion: The change recommended by the commenter would materially alter the purpose of the program. Several recent national reports have concluded that teacher preparation has emerged as the critical factor limiting the contributions of new technologies to improved learning—and these findings respond to the need to restructure the teacher preparation system. Federal,

State and local agencies are investing billions of dollars a year to equip schools with computers and modern communications networks. Recent GAO testimony¹ based upon an agency GAO survey on the use of Federal funds for teacher training programs for elementary and secondary teachers indicates that while \$1.5 billion in Federal funds are used in part for teacher training, the majority goes towards in-service training while only six percent support goes towards pre-service training.

We recognize that reeducating the existing teaching force to take full advantage of technological learning tools will require extensive professional development over many years. But this problem is being greatly magnified by the fact that new teachers entering the profession are not being adequately prepared to use the modern technologies they will find in their 21st century schools. 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 size. No school system in America can ensure that these future teachers are well-prepared, technology-proficient educators without significant improvement and restructuring of the teacher preparation system. If our information technology investments are to pay off in improved education, this program must focus limited Federal funds to ensure that future teachers are technology-proficient educators, who arrive at their schools ready to use modern learning resources to help 21st Century students meet high standards.

Changes: None.

Comments: One commenter suggested adding the phrase "research-proven, standards-led" to the purpose of the program to ensure that all students are taught to use technology in meaningful ways.

This program provides grants to help future teachers become proficient in the use of modern learning technologies within the context of research-proven and standards-led instructional practices. The program also supports training for pre-service teachers in modern learning technologies within the context of research-proven and standards-led instructional practices.

Discussion: The language proposed by the commenter does not make the regulations clearer. The underlying goal

¹ United States General Accounting Office, "Teacher Training—over \$1.5 Billion Federal Funds Invested in Many Programs," Statement of Marnie S. Shaul, Associate Director, Education, Workforce, and Income Security Issues, Health Education, and Human Services Division, Released May 5, 1999.

of ensuring that all student populations are enabled to use technology in meaningful ways will be addressed in the application package. The application package will emphasize the importance of technology-proficient future teachers by encouraging all applicants to address equitable digital access for all populations to help all students achieve to high standards. The application package will also indicate that technology-proficient future teachers utilize technology to improve the teaching and learning process.

Changes: None.

Comments: One commenter suggested listing or identifying specific potential consortium partners such as the North Central Regional Education Laboratory (NCREL), the National Computational Science Alliance (NCSA), and the Department of Energy Laboratories.

Discussion: The regulations leave the consortium composition to the discretion of the applicant. The regulations list general types of organizations that could be included and these could include the commenter's specific potential consortium partners. The regulations also encourage as an eligible applicant any organization able to contribute to the teacher preparation reforms that produce technology-proficient educators.

Changes: None.

Comments: One commenter suggested eliminating the matching requirements for consortia to better enable all schools to fairly compete. Instead, a "match" could be used as an indicator of commitment.

Discussion: It is imperative to require matching commitments to better leverage limited Federal funding and to help build and ensure project sustainability beyond the life of the Federal grant. Over 500 eligible applicants applied for FY 1999 funds that resulted in 225 awards. The applicants were from a broad cross-section of institutions and organizations. Based upon the overwhelming response from the field and the range of types of organizations funded, it seems that the matching requirement does not preclude "poor" institutions from the competition.

Changes: None.

Comments: One commenter suggested that the demonstration of "Institution-wide" support is almost impossible at large universities.

Discussion: The demonstration of "Institution-wide" support is not required for funding under this program. However, "Institution-wide" support is important to demonstrating an effective response to the preparation of technology proficient teachers. Thus,

it is to the advantage of potential applicants to show collaboration within their university.

Changes: None.

Comments: One commenter suggested allocating preference points for applicants addressing looming teacher shortages.

Discussion: The focus of this program is on preparing technology proficient future teachers. Developing remedies for possible teacher shortages is beyond the scope of this program. Extra points for addressing teacher shortages is not consistent with the program purpose.

Changes: None.

Comments: Once commenter felt that that the program should specify a more precise monetary or percentage range for the amount of grant funds to be used for project evaluation.

Discussion: The amount of money to be allocated for evaluation was not addressed in the regulations. It is up to the applicant to determine the appropriate level of evaluation investment for the proposed project.

Changes: None.

Intergovernmental Review

This program is 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 we intend this document to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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(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, Reporting and recordkeeping requirements.

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

Dated: December 21, 1999.

Claudio R. Prieto,

Acting Assistant Secretary for Postsecondary Education.

For the reasons stated in the preamble, the Secretary amends 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 date 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 of this chapter, 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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