

and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of the supplies and materials that are used.

(b) Information in the Board's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of the computers used by the Board, such a service cannot ordinarily be offered to the public.

§ 1120.53 Payment of fees.

(a) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Architectural and Transportation Barriers Compliance Board" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the address in § 1120.23.

(b) *Advance payment or assurance.* If an A&TBCB office determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed \$25.00, that office need not search for, duplicate, or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this subpart. In this case, the A&TBCB office shall promptly inform the requestor (by telephone, if practicable) of the need to make payment or arrangements to pay. (See also § 1120.32(d), *Time allowed for initial action on request.*)

(c) *Standard fee not charged in certain circumstances.* The fee chargeable under this subpart may be reduced or waived by the A&TBCB if the public interest would be served thereby because furnishing the information can be considered as primarily benefitting the general public. Reduction or waiver of fees shall be considered (but need not necessarily be granted) in connection with each request from a representative of the press or other communications medium or from a public interest group. A request for reduction or waiver of fees shall be addressed to the Freedom of Information Officer at the address shown in § 1120.23. The A&TBCB office

which is responding to the request for records shall initially determine whether the fee shall be reduced or waived and shall so inform the requestor. The initial determination may be appealed by letter addressed to the address shown in § 1120.23. the General Counsel or his or her designee shall decide such appeals.

Dated: December 2, 1980.

Max Cleland,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 37973 Filed 12-5-80; 8:45 am]

BILLING CODE 4000-07-M

Federal Register

**Monday
December 8, 1980**

Part IV

Department of Agriculture

Federal Grain Inspection Service

**Delay Effective Date of Requirement for
Change in Mode of Operation**

PART IV

Department of Agriculture

Report on the

Survey of the
Condition of the

1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 802

Delay Effective Date of Requirement for Change in Mode of Operation

AGENCY: Federal Grain Inspection Service.

ACTION: Emergency final rule.

SUMMARY: On March 11, 1980 (45 FR 15682), the Federal Grain Inspection Service (FGIS) issued official performance and procedural requirements for grain weighing equipment and related grain handling systems (codified in 7 CFR Part 802). Section 802.2(r) of the requirements provides that effective January 1, 1981, all grain weighing automatic hopper scales shall be designed so that the mode of operation, and each change in mode of operation, is indicated on the printed record in a prescribed manner. FGIS is delaying the effective date of this provision until January 1, 1983, for scales installed on or before January 1, 1981; for scales installed after January 1, 1981, the previously established effective date remains unchanged.

DATES: Effective December 8, 1980. Comments must be received on or before February 6, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to the Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, Washington, D.C. 20250, telephone (202) 447-3910, where they will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George T. Lipscomb, Director, Weighing Division, USDA, FGIS, Room 3117 Auditors Building, Washington, D.C. 20250; telephone (202) 447-4851.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as not significant. Because this action merely delays an effective date, without imposing additional burdens on the economy or on individuals, no impact statement has been prepared.

Dr. L. E. Bartelt, FGIS Administrator, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period, because of the need to inform grain elevator operators and other affected parties that previously installed automatic hopper

scales will not have to be modified by January 1, 1981, to meet the requirements of 7 CFR 802.2(r).

Under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the *Federal Register*. Comments are being solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the *Federal Register* as soon as possible.

FGIS has received several requests from the trade to delay implementation of this requirement. These requests have cited unavailability of modified equipment or plans for the installation of new weighing equipment as justification for delaying this requirement.

Therefore, 7 CFR Part 802 is amended by revising § 802.2(r) to read as follows:

§ 802.2 General requirements.

(r) *Change in mode of operation.* All grain weighing automatic hopper scales shall be designed so that the mode of operation and each change in mode of operation is indicated on the printed record by a symbol, number, or word which clearly designates the mode in which the scale is operated (i.e., A—automatic, M—manual, SA—semiautomatic, 1—automatic, 2—manual, 3—semiautomatic). This requirement becomes effective January 1, 1981, for scales installed after that date; for scales installed on or before January 1, 1981, this requirement becomes effective January 1, 1983.

(Pub. L. 94-582, 90 Stat. 2867, as amended by Pub. L. 95-113, 91 Stat. 1024 (7 U.S.C. 71, et seq.))

Done in Washington, D.C. on: December 3, 1980.

L. E. Bartelt,
Administrator.

[FR Doc. 80-38036 Filed 12-5-80; 8:45 am]

BILLING CODE 3410-02-M

Teacher's Federal Register

Monday
December 8, 1980

Part V

Department of
Education

Teacher Centers Program

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 240

Teacher Centers Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations to implement the changes in the Teacher Centers Program that were made by the Education Amendments of 1978 and the Education Amendments of 1980. In general, teacher centers provide elementary and secondary school teachers with opportunities for training and curriculum development which meet their needs and enable them to serve better their students.

EFFECTIVE DATE: These final regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the *Federal Register*. The effective date is changed if the Congress takes certain adjournments. If you want to know the effective date of these final regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION, CONTACT: Dr. A. Bruce Gaarder, Room 2010, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 472-5502.

SUPPLEMENTARY INFORMATION:**A. Statute as Originally Enacted**

Section 532 of the Higher Education Act of 1965 (the Act) as enacted by the Education Amendments of 1976 (Pub. L. 94-482), authorized the Commissioner of Education (now the Secretary) to make grants to local educational agencies (LEAs) to assist them in planning, establishing and operating teacher centers.

The statute also authorized the Commissioner (now the Secretary) to use ten percent of the program's funds to make grants to institutions of higher education (IHEs) to operate teacher centers.

The program statute defined "teacher center" as a site which serves teachers from public and nonpublic schools of a State, or an area or community within a State, in which teachers with the assistance of such consultants and experts as may be necessary, may develop and produce curricula, utilize research findings, and provide training to improve the skills of teachers to enable them to meet better the educational needs of their students.

A key innovative feature of the statute is the provision that each teacher center shall be operated under the supervision of a teacher center policy board. The majority of the policy board must be representative of the elementary and secondary classroom teachers to be served by the center and to fairly reflect the make-up of all school teachers, including special education and vocational education teachers. The statute also provided that the teacher center policy board shall include individuals representative of, or designated by, the school board of the LEA served by the center and at least one person representative of or designated by the IHE (with departments or schools of education) located in the area.

The statute specifies that each applicant must submit his application through the State educational agency (SEA) of the State in which the applicant is located. Only applications recommended by the appropriate SEA may be approved by the Commissioner (now the Secretary).

A notice of proposed rulemaking for the Teacher Centers Program, inviting public comment, was published in the *Federal Register* on June 13, 1977. On January 11, 1978, the U.S. Office of Education published final regulations to implement the program (43 FR 1762).

Those January 11, 1978 final regulations—

- Broadly defined the term "site."
- Described the allowable activities of a teacher center.
- Clarified the teacher center's obligation to serve nonpublic school teachers.
- Listed the eligible categories of participants in teacher center activities.
- Broadly stated the teacher center policy board's authority in a definition of the term "supervision" and by a provision requiring the board to participate fully in the preparation of, and to approve, the application.
- Defined "teacher" narrowly, with respect to the selection of teacher representatives constituting the majority of the teacher center policy board, to include only regular, fulltime classroom teachers engaged in teaching elementary and secondary school students.
- Indicated that the teacher representatives on the policy board must fairly reflect the makeup of all teachers in the area to be served.
- Provided options for selecting the teacher representatives to the policy board.

B. Statutory Changes

1. *Education Amendments of 1978.*—As enacted by the Education

Amendments of 1976 (Pub. L. 94-482), the original version of the Teacher Centers Program statute provided that an applicant that was dissatisfied with the recommendation of the SEA regarding its application under the Teacher Centers Program could petition the Commissioner (now the Secretary) to request further consideration of the application by the SEA. However, the Commissioner was not compelled to request further consideration and the SEA was not compelled to honor such a request.

Section 532(c)(2) of the Teacher Centers Program statute, as amended by the Education Amendments of 1978 (Pub. L. 95-561), significantly changed the appeal process. Under the present statute the Secretary must—upon receipt of a petition from a dissatisfied applicant—request that the SEA give further consideration of the application. In addition, Section 532(c)(3) of the current statute specifies that the SEA must then transmit the application to the Secretary along with the comments and evaluation of the SEA.

2. *Education Amendments of 1980.*—The Education Amendments of 1980 (Pub. L. 96-374) recently amended the Teacher Centers Program statute to provide that—

- At least one applicant in each State must receive a grant for the establishment of at least one teacher center.
- Institutions of higher education—which were previously eligible only for grants to operate teacher centers—are eligible for grants to plan, establish or operate teacher centers.
- Educational service agencies are eligible for grants to plan, establish or operate teacher centers.
- Teacher centers must be developed "where desirable in collaboration with one or more institutions of higher education which serve teachers."
- "The use of technology and telecommunications" is included as an allowable area of curriculum development.
- "Testing" is included as an allowable focus of inservice training.
- Each teacher center policy board must include, "where appropriate, a teacher of bilingual education."

C. Overview of These Regulations

These new regulations for the Teacher Centers Program are issued to implement the changes in the program that were made by the Education Amendments of 1978 and the Education Amendments of 1980.

The regulations are being issued at this time in order to have up-to-date regulations in place prior to inviting

applications for fiscal year 1981 grants under the program.

These final regulations differ from the final regulations that were published on January 11, 1978 in the following respects:

- They are organized in conformance with the Department's standard format for regulations for discretionary grant programs.

- Section 240.22 of these regulations implements the new appeal process that was added by the Education Amendments of 1978.

- Section 240.32 of these regulations implements the requirement, added by the Education Amendments of 1980, that at least one applicant in each state must receive a grant for the establishment of at least one teacher center.

- Several other provisions in these regulations (e.g., § 240.2, § 240.5, § 240.12, § 240.13, and § 240.14) contain new language implementing changes resulting from the Education Amendments of 1980.

- The evaluation criteria in § 240.31 reflect the applicability of standard evaluation criteria in the Education Division General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs).

D. Waiver of Proposed Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1332(b)(2)(A)), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on those proposed regulations.

However, these new regulations for the Teacher Centers Program do not differ in any substantive way from the final regulations for the Teacher Centers Program published on January 11, 1978, with the exception of the few places where they implement changes in the Teacher Centers Program that were made by the Education Amendments of 1978 and the Education Amendments of 1980. The only other difference between the final regulations that were published on January 11, 1978 and these regulations is that these regulations are organized in conformance with the Department's standard format for discretionary grant regulations. These new regulations are being published at this time so that regulations implementing the statutory changes will be in effect in time to avoid delays in selecting teacher center projects for funding during fiscal year 1981. Thus, while these regulations implement the statutory changes in the Teacher Centers Program, they do not reflect any changes in the Department's policies or

administrative practices concerning the program.

For the reasons discussed above, the publication of these new regulations for the Teacher Centers Program as a notice of proposed rulemaking would be impractical and contrary to the public interest, under 5 U.S.C. 553(b), if grants are to be made in a timely manner for fiscal year 1981. Therefore, these regulations—which do not differ substantially from the final regulations for the Teacher Centers Program that were published on January 1, 1978, except to reflect statutory changes—are published as final regulations.

On November 14, 1980, the Secretary published a notice in the *Federal Register* of the Department's intent to publish regulations necessary to implement the Education Amendments of 1980. In that notice, the Department listed the existing regulations affected by the new law and requested comments whether those regulations required information that is already being gathered by or is available from any other agency or authority of the United States. The regulations in this document are based on regulations listed in the November 14 notice. Based on any comments received and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

The Department may publish proposed regulations for the Teacher Centers Program within the next few months. Unlike these final regulations, those proposed regulations: (1) would not apply to grants that are made for fiscal year 1981; (2) would include policy and administrative changes designed to improve the program; and (3) would be subjected to public comment. We are interested in receiving suggestions from interested persons concerning how these regulations may be improved and whether there is a need for revised regulations in the future. These suggestions should be sent to Dr. A. Bruce Gaarder at the address given at the beginning of this preamble.

E. Citations of Legal Authority

A citation of statutory authority is placed in parentheses on the line following each substantive provision of these regulations. References to "section" in the citations of authority following the provisions of the regulations refer to sections of the Higher Education Act of 1965, as amended.

Dated: December 2, 1980.

Shirley M. Hufstедler,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.006, Teacher Centers Program)

The Secretary revises Part 240 of Title 34 of the Code of Federal Regulations to read as follows:

PART 240—TEACHER CENTERS

Subpart A—General

Sec.

240.1 What is the purpose of the teacher centers program?

240.2 Who is eligible to receive grants?

240.3 Who is eligible to be served by a teacher center?

240.4 What regulations apply to this program?

240.5 What definitions apply to this program?

Subpart B—What Kinds of Projects Are Assisted Under This Program?

240.10 What types of projects are assisted?

240.11 What area is served by a teacher center?

240.12 What activities may a teacher center perform?

240.13 How is the teacher center policy board formed?

240.14 How are the funds distributed among applicants?

240.15 What costs are allowable?

Subpart C—How Does One Apply for a Grant?

240.20 Where and to whom must an applicant submit its application?

240.21 What is the role of SEAs reviewing applications?

240.22 What are the procedures for appealing the SEA's recommendation?

240.23 What information must be included in an application?

Subpart D—How Does the Secretary Make a Grant?

240.30 How does the Secretary evaluate an application?

240.31 What are the evaluation criteria?

240.32 Is at least one teacher center supported in each State?

240.33 For what services are SEAs compensated?

240.34 What amount of compensation do SEAs receive?

Authority: Section 532 of Title V-B, of the Higher Education Act of 1965, as enacted by Section 153 of the Education Amendments of 1976 (Pub. L. 94-482), and amended by Section 1321 of the Education Amendments of 1978 (Pub. L. 95-561) and by Section 503-504 of the Education Amendments of 1980 (Pub. L. 96-374).

Subpart A—General

§ 240.1 What is the purpose of the teacher centers program?

The Teacher Centers Program is designed to assist local educational agencies (LEAs), educational service

agencies, and institutions of higher education (IHEs) to plan, establish, and operate teacher centers designed to meet the professional needs of teachers as defined by teacher center policy boards, in order to enable teachers to meet better the educational needs of their students.

(Section 532; 20 U.S.C. 1119a)

§ 240.2 Who is eligible to receive grants?

The following agencies and institutions are eligible to apply for and receive grants:

- (a) Local educational agencies (LEAs).
- (b) Educational service agencies.
- (c) Institutions of higher education (IHEs)

(d) A combination of either or any of the above agencies and/or institutions.

(Section 532; 20 U.S.C. 1119a)

§ 240.3 Who is eligible to be served by a teacher center?

In addition to teachers as defined in § 240.5 of this part, the persons to be served by a teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, preschool teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act.

(Section 532(a); 20 U.S.C. 1119a(a))

§ 240.4 What regulations apply to this program?

The following regulations apply to the Teacher Centers Program:

- (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (General).

(b) The regulations in this part.

(20 U.S.C. 1221e-3(a)(1))

§ 240.5 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms in this part are defined in 34 CFR Part 77.

Applicant
Application
Department
EDGAR
Grant
Grantee

Local educational agency (LEA)
Nonpublic school
Project
Project period
Public
Secretary
State
State educational agency (SEA)
(20 U.S.C. 1232)

(b) The following terms apply specifically to this part: "Act" means Section 532 of the Higher Education Act of 1965 as enacted by Pub. L. 94-482 and amended by Pub. L. 95-561 and Pub. L. 96-374.

(Section 532; 20 U.S.C. 1119a)

"Educational service agency" means an intermediate school district, county school district or board of cooperative education services, officially recognized by a State, which performs administrative or service functions for local educational agencies (LEAs), including but not limited to handicapped education programs, inservice and preservice training, computer services and curriculum development.

(Section 532; 20 U.S.C. 1119a)

"Institution of higher education" means an educational institution as defined in Section 1201(a) of the Higher Education Act of 1965, as amended.

(Section 1201(a); 20 U.S.C. 1141(a))

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Section 532(b); 20 U.S.C. 1119a(b))

"Teacher" means only a regular full-time classroom teacher engaged in teaching elementary or secondary school students, including a teacher of special education, vocational education, or bilingual education.

(Section 532(b); 20 U.S.C. 1119a(b))

"Testing" means the knowledge and procedures needed for complete understanding of the theory, production and use of any means, informal or formal, for measuring the achievement of students or other effects upon students resulting from school attendance.

(Section 532(a)(2)(B); 20 U.S.C. 1119(a)(2))

Subpart B—What Kinds of Projects Are Assisted Under This Program?

§ 240.10 What types of projects are assisted?

The Secretary makes grants, to plan, establish, or operate teacher centers.

(Section 532(f); 20 U.S.C. 1119a(f))

§ 240.11 What area is served by a teacher center?

A teacher center serves teachers employed in both public and nonpublic schools (if nonpublic schools are located in the area to be served and choose to participate in the teacher center) of—

- (a) A portion of a single school district;
- (b) An entire school district; or
- (c) Any number of school districts in a State.

(Section 532; 20 U.S.C. 1119a)

§ 240.12 What activities may a teacher center perform?

The teachers served by a teacher center are afforded the opportunity, where desirable in collaboration with one or more IHEs that serve teachers, to—

- (a) Develop and produce curricula (including the modification or adaptation of existing curricula and the use of technology and telecommunications) designed to meet the educational needs of the students served by the teachers;

(b) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

- (c) Provide training designed to—
 - (1) Enable the teachers to meet better the special educational needs of the students they serve (including training to enable teachers to implement specific curricula effectively); and

(2) Familiarize the teachers with developments in curriculum and educational research, including testing and the use of research to improve teaching skills.

(Section 532(a)(2); 20 U.S.C. 1119a(a)(2))

§ 240.13 How is the teacher center policy board formed?

(a) *Composition.* Each teacher center must be operated under the supervision of a teacher center policy board composed as follows:

- (1) The majority of the members of the policy board shall be representative of all the teachers in the area to be served by the center, including—

(i) Teachers who provide special education for handicapped and exceptional children;

(ii) Teachers of vocational education; and

(iii) Where appropriate, teachers of bilingual education.

(2) The policy board must include two or more persons representative of, or designated by, the school board(s) of the LEA (or LEAs) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(4) If the area to be served includes more than one LEA or more than one IHE with a department or school of education, each agency or institution must be represented on the teacher center policy board under paragraphs (a) (2) or (3) of this section. A person designated to the teacher center policy board under paragraph (a)(3) of this section may represent more than one IHE.

(b) *Representativeness.* (1) Each grantee must assure that the majority of the board is representative of teachers by—

(i) Making the categories of teachers (e.g., vocational education teachers, special education teachers, where appropriate bilingual education teachers, and other teachers at both elementary and secondary levels) fairly reflect the categories of teachers in the area to be served, including equitable representation of nonpublic school teachers (if there are nonpublic schools in the area to be served which choose to participate in the teacher center); and

(ii) Selecting the teacher members composing the majority of the board by one of the following options:

(A) Agreement between the LEA and the teachers' collective bargaining agent—

(1) As to the specific teacher representatives; or

(2) As to the procedures for selecting the teacher representatives.

(B) Appointment of the teacher representatives by the teachers' collective bargaining agent.

(C) Appointment of the teacher representatives by the teachers' organization with the largest number of members.

(D) Voting in which all teachers in the area to be served by the center have an opportunity to participate, either through a general or school-by-school election.

(E) Another method which permits teachers generally, either directly or through their teachers' organization, to nominate or select the teacher representatives on the board.

(F) A combination of two or more of the options in paragraphs (b)(1)(ii) (A) through (E) of this section.

(2) The options described in paragraph (b)(1)(ii) of this section apply both to teacher centers serving teachers within a single LEA and to teacher centers serving teachers in more than one LEA.

(3) In case of a teacher center serving an entire State, in addition to the options under paragraph (b)(1)(ii) of this section, the teacher members composing the majority of the board can be appointed by one or more State-level teachers' organizations.

§ 240.14 How are the funds distributed among applicants?

(a) The Secretary sets aside 10 percent of the amount appropriated under the Teacher Centers Program to fund applications from IHEs to plan, establish, or operate teacher centers: *Provided*, that there are sufficient applications from IHEs that receive the 50 point minimum to be considered for funding under the evaluation criteria in § 240.31.

(b) After setting aside funds for grants to IHEs under paragraph (a) of this section and funds for compensating SEAs for their activities under § 240.34, the Secretary uses the remaining funds for grants to LEAs and educational service agencies.

(c) In the case of a joint grant to a combination of one or more IHEs and one or more LEAs or educational service agencies, the amount of the grant charged to the 10 percent set-aside for IHEs is determined—

(1) According to the amount budgeted in the approved application for IHEs; or

(2) If separate amounts for applicants are not budgeted in the application, according to the ratio of IHEs to all recipients of the grant.

(Section 532; 20 U.S.C. 1119a)

§ 240.15 What costs are allowable?

In addition to the costs specified as allowable in EDGAR, the following costs are allowable under the Teacher Centers Program:

(a) Release time or payment for substitutes to enable teachers to participate in activities of the teacher center.

(b) Expense of the teacher center policy board, including payment of released time or substitutes to enable its teacher members to participate in activities of the board, but not including the expenses of preparing an application for a grant under the Teacher Centers Program.

(Section 532(a)(2) and (e); 20 U.S.C. 1119a(a)(2) and (e))

Subpart C—How Does One Apply for a Grant?

§ 240.20 Where and to whom must an applicant submit its application?

(a) Each applicant for a grant under the Teacher Centers Program must submit an application to the Secretary through the SEA of the State in which the applicant is located.

(b) The Secretary publishes a notice annually in the Federal Register of the dates, schedule, and other information relating to the submission of applications.

(Section 532; 20 U.S.C. 1119a)

§ 240.21 What is the role of SEA's in reviewing applications?

The Secretary will not approve an application unless—

(a) The SEA of the State in which the applicant is located has reviewed the application, made comments thereon, recommended that the application be approved, and transmitted the application to the Secretary for approval; and

(b) The appropriate SEA has given an assurance that it will provide technical assistance to each center, and will adequately disseminate information derived from the center, including information on how the SEA will carry out the technical assistance and dissemination and a projected budget for those activities.

(Section 532(d); 20 U.S.C. 1119a(d))

§ 240.22 What are the procedures for appealing the SEA's recommendation?

(a) Any LEA educational service agency, or IHE that is dissatisfied with the recommendation of the SEA regarding its application may petition the Secretary to request further consideration of the application by the SEA.

(b) In the event of such an appeal, the Secretary requests further consideration by the SEA.

(c) After the SEA receives a request for further consideration from the Secretary, the SEA shall transmit the application to the Secretary along with the SEA's comments and evaluation.

(Section 532(c)(2) and (f); 20 U.S.C. 1119a(c)(2) and (f))

§ 240.23 What information must be included in an application?

(a) Each application must include—

(1) Designation of the specific area, school district(s), and schools, both public and nonpublic, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application and has approved it as submitted;

(3) A statement of the means for assuring equitable participation by nonpublic school teachers on the teacher center policy board and in receiving the center's services, or documentation that there is no nonpublic school in the area to be served, or that nonpublic schools in the area to be served have chosen not to participate;

(4) A one-page abstract of the proposed project;

(5) A plan of operation which must include—

(i) A statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined;

(ii) Information that provides a basis for evaluating the application under each of the criteria in § 240.31. Failure of an application to contain information responding to a particular criterion in § 240.31 will mean that the applicant will not earn points attached to that criterion.

(b) With respect to an application to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(c) An IHE shall include in its application, in addition to other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those LEAs with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board.

(Section 532(f); 20 U.S.C. 1119a(f))

Subpart D—How Does the Secretary Make a Grant?

§ 240.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 240.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses at the beginning of that criterion.

(d) An application must receive a minimum of 50 points to be considered for funding.

§ 240.31 What are the evaluation criteria?

In evaluating an application the Secretary considers:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons;

(D) The elderly; and

(vi) For grants made after October 1, 1980, a clear description of how the applicant will provide for participation of teachers employed at nonprofit private schools that choose to participate in the teacher center.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel who will be used on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section will be required to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from

persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications for a position, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Authority of policy board.* (10 points)

The Secretary reviews each application for information that shows the extent of the teacher center policy board's authority and responsibility for supervision of the project.

(g) *Potential for increasing teacher effectiveness.* (20 points)

The Secretary reviews each application for information that shows the potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students.

(h) *Adequacy of dissemination.* (3 points)

The Secretary reviews each application for information that shows the adequacy of provisions for dissemination of the results of the project.

(i) *Size, scope, and duration.* (5 points)

The Secretary reviews each application for information that shows the appropriateness of size, scope, and duration of the project so as to secure productive results.

(j) *Potential impact on inservice training.* (15 points)

The Secretary reviews each application for information that shows the potential of the teacher center to impact upon and improve the grantee's overall program of inservice training for teachers.

(k) *Representativeness of policy board.* (10 points)

The Secretary reviews each application for information that shows the representativeness of the teacher center policy board required under § 240.13.

(l) *Support of new or expanded activities.* (5 points)

The Secretary reviews each application for information that shows the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources.

(Section 532; 20 U.S.C. 1119a)

§ 240.32 *Is at least one teacher center supported in each State?*

In selecting projects for funding, the Secretary ensures that, in each fiscal year for which funds are appropriated under the Teacher Centers Program, at least one teacher center in each State receives funds under the program if at least one applicant in that State submits an approvable application. If necessary to meet this requirement, the Secretary may waive the 50 point minimum in § 240.31.

(Section 531; 20 U.S.C. 1119)

§ 240.33 *For what services are SEAs compensated?*

The Secretary compensates SEAs for the cost of the following services performed in connection with the Teacher Centers Program:

(a) Reviewing and commenting on applications.

(b) Submitting applications to the Secretary after approval.

(c) Providing technical assistance to funded centers. Allowable technical assistance expenses of the SEA may include—

(1) Consulting services rendered at the teacher center site;

(2) Workshops and conferences to provide information to centers (including an exchange of information among teacher centers); and

(3) Activities of the SEA to obtain information incidental and necessary to

the provision of technical assistance to funded centers in its State.

(d) Disseminating information resulting from activities of funded centers.

(Section 532 (c) and (d); 20 U.S.C. 1119a (c) and (d))

§ 240.34 *What amount of compensation do SEAs receive?*

(a) The Secretary sets aside one-tenth of the amount appropriated for the Teacher Centers Program for the compensation of SEAs, to be disbursed according to the following stipulations:

(1) Compensation for the combined services noted in paragraphs (a) and (b) of § 240.33 is at a rate per application set by the Secretary not to exceed prevailing rates for similar services.

(2) The remainder of the sum reserved for SEAs is made available to carry out functions described in paragraphs (c) and (d) of § 240.33.

(3) An SEA is compensated for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the center bears to the total funds awarded to teacher centers in the fiscal year.

(Section 532(d); 20 U.S.C. 1119a(d))

[FR Doc. 80-32975 Filed 12-5-80; 8:45 am]

BILLING CODE 4000-01-M