

NATIONAL INSTITUTE FOR LITERACY**34 CFR Ch. XI and Part 1100**

[CFDA No. 84.257I]

Literacy Leader Fellowship Program**AGENCY:** National Institute for Literacy.**ACTION:** Interim final regulations.

SUMMARY: The Director issues interim final regulations to govern the Literacy Leader Fellowship Program for Fiscal Year 1995 and for subsequent years. Under this program, the Director may award fellowships to individuals to enable them to engage in research, education, training, technical assistance, or other activities that advance the field of adult education or literacy. These regulations specify the categories of fellowships, how an individual applies for a fellowship, what conditions for eligibility must be met by an applicant, where the fellowship will be conducted, how a fellow is selected, the responsibilities of a fellow, and how the amount of a fellowship is determined.

DATES: *Effective Date:* These regulations are effective August 10, 1995.

Comment Date: Comments must be received on or before September 30, 1995.

ADDRESSES: All comments concerning these final regulations should be addressed to Susan Green, National Institute for Literacy, 800 Connecticut Avenue NW., Suite 200, Washington, DC 20006.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Susan Green, 202/632-1509.

SUPPLEMENTARY INFORMATION:**Background**

The Literacy Leadership Fellowship Program is authorized under section 384 of the Adult Education Act (20 U.S.C. 1213c), as amended. Fellowships may include stipends and allowances for subsistence and travel expenses as provided under Title 5 of the United States Code.

Executive Order 12286

These interim final regulations have been reviewed in accordance with Executive Order 12286. Under the terms of the order, the Director has assessed the potential costs and benefits of this regulatory action. The potential costs associated with these regulations are those resulting from statutory

requirements and those determined by the Director as necessary for administering this program effectively and efficiently. The Director has determined that the benefits of the regulations justify the costs. The Director has also determined that the regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Regulatory Flexibility Act Certification

The Director certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. These provisions would affect only individuals, who are not defined as "small entities" in the Regulatory Flexibility Act.

Paperwork Reduction Act of 1980

Sections 1100.21 and 1100.33 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the National Institute for Literacy will submit a copy of these interim regulations to the Office of Management and Budget (OMB) for its review. Public reporting burden for this collection of information is estimated to average 15 hours per response. Organizations and individuals wishing to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Dan Chenok.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these interim final regulations. The Director will take all comments into consideration and will make those changes to the regulations that the Director deems appropriate. The final regulations will govern applications for fellowships beginning in Fiscal Year 1996.

All comments submitted in response to these interim regulations will be available for public inspection, during and after the comment period, in Suite 200, 800 Connecticut Avenue, NW., Washington, DC, between the hours of 8:30 A.M. to 4:30 P.M., Monday through Friday each week, except Federal holidays.

To assist the National Institute for Literacy in complying with the specific requirements of Executive Order 12286 and the Paperwork Reduction Act of 1980 and their overall requirement of

reducing regulatory burden, the Director invites comment on whether there may be further opportunities to reduce any regulatory burdens found in the interim final regulations.

Regulations

The National Institute for Literacy is subject to the rulemaking requirements of the Administrative Procedure Act (APA). Under the APA, codified in Title 5 of the United States Code, section 553, matters relating to public property, loans, grants, benefits, or contracts are not subject to the rulemaking requirements of that section. Under ordinary circumstances, the Director would prefer not to invoke this exemption for the development of the regulations governing awards under the Literacy Leader Fellowship Program because the Director values public participation in the process. However, in order to make timely fellowship awards in Fiscal Year 1995 based on the regulations, the Director has decided to issue these regulations in final form, while at the same time taking public comment that will help the Director determine whether any changes are advisable for future competitions.

Priorities

The Institute may establish annual priorities, as stated in 34 CFR 75.105, by publishing a notice of priorities in the **Federal Register** concurrently with, or prior to, publishing a notice inviting applications for that year.

List of Subjects in 34 CFR Part 1100

Adult education; Grant programs—education; Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.257I, National Institute for Literacy)

Dated: July 6, 1995.

Carolyn Staley,

Deputy Director, National Institute for Literacy.

The Director establishes chapter XI, consisting at this time of part 1100, in Title 34 of the Code of Federal Regulations to read as follows:

CHAPTER XI—NATIONAL INSTITUTE FOR LITERACY**PART 1100—LITERACY LEADER FELLOWSHIP PROGRAM****Subpart A—General**

Sec.

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Authority: 20 U.S.C. 1213c.

Subpart A—General

§ 1100.1 What is the Literacy Leader Fellowship Program?

(a) Under the Literacy Leader Fellowship Program, the Director of the National Institute for Literacy provides financial assistance to outstanding individuals who are pursuing careers in adult education or literacy.

(b) Fellowships are awarded to these individuals for the purpose of carrying out short-term, innovative projects that contribute to the knowledge base of the adult education or literacy field.

(c) Fellowships are intended to benefit the fellow, the Institute, and ultimately, the field by providing the fellow with the opportunity to interact with national leaders in the field and make contributions to federal policy initiatives that promote a fully literate adult population.

§ 1100.2 Who is eligible for a fellowship?

(a) Only individuals are eligible to be recipients of fellowships.

(b) To be eligible for a fellowship under this program, an individual must be—

(1) A citizen of the United States;

(2) Eligible for Federal assistance under the terms of 34 CFR 75.60 and 75.61; and

(3) Either a career literacy worker or an adult learner.

§ 1100.3 What type of project may a fellow conduct under this program?

Under the auspices of the Institute, and in accordance with the Fellowship Agreement, the Literacy Leader Fellow may use a fellowship awarded under this part to engage in education, training, technical assistance, or other activities that advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State or local level.

§ 1100.4 What regulations apply?

This program is governed by the regulations in this part and the following additional regulations:

34 CFR 75.60, Individuals ineligible to receive assistance;

34 CFR 75.61, Certification of eligibility; effect of eligibility; and

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

§ 1100.5 What definitions apply?

(a) The definitions in 34 CFR 77.1, except that the definitions of "Applicant", "Application", "Award", and "Project" do not apply to this part.

(b) Other definitions. The following definitions also apply to this part:
Adult learner means an individual over 16 years old who is pursuing or has completed some form of literacy or basic skills training, including preparation for the G.E.D.

Applicant means an individual requesting a fellowship under this program.

Application means a written request for a fellowship under this program.

Award means an amount of funds provided for fellowship activities.

Career literacy worker means an individual who is pursuing a career in literacy or adult education or a related field and who has relevant academic or professional experience. Relevant experience includes teaching, policymaking, administration, or research.

Director means the Director of the National Institute for Literacy.

Fellow means a recipient of a fellowship.

Fellowship means an award of financial assistance made by the Institute to an individual pursuant to section 384 of the Adult Education Act (20 U.S.C. 1213c) to enable that individual to conduct research or other authorized literacy activities under the auspices of the Institute.

Fellowship agreement means a written agreement entered into between the Institute and a fellow, which, when

executed, has the legal effect of obligating the fellowship award, and which states the rights and obligations of the parties.

Institute means the National Institute for Literacy.

Project means the work to be engaged in by the Fellow during the period of fellowship.

Research means one or more of the following activities in literacy or education or education related fields: basic and applied research, planning, surveys, assessments, evaluations, investigations, experiments, development and demonstrations.

§ 1100.6 What priorities may the Director establish?

The Director may, through a notice published in the **Federal Register**, select annually one or more priorities for funding. These priorities may be chosen from the areas of greatest immediate concern to the Institute and may include, but are not limited to, the following areas:

(a) *Workforce and Workplace literacy.* Millions of American adults need educational services either to enter the work force or to upgrade their work-related skills. Increasingly literacy programs are offered in the context of the workplace. Workforce education and development is a top national priority and a critical focus in the literacy field.

(b) *Family Literacy.* Educational research and practice continue to demonstrate the fundamental importance of the family in creating both the motivation and conditions for a child's readiness for school and continued learning throughout life. This intergenerational literacy connection is having an increasingly significant effect on the funding, design, and operation of Federal, State, and local programs for children as well as adults.

(c) *English as a Second Language/Immigration and Literacy.* Recent studies confirm that adults with limited English proficiency (LEP) experience a variety of social and economic disadvantages: lower wages, limited employment opportunities, limited access to public services, and barriers to becoming active members of their communities and neighborhoods. ESL instruction is currently the largest and fastest growing component of the Adult Education Act, and the demand continues to increase dramatically. About two-thirds of all recent immigrants to America are LEP, and about 76% of the 12 to 14 million LEP adults in America are immigrants. Issues related to the education of immigrants and ESL services are of

increasing importance to the literacy and adult education field.

(d) *Assessing Progress toward National Educational Goal 6.* Goal 6, the adult literacy and lifelong learning goal, states that: "By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship." Gauging progress toward this goal is a primary concern of the Institute and a complex undertaking that challenges all sectors of the literacy field. As a result, there is growing interest in development of innovative approaches for measuring and documenting this progress in a variety of service settings.

(e) *The Role of Adult Learners in Literacy and Adult Education Programs.* As the primary consumers of literacy and adult education services, adult learners have the greatest personal stake in the quality of these services, and unique contributions to make in setting policy for, planning, and implementing programs. The Institute is interested in learning more about how current and former adult learners can play meaningful roles at every level of the literacy field nationwide.

Subpart B—How Does an Individual Apply for a Fellowship?

§ 1100.10 What categories of fellowship does the Institute award?

(a) The Institute awards two categories of Literacy Leadership Fellowships:

- (1) Career Literacy Worker Fellowships; and
 - (2) Adult Learner Fellowships.
- (b) [Reserved]

§ 1100.11 How does an individual apply for a fellowship?

An individual shall apply to the Director for a fellowship award in response to an application notice published by the Director in the **Federal Register**. The application must describe a plan for one or more of the activities stated in § 1100.3 that the applicant proposes to conduct under the fellowship. The application must also indicate which category of fellowship, as described in § 1100.10(b), most accurately describes the applicant.

Subpart C—How Does the Director Award a Fellowship?

§ 1100.20 How is a fellow selected?

(a) The Director rates applications using the selection criteria in § 1100.21 and then determines the order in which applications in each category will be

ranked. The Director may consider the following in making this determination:

(1) The rating of the applications based on the criteria in § 1100.21, plus any bonus points an applicant may have been awarded for addressing an Institute priority or priorities, as established annually.

(2) Whether the selection of an application would increase the diversity of fellowship projects awarded under this program.

(b) The Director determines the number of awards to be made in each category and chooses the corresponding number of top-ranked applications for each category.

§ 1100.21 What selection criteria does the Director use to rate an applicant?

The Director uses 34 CFR 75.217 and the following criteria in evaluating each applicant for a fellowship:

(a) *Quality of the plan for the proposed activity.* (40 points) The Director reviews the quality of each proposed project to ensure that—

- (1) The design of the project is of high quality;
- (2) The applicant's project is feasible;
- (3) The project addresses critical questions in innovative ways;
- (4) The applicant's project relates to the purposes of the fellowship program and the work of the Institute; and
- (5) If the proposed activities include research, the likely validity of the research hypothesis proposed, the usefulness of the objectives to be achieved, and the effectiveness of the methodology to be followed.

(b) *Significance of the proposed project.* (30 points) The Director assesses the significance of the proposed project to ensure that—

- (1) The project addresses important issues in literacy or adult education;
- (2) Project results are likely to contribute to the knowledge base in literacy or adult education, and to federal policy initiatives in these or related areas;
- (3) The project will enhance literacy or adult education practice;
- (4) The project will complement or enhance related activities of value to the field; and
- (5) The project builds research capacity within the field.

(c) *Qualifications of the applicant.* (30 points) The Director reviews the qualifications of each applicant to ensure—

- (1) The appropriateness and quality of the applicant's background, education, and work experiences as they relate to the proposed project, as shown in documentation that may include recommendations of present or former supervisors or colleagues;

(2) Demonstrated ability to produce a final product that is comprehensive and useful;

(3) If relevant, demonstrations of motivation and the ability to overcome obstacles in pursuing educational or career goals; and

(4) If relevant, evidence of the availability of additional support to carry out the proposed activity.

§ 1100.22 How does the Director determine the amount of a fellowship?

The amount of a fellowship includes—

- (a) A stipend, based on—
 - (1) The fellow's current annual salary; prorated for the length of the fellowship not to exceed \$30,000 salary reimbursement; or
 - (2) If a fellow has no current salary, the fellow's education and experience; and
- (b) A subsistence allowance and necessary travel expenses related to the fellowship, consistent with 5 U.S.C. chapter 57.

§ 1100.23 What payment methods may the Director use?

(a) The Director will pay a fellowship award directly to the fellow or through the fellow's employer.

(b) The Director considers the preferences of the fellow in determining whether to pay a fellowship award directly to the fellow or through the fellow's employer; however, the Director pays a fellowship award through the fellow's employer only if the employer enters into an agreement with the Director to comply with the provisions of § 1100.24.

§ 1100.24 What are the procedures for payment of a fellowship award directly to the fellow?

(a) If the Director pays a fellowship award directly to the fellow after the Director determines the amount of a fellowship award, the fellowship recipient shall submit a payment schedule to the Director for approval. The Director advises the recipient of the approved schedule.

(b) If a fellow does not complete the fellowship, or if the Institute terminates the fellowship, the fellow shall return to the Director a prorated portion of the stipend and any unused subsistence allowance and travel funds at the time and in the manner required by the Director.

§ 1100.25 What are the procedures for payment of a fellowship award through the fellow's employer?

(a) If the Director pays a fellowship award through the fellow's employer, the employer shall submit a payment schedule to the Director for approval.

(b) The employer shall pay the fellow the stipend and subsistence allowance according to the payment schedule approved by the Director. If the fellow does not complete the fellowship, the fellow shall return to the employer a prorated portion of the stipend and any unused subsistence allowance and travel funds. The employer shall return the funds to the Director at the time and in the amount required by the Director. The employer shall also return to the Director any portion of the stipend and subsistence allowance and travel funds not yet paid by the employer to the fellow.

Subpart D—What Conditions Must Be Met by a Fellow?

§ 1100.30 Where may the fellowship project be conducted?

(a) A fellow carries out a project at the National Institute for Literacy in Washington, DC, unless the Director determines that unusual circumstances exist and authorizes the fellow to carry out all or part of the project elsewhere.

(b) Office space and logistics will be provided by the Institute.

(c) The Fellow may also be required to participate in meetings, conferences and other activities at the Departments of Education, Labor, or Health and

Human Services, in Washington, DC, or in site visits to other locations, if deemed appropriate for the project being conducted.

§ 1100.31 Who is responsible for oversight of fellowship activities?

(a) All fellowship activities are conducted under the direct or general oversight of the Institute. The Institute may arrange through written agreement for another Federal agency, or another public or private nonprofit agency or organization that is substantially involved in literacy research or services, to assume direct supervision of the fellowship activities.

(b) Fellows may be assigned a peer mentor to orient them to the Federal system and Institute procedures.

§ 1100.32 What is the duration of a fellowship?

(a) The Institute awards Fellowships for a period of at least three and not more than 12 months of full-time or part-time activity. An award may not exceed 12 months in duration. The actual period of the fellowship will be determined at the time of award based on proposed activities.

(b) In order to continue the fellowship to completion, the fellow must be making satisfactory progress as determined periodically by the Director.

§ 1100.33 What reports are required?

(a) A Fellow shall submit fellowship results to the Institute in formats suitable for wide dissemination to policymakers and the public. These formats should include, as appropriate to the topic of the fellowship and the intended audience, articles for academic journals, newspapers, and magazines.

(b) Each fellowship agreement will contain specific provisions for how, when, and in what format the Fellow will report on results, and how and to whom the results will be disseminated.

(c) A Fellow shall submit a final performance report to the Director and the Chairperson of the National Institute for Literacy Advisory Board no later than 90 days after the completion of the Fellowship. The report must contain a description of the activities conducted by the Fellow and a thorough analysis of the extent to which, in the opinion of the fellow, the objectives of the project have been achieved. In addition, the report must include a detailed discussion of how the activities performed and results achieved could be used to enhance literacy practice in the United States.

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