

DEPARTMENT OF EDUCATION**National Center or Centers for Research in Vocational Education****AGENCY:** Department of Education**ACTION:** Notice of proposed interpretation and proposed waivers.

SUMMARY: The Secretary of Education (Secretary) announces a proposed interpretation of the statute authorizing the National Center or Centers for Research in Vocational Education (National Center), section 404, Part A, Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Act). Under the proposed interpretation the Secretary would have the authority to extend the five-year project period for the current National Center at the University of California at Berkeley. In addition, the Secretary proposes to waive the regulations in 34 CFR 75.250 of the Education Department General Administrative Regulations (EDGAR), which provide that the Secretary may approve a project period of up to 60 months and the regulations in 34 CFR 413.4(a), which provide that the Secretary designates a National Center or Centers once every five years. The Secretary invites the public, including entities that would be eligible to apply for grants under the National Center authority, to comment on the proposed interpretation of section 404 of the Perkins Act and on the proposal to waive § 75.250 of EDGAR and § 413.4(a) of the program regulations.

DATES: Comments must be received by the Department on or before July 21, 1997.

ADDRESSES: All comments concerning this notice should be addressed to Jackie Friederich, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education (Mary E. Switzer Building, Room 4526), 600 Independence Avenue, SW, Washington, DC 20202-7242. Telephone (202) 205-9071. Comments may also be sent through the Internet to: jackie_friederich@ed.gov. 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.

FOR FURTHER INFORMATION CONTACT: Jackie Friederich. Telephone (202) 205-9071. 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.

SUPPLEMENTARY INFORMATION: In December 1992, after a competition conducted under authority of section 404 of the Perkins Act and the implementing regulations at 34 CFR part 413, the Secretary awarded a grant to the University of California at Berkeley to operate the current National Center for Research in Vocational Education. At that time, the Secretary approved a five-year project period. The National Center has received annual grant awards since December 1992 for the purpose of conducting applied research and development activities in vocational education as well as annual awards for the purpose of conducting dissemination and training activities in vocational education. Section 3 of the Act, as amended by Pub. L. 101-392, authorized appropriations for Titles I through IV of the Act (including appropriations for the National Center) for Fiscal Years (FYs) 1991, 1992, 1993, 1994, and 1995. Calendar year 1997 will be the fifth year of the project period for which the University of California at Berkeley was selected and awarded grants in 1992. The funds awarded to the National Center in December of 1992 were utilized by the University of California at Berkeley to carry out activities in 1993. Since section 3 of the Act only authorized appropriations under Perkins Act programs through FY 1995, FY 1996 Perkins Act programs were extended under the authority of section 422 of the General Education Provisions Act (Pub. L. 103-382). In FY 1997, Perkins Act programs that are currently funded, including the National Center program, are operating by authority of annual congressional appropriations.

Proposed Interpretation and Waivers

The authorization of appropriations for the Perkins Act has expired and the National Center is being funded and administered on the basis of year-to-year congressional appropriations. There is no authorization of appropriation for the years that would be covered by new five-year National Center grants, were there to be a competition. The National Center authority in section 404 of the Perkins Act requires that the Secretary operate a National Center or Centers for a period of five years. December 31, 1997 will be the end of the five-year period for the current National Center and, therefore, the statutory requirement will have been met. The Secretary does not view the statute as requiring a new competition for a new five-year grant especially since there are no appropriations authorized. Accordingly, the Secretary proposes to interpret the

statute as authorizing him to extend the current National Center.

In view of the uncertainties presented by the absence of appropriation authority, the Secretary seeks to avoid a situation where the current National Center ceases operations and a new National Center starts up operations the next year, very possibly resulting in a difficult transition period and a truncated project period during which essential research, development, dissemination and training activities will not be undertaken, causing a potentially serious disruption of services to the vocational education community. The Secretary also does not wish to place potential applicants in the position of expending resources applying for Federal funds without knowing the full amount of funds for which they are applying or the period of years for which they are seeking to be funded. And, the Secretary is generally reluctant to announce a competition whereby eligible entities would be expected to proceed through the application preparation and submission processes while lacking critical information, and does not think that it would be in the public interest to do so. The Secretary hereby proposes an appropriate and cost-effective way of implementing existing legislation while serving the interest of the education community.

If the Secretary adopts this interpretation and publishes it in final, the Secretary proposes to waive § 75.250 of EDGAR and § 413.4(a) of the program regulations. This interpretation and these waivers would authorize the Secretary to extend the grants to the University of California at Berkeley beyond the 60-month period provided for in § 75.250, with new work beginning under the grant in 1998. The Secretary would extend the grants if it is determined, based on information available, that Berkeley is making substantial progress and would likely continue to make substantial progress in performing all required activities.

Assuming that Berkeley is making substantial progress in performing the required activities, the Secretary would extend the grants to Berkeley for one additional year (through December, 1998), by awarding them two grants totaling 4.5 million dollars under the authority of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Pub. L. 104-208. However, additional extensions could be made if Congress makes further appropriations without underlying authorizing legislation. During the period of any extension, the Secretary

will review the activities of the National Center to ensure that Berkeley continues to make substantial progress in performing all required activities.

The Secretary does not interpret the waivers as exempting the grantee from the account closing provisions of Pub. L. 101-510, or as extending the availability of FY 1992, 1993, 1994, 1995, and 1996 funds awarded to the grantee. As a result of Pub. L. 101-510, appropriations available for a limited period may be used for payments of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the Treasury Department and is unavailable for restoration for any purpose.

The Secretary is interested in receiving public comment on the proposed interpretation of section 404 of the Perkins Act described in this notice and on the proposed waivers of §§ 75.250 and 413.4(a). The Secretary is particularly interested in hearing from institutions of higher education or consortia of institutions of higher education that would be eligible to compete for grants under the National Center authority—despite the uncertainties that currently exist regarding reauthorization and future funding for the National Center—were a competition to be held this year.

In this regard, the Secretary would like to alert any potential applicants that, were a new competition to be held this year, the Secretary would seek to increase the number of applicants and the variety of approaches undertaken by the National Center both in the areas of research and development and dissemination and training.

Regardless of whether a new competition is held, the Secretary would give special emphasis to several of the mandatory statutory and

regulatory activities the National Center is required to carry out, which appear to be of particular concern to the education community, in the following areas:

- (a) Integration of academic and vocational education.
- (b) Accountability in vocational education, including the use of performance standards for program improvement.
- (c) Education of students in all aspects of an industry.
- (d) Development of effective methods for promoting literacy and communication skills in students.
- (e) Use of technology to enhance learning and support the transference of knowledge.
- (f) Teacher and administrator training and leadership development.
- (g) Articulation of secondary and postsecondary instruction with high quality work-based learning.
- (h) A study on the research conducted on approaches that lead to effective articulation of the education-to-work transition.
- (i) Dissemination of exemplary practices and materials, including curriculum and instructional materials.
- (j) Development and utilization of a national level dissemination network, including the broad dissemination of the results of research and development conducted by the National Center.
- (k) Development and publication of curriculum materials.
- (l) Development of processes for the synthesis of research.

The activities of the National Center provide valuable support to the Department's new initiatives that are geared toward preparing students for high skill jobs by providing them with the academic, technical, and related skills needed for the twenty-first century. These initiatives support the development of high levels of academic standards and occupational skills for all students by promoting education reform, improvements at the

postsecondary level in the delivery of services to vocational education students and in teacher and administrator training and leadership development, and the development of school-to-work systems. Through research and dissemination initiatives in areas such as the integration of academic and vocational education and the education of students in all aspects of the industry, new findings can be identified and disseminated in areas such as linking secondary and postsecondary learning, and the formation of effective partnerships among schools, employers, parents, and community and labor organizations that enhance school-based and work-based learning. Other possible research, development and dissemination strategies that address these priorities could include the use of support services and supportive learning environments, the development and use of effective performance management systems for program improvement, and the integration of occupational skill standards and assessments with academic performance standards and assessments. Through the exploration, development, identification and dissemination of these strategies, the work of the National Center will have a significant impact on education policy and practice which will benefit the collaborative education and training efforts of institutions, educators, businesses, and students.

Authority: 20 U.S.C. 1221e-3; 20 U.S.C. 2404; 20 U.S.C. 3474.

Dated: June 17, 1997.

(Catalog of Federal Domestic Assistance Number 84.051 National Center for Research in Vocational Education)

Patricia W. McNeil,

Assistant Secretary, Office of Vocational and Adult Education.

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