

that may be taken into consideration is 50 percent (\$300/\$600). If LEA X receives \$100 per pupil in payments under the Act, \$50 per pupil may be taken into consideration. LEA X may be regarded as contributing \$350 per pupil under the program and State B would now contribute \$250 as the difference.

*Example 5.* The initial facts are the same as in Example 4, except that LEA Y in State C, while taxing at the same 10 mill rate for both the equalization program and leeway allowance as LEA X, realizes \$550 per pupil for each tax. As with LEA X, the percentage of payments under the Act that may be taken into consideration for LEA Y is 50 percent (550/1100). If LEA Y receives \$150 per pupil in payments under the Act, then up to \$75 per pupil normally could be taken into consideration. However, since LEA Y would have received only \$50 per pupil in State aid, only \$50 of the allowable \$75 could be taken into consideration. Thus, LEA Z may be regarded as contributing \$600 per pupil under the program and State B would not contribute any State aid.

## PART 237—CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

### Subpart A—General

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AUTHORITY: 20 U.S.C. 1113-1113e.

SOURCE: 52 FR 26466, July 14, 1987, unless otherwise noted.

## Subpart A—General

### § 237.1 What is the Christa McAuliffe Fellowship Program?

The Christa McAuliffe Fellowship Program (CMFP) is designed to reward excellence in teaching by encouraging outstanding teachers to continue their education, to develop innovative programs, to consult with or assist LEAs, private schools, or private school systems, and to engage in other educational activities that will improve the knowledge and skills of teachers and the education of students.

(Authority: 20 U.S.C. 1113, 1113b)

### § 237.2 Who is eligible to apply under the Christa McAuliffe Fellowship Program?

An individual is eligible to apply for a Christa McAuliffe Fellowship if the individual at the time of application:

- (a)(1) Is a citizen or national of the United States;  
 (2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that the individual is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a permanent resident of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands;

(b) Is a full-time teacher in a public or private elementary or secondary school; and

(c) Is eligible for a fellowship under 34 CFR 75.60.

(Authority: 20 U.S.C. 1113b, 1113d(a))

[52 FR 26466, July 14, 1987, as amended at 57 FR 30342, July 8, 1992]

### § 237.3 How are awards distributed?

(a) Except as provided in section 563(a)(3) of the Act, the Secretary

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awards one national teacher fellowship under this part to an eligible teacher in each of the following:

- (1) Each congressional district in each of the fifty States.
- (2) The District of Columbia.
- (3) The Commonwealth of Puerto Rico.
- (4) Guam.
- (5) The Virgin Islands.
- (6) American Samoa.
- (7) The Northern Mariana Islands.
- (8) The Trust Territory of the Pacific Islands (Republic of Palau).

(b)(1) If the conditions stated in section 563(a)(3) of the Act apply, the Secretary publishes an alternative distribution of fellowship under this part that:

(i) Will permit fellowship awards at the level stated in § 237.4; and

(ii) Is geographically equitable as determined by the Secretary.

(2) The Secretary sends a notice of this distribution to each of the statewide panels established under § 237.20.

(c)(1) If a State fails to meet the applicable filing deadlines for fellowship recommendations established under this program, the Secretary does not make awards in that State.

(2) In redistributing any returned or unused funds from a State, the Secretary takes into consideration, but is not limited to, the following factors:

(i) The amount of funds available for redistribution.

(ii) The number of States that request additional funds.

(iii) The number of States that are willing to match fellowship funds.

(iv) The requirements in § 237.4(b) relating to minimum awards.

(Authority: 20 U.S.C. 1113b(a))

[52 FR 26466, July 14, 1987, as amended at 54 FR 10966, Mar. 15, 1989]

#### § 237.4 In what amounts are fellowships awarded?

(a) *Maximum award.* A fellowship awarded under this part may not exceed the national average salary of public school teachers in the most recent year for which satisfactory data are available, as determined by the Secretary. The Secretary urges statewide panels to award fellowships in the maximum amount.

(b) *Minimum award.* Except as provided in paragraph (c) of this section, a fellowship awarded under this part may not be less than half the national average salary of public school teachers in the most recent year for which satisfactory data are available, as determined by the Secretary.

(c) *Partial award.* If, after awarding one or more fellowships that meet the requirements of paragraphs (a) and (b) of this section, a State has insufficient funds for a maximum or minimum award, the State may make one partial award that may be less than the minimum award.

(Authority: 20 U.S.C. 1113b(a)(2))

[54 FR 10966, Mar. 15, 1989]

#### § 237.5 For what purposes may a fellow use an award?

Christa McAuliffe fellows may use fellowships awarded under this part for projects to improve education including:

(a) Sabbaticals for study or research directly associated with objectives of this part, or academic improvement of the fellows.

(b) Consultation with or assistance to LEAs, private schools, or private school systems other than those with which the fellow is employed or associated.

(c) Development of special innovative programs.

(d) Model teacher programs and staff development.

(Authority: 20 U.S.C. 1113b(b))

#### § 237.6 What priorities may the Secretary establish?

(a) The Secretary may annually establish, as a priority, one or more of the projects listed in § 237.5.

(b) The Secretary announces any annual priorities in a notice published in the FEDERAL REGISTER.

(Authority: 20 U.S.C. 1113d(a))

#### § 237.7 What regulations apply?

The following regulations apply to the Christa McAuliffe Fellowship Program:

(a) The Education Department General Administrative Regulations

(EDGAR) in 34 CFR 75.60 and 75.61 (regarding the ineligibility of certain individuals to receive assistance) and part 77 (Definitions That Apply to Department Regulations).

(b) The regulations in this part 237.

(Authority: 20 U.S.C. 1113d(a))

[52 FR 26466, July 14, 1987, as amended at 57 FR 30342, July 8, 1992]

**§ 237.8 What definitions apply?**

(a) The following definitions apply to terms used in this part:

*Act* means the Higher Education Act of 1965, as amended.

*Fellow* means a fellowship recipient under this part.

*Fellowship* means an award made to a person under this part.

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

- Department
- EDGAR
- Elementary school
- Local educational agency
- Private
- Public
- Secondary school
- Secretary
- State educational agency

(Authority: 20 U.S.C. 1113d(a))

**Subpart B—How Does One Apply for an Award?**

**§ 237.10 How does an individual apply for a fellowship?**

(a) To apply for a fellowship under this part, an individual must submit an application containing a proposal for a fellowship project as described in § 237.5, indicating the extent to which the applicant wishes to continue current teaching duties.

(b) The application shall provide this application to the appropriate LEA for comment prior to submission to the statewide panel for the State within which the proposal project is to be conducted as described in § 237.20.

(c) The applicant shall submit the application to the statewide panel within the deadline established by the panel.

(Authority: 20 U.S.C. 1113c, 1113d(a))

**Subpart C—How Are Fellows Selected?**

**§ 237.20 What are the statewide panels?**

(a) Recipients of Christa McAuliffe Fellowships in each State are selected by a seven-member statewide panel appointed by the chief State elected official, acting in consultation with the State educational agency (SEA), or by an existing panel designated by the chief State elected official and approved by the Secretary.

(b) The statewide panel must be representative of school administrators, teachers, parents, and institutions of higher education.

(Authority: 20 U.S.C. 1113c)

**§ 237.21 What are the responsibilities of a statewide panel?**

(a) Each statewide panel has the responsibility for:

(1) Establishing its own operating procedures regarding the fellowship selection process; and

(2) Disseminating information and application materials to the LEAs, private schools, and private school systems regarding the fellowship competition.

(b) Each panel may impose reasonable administrative requirements for the submission, handling, and processing of applications.

(c) Each statewide panel must consult with the appropriate LEA in evaluating proposals from applicants.

(d) In their applications to the statewide panel, individuals must include:

(1) Two recommendations from teaching peers;

(2) A recommendation from the principal; and

(3) A recommendation from the superintendent on the quality of the proposal and its educational benefit.

(e) A statewide panel may establish additional criteria, consistent with the Act, for the award of fellowships in its area as it considers appropriate.

(f) A statewide panel shall submit to the Secretary its selections for recipients of fellowships under this part within the schedule established by the Secretary.

(Authority: 20 U.S.C. 1113d)

§ 237.30

**Subpart D—What Conditions Must Be Met by Fellows?**

**§ 237.30 What is the duration of a fellowship?**

An individual may receive a Christa McAuliffe Fellowship under this program for up to 12 months.

(Authority: 20 U.S.C. 1113d(a))

**§ 237.31 May a fellowship be awarded for two consecutive years?**

A Christa McAuliffe fellow may not receive an award for any two consecutive years.

(Authority: 20 U.S.C. 1113b(a)(2))

**§ 237.32 What records and reports are required from fellows?**

Each fellow shall keep any records and submit any reports that are required by the Secretary.

(Authority: 20 U.S.C. 1113d(a))

**§ 237.33 What is the service requirement for a fellowship?**

(a) Except as provided in paragraph (b) of this section, a fellow must return to a teaching position in the fellow's current LEA, private school, or private school system for at least two years following the completion of the fellowship.

(b) In the case of extenuating circumstances (for example, temporary disability), a fellow has a five-year period in which to fulfill the two-year teaching requirement in paragraph (a) of this section.

(Authority: 20 U.S.C. 1113b(a)(2), 1113d)

[54 FR 10966, Mar. 15, 1989]

**§ 237.34 What are the requirements for repayment of the fellowship?**

(a) If a fellow does not carry out the activities described in the approved application or does not comply with § 237.33, the fellow shall make repayment in accordance with this section.

(b) The Secretary prorates the amount a fellow is required to repay based on the length of time the fellow carried out the fellowship activities, and held a teaching position in accordance with § 237.33 compared to the length of time that would have been in-

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involved if the fellow has fully met these requirements.

(Authority: 20 U.S.C. 1113e)

**PART 263—INDIAN FELLOWSHIP AND PROFESSIONAL DEVELOPMENT PROGRAMS**

**Subpart A—General**

Sec.

263.1 What are the Indian Fellowship and the Professional Development Programs?

263.2 Who is eligible to apply under the Indian Fellowship Program?

263.3 What definitions apply to the Indian Fellowship and Professional Development Programs?

263.4 What are the allowable fields of study in the Indian Fellowship Program?

263.5 What does a fellowship award include?

263.6 What is the time period for a fellowship award?

**Subpart B—How Does the Secretary Select Fellows?**

263.20 What priority is given to certain applicants?

263.21 What should the fellowship application contain?

263.22 How does the Secretary evaluate applications?

**Subpart C—What Conditions Must Be Met by Fellows?**

263.30 What are the basic requirements of a fellow?

263.31 What information must be submitted after a fellowship is awarded?

263.32 What are the requirements for a leave of absence?

263.33 What is required for continued funding under a fellowship?

263.34 When is a fellowship discontinued?

263.35 What are the payback requirements?

263.36 When does payback begin?

263.37 What are the payback reporting requirements?

**Subpart D—How Are Fellowship Payments Made?**

263.40 How are payments made?

AUTHORITY: 20 U.S.C. 7832 and 7833, unless otherwise noted.

SOURCE: 61 FR 46338, Aug. 30, 1996, unless otherwise noted.