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Friday  
February 13, 1998

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**Part VIII**

**Department of  
Education**

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**Office of Elementary and Secondary  
Education**

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**Advanced Placement Fee Payment  
Program; Notice Inviting Applications for  
New Awards for Fiscal Year (FY) 1998;  
Notice**

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.330]

## Office of Elementary and Secondary Education

## Advanced Placement Fee Payment Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1998

## Summary

The Secretary invites applications for new awards for FY 1998 under the Advanced Placement Fee Payment discretionary grant program and announces deadline dates for the transmittal of applications for funding under the program.

## Purpose of Program

The primary purpose of the Advanced Placement Fee Payment Program is to enable States to reimburse part or all of the cost of advanced placement test fees for low-income individuals who (1) are enrolled in an advanced placement class; and (2) plan to take an advanced placement test. This program is authorized by section 1545 of the Higher Education Amendments of 1992, 20 U.S.C. 1070a-11, note.

## Who May Apply

State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the former Trust Territory of the Pacific Islands.

*Deadline for Transmittal of Applications:* March 20, 1998.

*Deadline for Intergovernmental Review:* April 10, 1998. The 60-day period for intergovernmental review has been waived.

*Applications Available:* February 13, 1998.

*Available Funds:* \$3,000,000.

*Estimated Range of Awards:* \$1,000 to \$400,000.

*Estimated Average Size of Awards:* \$50,000.

*Estimated Number of Awards:* 57.

**\*Note:** These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

## Project Period

Up to 15 months. States receiving grants under this program may use the funds to reimburse eligible individuals for advanced placement tests taken in FY 1998, FY 1999, or both.

## Requirements for Approval of Applications

In order to receive funding under this program, an SEA must submit to the Department an application that contains the following:

(a) A description of the advanced placement test fees the State will pay on behalf of individual students, including the approximate number of students on whose behalf the State will pay these fees and the approximate date the State expects each student to take the advanced placement exam;

(b) A description of the method by which eligible low-income individuals will be identified, and the steps the State will take to ensure that any students receiving payments under this program are eligible for such payments;

(c) A description of the State's plan to disseminate information on the availability of test fee payments to eligible individuals through secondary school teachers and guidance counselors;

(d) A description of the State's plan to evaluate the effectiveness of the program;

(e) An assurance that any funds received under this program will only be used to pay advanced placement test fees for qualifying low-income individuals;

(f) An assurance that the State will document the eligibility of each individual on whose behalf the State pays part or all of an advanced placement test fee in accordance with section 402A(e) of the Higher Education Act of 1965; and

(g) An assurance that funds provided under this program will be used to supplement and not supplant other Federal, State, local, or private funds available to assist low-income individuals in paying for advanced placement testing.

## Allowable Activities

States receiving grants under this program may use the grant funds only to pay advanced placement test fees. The Department encourages States to undertake activities to increase the participation of low-income students in advanced placement classes and testing, but grant funds may not be used for this purpose.

## Allocation of Funds

The Department intends to fund all applications meeting the requirements for approval of applications previously described in this notice. In determining the amount of grant funds to be allocated to each State, the Department will rely on the U.S. Census Bureau

count of poor children ages 5-17 that is used for allocations under Title I, Part A, of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 6311-6338. The Department will also consider the State's description of the advanced placement test fees it intends to pay, and whether those fees are reasonable and allowable. The application package will provide each State with an estimate of the approximate amount of grant funds it can expect to receive if all States participate in the program. In the event that all States do not participate in the program, the Department will reallocate the funds that would have been awarded to the non-participating States to States whose applications have been approved.

## Waiver of Rulemaking

Because the Department intends to fund all applications meeting the requirements for approval of applications described in this notice, Department regulations governing the selection of new discretionary grant projects, codified at 34 CFR 75.200-75.222, will not apply to this program. While it is generally the practice of the Secretary to offer interested parties the opportunity to comment on such a regulation before it is implemented, section 437(d) of the General Education Provisions Act exempts from formal rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, the Secretary has decided to publish this regulation in final under the authority of section 437(d).

## Applicable Statute and Regulations

Title XV, Part G, of the Higher Education Amendments of 1992, 20 U.S.C. 1070a-11, note. The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.200-75.222), 76, 77, 79, 80, 81, 82, 85, and 86.

The following definitions and other provisions are taken from the Advanced Placement Fee Payment Program statute, in Title XV, Part G, of the Higher Education Amendments of 1992. They are repeated in this application notice for the convenience of the applicant.

## Definitions

As used in this section:

(a) The term *advanced placement test* includes only an advanced placement test approved by the Secretary of Education for the purposes of this section.

(b) The term "low-income individual" has the meaning given the term in

section 402A(g)(2) of the Higher Education Act of 1965.

**\*Note:** Under section 402A(g)(2) of the Higher Education Act of 1965, the term *low-income individual* means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census (20 U.S.C. 1070a-11(g)(2)).

#### Information Dissemination

The SEA shall disseminate information on the availability of test fee payments under this program to eligible individuals through secondary school teachers and guidance counselors.

#### Supplementation of Funding

Funds provided under this program must be used to supplement and not supplant other Federal, State, and local or private funds available to assist low-income individuals in paying for advanced placement testing.

For Applications or Information Contact: Frank B. Robinson, U.S. Department of Education, School Improvement Programs, Portals Building, Room 4500, Washington, D.C.

20202-6140. Telephone (202) 260-2669. Internet address:

frank\_robinson@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.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) upon request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

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**Note:** The official version of a document is the document published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 1070a-11, note.

Dated: February 10, 1998.

**Gerald N. Tirozzi,**

*Assistant Secretary for Elementary and Secondary Education.*

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