

performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118, including information that documents the extent of success in addressing the performance measures described in the following paragraph. For specific requirements on grantee reporting, please go to the ED Performance Report Form 524B at <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* We have established three performance measures for the MSAP:

(a) The percentage of magnet schools whose student applicant pool reflects a racial and ethnic composition that, in relation to the total enrollment of the school, reduces, eliminates or prevents minority group isolation. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose student applicant pool would have a beneficial effect on the reduction, prevention or elimination of minority group isolation in participating project schools to increase annually from a baseline established with magnet school applicant data from the first year of the project.

(b) The percentage of magnet schools whose students from major racial and ethnic groups meet or exceed their State's adequate yearly progress standard, in accordance with their State's plan required by section 1111 of the ESEA. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose students meet or exceed the adequate yearly progress standard to increase annually from a baseline established by participating schools' performance in the school year prior to the beginning of the project.

(c) The percentage of magnet schools that receive assistance and that are still operating magnet school programs three years after Federal funding ends and the percentage of magnet schools that received assistance that meet State standards at least three years after Federal funding ends. The Secretary has set an overall performance target that calls for the percentage of magnet schools that are in operation and meet or exceed State standards three years after Federal funding ends to increase annually from a baseline established three years after Federal funding ceases.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W229, Washington, DC 20202-5970. *Telephone:* (202) 260-2476 or by *e-mail:* [steve.brockhouse@ed.gov](mailto:steve.brockhouse@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

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## VIII. Other Information

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Dated: March 6, 2007.

**Morgan S. Brown,**

*Assistant Deputy Secretary for Innovation and Improvement.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Magnet Schools Assistance Program

**AGENCY:** Office of Innovation and Improvement, Department of Education.  
**ACTION:** Notice of final priority.

**SUMMARY:** The Assistant Deputy Secretary for Innovation and Improvement announces a priority under the Magnet Schools Assistance Program (MSAP). The Assistant Deputy Secretary may use this priority for competitions in fiscal year (FY) 2007 and later years. We intend this priority to encourage eligible applicants to focus on expanding their capacity to provide public school choice by using magnet schools to provide public school choice options to parents whose children attend schools that have been identified for school improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

**DATES:** *Effective Date:* This priority is effective April 9, 2007.

**FOR FURTHER INFORMATION CONTACT:** Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W229, Washington, DC 20202-5970. *Telephone:* (202) 260-2476 or *via Internet:* [steve.brockhouse@ed.gov](mailto:steve.brockhouse@ed.gov).

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**SUPPLEMENTARY INFORMATION:** The MSAP provides grants to eligible local educational agencies (LEAs) and consortia of LEAs to support magnet schools that are part of an approved desegregation plan. For the purpose of the MSAP, a magnet school is a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Through the implementation of magnet schools, MSAP resources support objectives and activities that enable all elementary and secondary students to achieve to high standards, hold schools and LEAs accountable for ensuring they do so, and help schools and LEAs develop and design innovative educational methods and practices that support desegregation efforts to eliminate, reduce, or prevent minority group isolation and increase choices in public elementary and secondary schools.

Consistent with the statutory purpose of the MSAP, magnet schools are designed to eliminate, reduce, or prevent minority group isolation in schools with substantial numbers or percentages of minority group students, bring students of different backgrounds together, assist LEAs in achieving systemic reforms, provide all students the opportunity to meet challenging State content standards and challenging State performance standards, and increase choices in public elementary and secondary schools.

The priority, Expanding Capacity to Provide Choice, provides eligible LEAs with an opportunity to continue to use magnet schools, consistent with their desegregation plan objectives for the elimination, reduction, or prevention of

minority group isolation, to expand their capacity to provide public school choice to parents whose children attend schools identified for school improvement, corrective action, or restructuring.

The priority provides eligible applicants the flexibility to use either or both of two approaches to expanding their capacity to provide public school choice.

First, an eligible applicant could convert one or more schools identified for improvement, corrective action, or restructuring under Title I to magnet schools in order to improve the quality of teaching and instruction in these schools. Using this approach, conversion of a school to a magnet school would benefit students already attending the school by offering a magnet curriculum that would include subject matter or teaching methodology that is generally not available at other schools in the LEA and would be more challenging and innovative than the curricular program that the school had previously provided. The implementation of the magnet curriculum, along with resources such as equipment, supplies and staff development to support the implementation of the magnet curriculum, would also help the school reduce, eliminate, or prevent minority group isolation at the magnet school and/or at the sending schools by attracting other students, including higher-achieving students of different backgrounds, based on their interest in a curricular program that would not be available to them in the schools that they would otherwise attend.

Second, an eligible applicant could use higher-performing schools as magnet schools and, by doing so, significantly increase the opportunity for students attending schools identified for school improvement, corrective action, or restructuring to participate in public school choice by attending a higher-performing school. Using this approach, an eligible applicant would need to ensure that the magnet school would have sufficient space available to accommodate students who would likely be interested in transferring from schools identified for school improvement, corrective action, or restructuring. Additionally, the LEA would need to show how the enrollment of the magnet and/or sending schools (i.e., the schools identified for school improvement, corrective action, or restructuring from which students would transfer) would change in a manner that resulted in the elimination, reduction, or prevention of minority

group isolation in those sending schools.

Under either approach, an applicant would be required to show how it would effectively inform parents whose children attend schools identified for school improvement, corrective action, or restructuring about the new choices made available to them in the magnet schools to be funded under the project.

We published a notice of proposed priority for this program in the **Federal Register** on April 12, 2006 (71 FR 18728).

There are no differences between the notice of proposed priority and this notice of final priority.

### Public Comment

In the notice of proposed priority, we invited comments on the proposed priority. We did not receive any comments.

**Note:** This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**. When inviting applications we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive preference priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

### Priority

#### *Expanding Capacity To Provide Choice*

This priority supports projects that will—

(1) Help parents whose children attend low-performing schools (that is, schools that have been identified for school improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended) by—

(a) Selecting schools identified for school improvement, corrective action, or restructuring under Title I as magnet schools to be funded under this project and improving the quality of teaching and instruction in these schools; or

(b) Maximizing the opportunity for students in low-performing schools to attend higher-performing magnet schools funded under the project and thereby reduce minority group isolation in the low-performing sending schools; and

(2) Effectively inform parents whose children attend low-performing schools about choices that are available to them in the magnet schools to be funded under the project.

**Note:** For the purpose of selecting applications under this priority, *school improvement* has the meaning given in 34 CFR 200.32(a)(1), *corrective action* has the meaning given in 34 CFR 200.33(a), and *restructuring* has the meaning given in 34 CFR 200.34(a).

### Executive Order 12866

This notice of final priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priority are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priority, we have determined that the benefits of the final priority justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

*Summary of potential costs and benefits:* The potential cost associated with this final priority is minimal while the benefits are significant.

The benefit of the final priority is that it will help applicants prepare high-quality proposals that expand their capacity to provide public school choice to parents whose children attend schools that have not made adequate yearly progress.

### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Applicable Program Regulations:* 34 CFR part 280.

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You may also view this document in text or PDF at the following site: <http://www.ed.gov/programs/magnet/applicant.html>.

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(Catalog of Federal Domestic Assistance Number 84.165A Magnet Schools Assistance Program)

**Program Authority:** 20 U.S.C. 7231-7231j.

Dated: March 6, 2007.

**Morgan S. Brown,**

*Assistant Deputy Secretary for Innovation and Improvement.*

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## DEPARTMENT OF EDUCATION

### Office of Safe and Drug-Free Schools; Overview Information; School-Based Student Drug-Testing Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.184D.

**DATES:**

*Applications Available:* March 9, 2007.

*Deadline for Transmittal of Applications:* May 8, 2007.

*Deadline for Intergovernmental Review:* July 9, 2007.

*Eligible Applicants:* Local educational agencies (LEAs) and public and private entities.

*Estimated Available Funds:* \$1,600,000. Contingent upon the availability of funds, the Secretary may make additional awards later in FY 2007 and in subsequent years from the list of

unfunded applicants from this competition.

*Estimated Range of Awards:* \$100,000-\$200,000.

*Estimated Average Size of Awards:* \$150,000.

*Estimated Number of Awards:* 11.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

#### Full Text of Announcement

##### I. Funding Opportunity Description

*Purpose of the Program:* The School-Based Student Drug-Testing program awards grants to LEAs and public and private entities to develop and implement, or expand, school-based drug-testing programs for students.

*Priority:* This priority is from the notice of final eligibility and application requirements, priorities, and selection criteria for this program, published in the **Federal Register** on July 7, 2005 (70 FR 39254).

*Absolute Priority:* For FY 2007 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

*Mandatory Random and Voluntary Student Drug-Testing Programs.* Under this priority, we will provide Federal financial assistance to eligible applicants to develop and implement, or expand, school-based mandatory random or voluntary drug-testing programs for students in one or more grades 6 through 12. Any drug-testing program conducted with funds awarded under this priority must be limited to one or more of the following:

(1) Students who participate in the school's athletic program;

(2) Students who are engaged in competitive, extracurricular, school-sponsored activities; and

(3) A voluntary drug-testing program for students who, along with their parent or guardian, have provided written consent to participate in a random drug-testing program.

Applicants that propose voluntary drug testing for students who, along with their parent or guardian, provide written consent, must not prohibit students who do not consent from participating in school or extracurricular activities.

*Application Requirements:* The following requirements apply to all applications submitted under this program. Requirements (1) and (3) through (5) are from the notice of final eligibility and application requirements, priorities, and selection criteria for this

program, published in the **Federal Register** on July 7, 2005 (70 FR 39254). Requirement (2) is from the notice of final eligibility requirement for the Office of Safe and Drug-Free Schools discretionary grant programs published in the **Federal Register** on December 4, 2006 (71 FR 70369).

(1) Applicants may not submit more than one application for an award under this program.

(2) Eligibility under this grant competition is limited to applicants that do not currently have an active grant under the Department of Education's School-Based Student Drug-Testing Program (CFDA 84.184D). For the purpose of this requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

(3) Non-LEA applicants must submit a letter of agreement to participate from an LEA. The letter must be signed by the applicant and an authorized representative of the LEA. Letters of support are not acceptable as evidence of the required agreement.

(4) Funds may not be used for the following purposes:

(a) Student drug tests administered under suspicion of drug use;

(b) Incentives for students to participate in programs;

(c) Drug treatment; or

(d) Drug prevention curricula or other prevention programs.

(5) Applicants must:

(a) Identify a target population and demonstrate a significant need for drug testing within the target population;

(b) Explain how the proposed drug-testing program will be part of an existing, comprehensive drug prevention program in the schools to be served;

(c) Provide a comprehensive plan for referring students who are identified as drug users through the testing program to a student assistance program, counseling, or drug treatment if necessary;

(d) Provide a plan to ensure the confidentiality of drug-testing results, including a provision that prohibits the party conducting drug tests from disclosing to school officials any information about a student's use of legal medications;

(e) Limit the cost of site-based evaluations to no more than 10 percent of total funds requested; and

(f) Provide written assurances of the following:

(i) That results of student drug tests will not be disclosed to law enforcement officials;