

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

#### *Critical Need Languages*

This priority supports projects that establish, improve or expand foreign language learning primarily during the traditional school day, within grade kindergarten through grade 12 that exclusively teach one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

#### **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.

We summarized the costs and benefits in the notice of proposed priority.

#### **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.

### **Electronic Access to This Document**

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister).

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number 84.293B Foreign Language Assistance Program—Local Educational Agencies)

**Program Authority:** 20 U.S.C. 7259a–7259b.

Dated: May 12, 2006.

**Kathleen Leos,**

*Assistant Deputy Secretary and Director for English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.*

[FR Doc. 06-4616 Filed 5-18-06; 8:45 am]

**BILLING CODE 4000-01-P**

## **DEPARTMENT OF EDUCATION**

### **Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students; Overview Information; Foreign Language Assistance Program—Local Educational Agencies; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006**

*Catalog of Federal Domestic Assistance (CFDA) Number: 84.293B.*

#### *Dates*

*Applications Available:* May 19, 2006.

*Deadline for Notice of Intent to Apply:* June 16, 2006.

*Deadline for Transmittal of Applications:* June 30, 2006.

*Deadline for Intergovernmental Review:* August 30, 2006.

*Eligible Applicants:* Local educational agencies (LEAs).

*Estimated Available Funds:* \$12,920,000.

*Estimated Range of Awards:* \$50,000-\$300,000.

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

*Estimated Number of Awards:* 86.

**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 Program:** This program provides grants to LEAs for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. An LEA that receives a grant under this program must use the funds to support programs that show the promise of being continued beyond the grant period, demonstrate approaches that can be disseminated and duplicated in other LEAs, and may include a professional development component.

**Priorities:** This notice involves six competitive preference priorities and two invitational priorities. Competitive Preference Priority #1 is from the notice of final priority for this program published elsewhere in this issue of the **Federal Register**. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities #2 through #6 are from section 5493 of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259b).

**Competitive Preference Priority #1:** For FY 2006 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application, depending on how well the application meets this priority.

This priority is:

#### *Critical Need Languages*

This priority supports projects that establish, improve or expand foreign language learning primarily during the traditional school day, within grade kindergarten through grade 12 that exclusively teach one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

**Competitive Preference Priorities #2–6:** For FY 2006 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets one or more of these priorities over an application of comparable merit that does not meet one of the priorities.

**Note:** There is no advantage in addressing all five competitive preference priorities. Creating a program around the five priorities may result in a scattered or unfocused program design. We give preference to

applications describing programs that address any of these priorities.

*These priorities are:*

*Competitive Preference Priority #2.*

Projects that include intensive summer foreign language programs for professional development.

*Competitive Preference Priority #3.*

Projects that link non-native English speakers in the community with the schools in order to promote two-way language learning.

*Competitive Preference Priority #4.*

Projects that promote the sequential study of a foreign language for students, beginning in elementary schools.

*Competitive Preference Priority #5.*

Projects that make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

*Competitive Preference Priority #6.*

Projects that promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

Within Competitive Preference Priorities #2 through #6, we are particularly interested in applications addressing the following priorities.

*Invitational Priorities:* For FY 2006 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets one or more of these invitational priorities a competitive or absolute preference over other applications.

*These priorities are:*

*Invitational Priority #1.* Projects that propose innovative approaches to build the capacity to use technology to provide foreign language instruction.

*Invitational Priority #2.* Projects that propose to collaborate with institutions of higher education to improve the quality and skills of foreign language teachers.

**Program Authority:** 20 U.S.C. 7259a–7259b.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The notice of final priority for this program published elsewhere in this issue of the **Federal Register**.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:*

\$12,920,000.

*Estimated Range of Awards:* \$50,000–\$300,000.

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

*Estimated Number of Awards:* 86.

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

*Project Period:* Up to 36 months.

## III. Eligibility Information

1. *Eligible Applicants:* LEAs.

2. *Cost Sharing or Matching:* See section 5492(c)(2) of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259a(c)). The Federal share of the Foreign Language Assistance Program (FLAP) for each fiscal year is restricted to 50 percent. For example, if the total cost for each fiscal year of the proposed foreign language program is \$200,000, then the LEA may request \$100,000 in Federal funding. Section 80.24 of EDGAR addresses Federal cost sharing requirements.

If an LEA does not have adequate resources to pay the non-Federal share of the cost, a waiver may be requested. An LEA may request a waiver of part, or all, of the matching requirement. The waiver request should be submitted by letter to the Secretary of Education and included in the application. An Authorized Representative of the school district, such as the Superintendent of Schools, should sign the letter. Further information on submitting a waiver request is included in the application package.

The request for waiver should—

- Provide an explanation, supported with appropriate documentation, of the basis for the LEA's position that it does not have adequate resources to pay the non-Federal share of the cost of the project.

- Specify the amount, if any, of the non-Federal share that the LEA can pay.

It is recommended that the LEA share in the cost of its FLAP project to the extent possible.

## IV. Application and Submission Information

1. *Address to Request Application Package:* Yvonne Putney-Mathieu, U.S. Department of Education, 400 Maryland Avenue, SW., room 10074, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7155, or by e-mail: [yvonne.mathieu@ed.gov](mailto:yvonne.mathieu@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.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning

the content of an application, together with the forms you must submit, are in the application package for this competition.

**Notice of Intent to Apply:** If you intend to apply for a grant under this competition, contact Amy Weinmann by e-mail: [amy.weinmann@ed.gov](mailto:amy.weinmann@ed.gov).

**Note:** We do not consider an application that does not comply with the deadline requirements established in this notice. However, we will consider an application submitted by the deadline date for transmittal of applications, even if the applicant did not provide us notice of its intent to apply.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 25 pages using the following standards.

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one to two page abstract. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

*Applications Available:* May 19, 2006.

*Deadline for Notice of Intent to Apply:* June 16, 2006.

*Deadline for Transmittal of Applications:* June 30, 2006.

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

*Deadline for Intergovernmental Review:* August 30, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order

12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Foreign Language Assistance Program LEA-CFDA Number 84.293B is one of the programs included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Foreign Language Assistance Program at: <http://www.Grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from

Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at

<http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>

- To submit your application via Grants.gov, you must complete the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above

or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

#### *Application Deadline Date Extension in Case of System Unavailability*

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and

two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:*

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.293B), 400 Maryland Avenue, SW., Washington, DC 20202-4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.293B), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.293B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

*Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the

Department—in Item 4 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

*Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are as follows:

(a) *Need for project.* (5 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Quality of the project design.* (60 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(3) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(4) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(5) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(6) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) *Quality of project personnel.* (10 points) The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of the project director.

(2) The qualifications, including relevant training and experience, of key project personnel.

(d) *Quality of the management plan.* (10 points) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(e) *Quality of the project evaluation.* (15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(3) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification

(GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measure:* In response to the Government Performance and Results Act (GPRA), the Department developed one measure for evaluating the overall effectiveness of the Foreign Language Assistance Program (FLAP). The measure assesses the percentage of FLAP projects that report annual improvements in foreign language proficiency for three-quarters of school

participants. We will expect each LEA that carries out a school-based project funded under this competition to document how its project is helping the Department meet this performance measure, including data on the proficiency of students served by projects. Grantees will be expected to report on progress in meeting this performance measure for FLAP in their Annual Performance Report and in their Final Performance Report.

#### VII. Agency Contact

*For Further Information Contact:* Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 10080, Washington, DC 20202. Telephone: (202) 245-7133, or by e-mail: [rebecca.richey@ed.gov](mailto:rebecca.richey@ed.gov).

Sharon Manassa, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 10071, Washington, DC 20202. Telephone: (202) 245-7124, or by e-mail: [sharon.manassa@ed.gov](mailto:sharon.manassa@ed.gov).

Ana Garcia, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 10072, Washington, DC 20202. Telephone: (202) 245-7153, or by e-mail: [ana.garcia@ed.gov](mailto:ana.garcia@ed.gov).

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format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed in this section.

#### VIII. Other Information

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister).

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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Dated: May 12, 2006.

**Kathleen Leos,**

*Assistant Deputy Secretary and Director,  
Office of English Language Acquisition,  
Language Enhancement, and Academic  
Achievement for Limited English Proficient  
Students.*

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