

DEPARTMENT OF EDUCATION**Foreign Language Assistance Program—State Educational Agencies**

AGENCY: Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, Department of Education.

ACTION: Notice of final priority.

SUMMARY: The Assistant Deputy Secretary and Director for English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, announces a priority under the Foreign Language Assistance program. We may use this priority for competitions in fiscal year (FY) 2006 and later years. We take this action to focus Federal financial assistance on an identified national need for programs in critical foreign languages within kindergarten through grade twelve during the traditional school day. We intend this priority to enable the Department to award grants that increase the number of State educational agency programs implementing elementary and secondary school projects teaching languages of major economic and political importance.

DATES: *Effective Date:* This priority is effective June 19, 2006.

FOR FURTHER INFORMATION CONTACT: Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., room 10080, PCP, Washington, DC 20202-6510. Telephone: (202) 245-7133 or via Internet: rebecca.richey@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 this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Through this program, the Department intends to fund elementary and secondary school projects teaching critical languages within kindergarten through grade twelve during the traditional school day. The purpose of the program is to provide grants to State educational agencies for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

We published a notice of proposed priority for this program in the **Federal**

Register on February 28, 2006 (71 FR 10024). There are no differences between the notice of proposed priority and this notice of final priority.

Analysis of Comments and Changes

In response to our invitation in the notice of proposed priority more than 4 parties submitted comments on the proposed priority. An analysis of the comments follows.

Generally, we do not address technical and other minor changes—and suggested changes that we are not authorized to make under the applicable statutory authority.

Comment: One commenter suggested that the proposed priority for critical languages include a preference for projects that begin as early as kindergarten in order to promote sequential study of the foreign language.

Discussion: The Foreign Language Assistance Act of 2001, which authorizes this program, provides for the Department to give special consideration to projects that promote the sequential study of a foreign language for students beginning in elementary schools. It is not necessary for us to establish a separate priority for these projects.

Change: None.

Comment: Two commenters suggested that emphasizing support for specific critical languages, to the exclusion of other languages, would be detrimental to foreign language instruction in other languages more commonly taught in their states.

Discussion: Depending on how we apply this priority and any other priorities we fund in a particular competition, this priority for projects teaching critical languages would not necessarily preclude applicants from proposing projects providing instruction in other foreign languages when applying for a grant. Establishing this priority simply allows the Secretary to use this priority in a competition in a given year and as necessary to meet the needs and goals of this program.

Change: None.

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*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: <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 84.293C Foreign Language Assistance Program—State 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.

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DEPARTMENT OF EDUCATION

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

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

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: State educational agencies (SEAs).

Estimated Available Funds: \$1,000,000.

Estimated Range of Awards: \$50,000–\$400,000.

Estimated Average Size of Awards: \$200,000.

Estimated Number of Awards: 5.

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: The Foreign Language Assistance Program (FLAP) provides grants to SEAs for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. An SEA that receives a grant under this program must use the funds to support programs that promote systemic approaches to improving foreign language learning in the State.

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 Priority #2 is 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 Priority #2: For FY 2006 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets this priority over an application of comparable merit that does not meet the priority.

This priority is:

Applications describing programs that are carried out through a consortium comprised of the State educational

agency receiving the grant and an elementary or secondary school.

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: \$1,000,000.

Estimated Range of Awards: \$50,000–\$400,000.

Estimated Average Size of Awards: \$200,000.

Estimated Number of Awards: 5.

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

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs.

2. *Cost Sharing or Matching:* In order to build foreign language program capacity at the State level, cost sharing is required. Waivers are not available for State educational agencies. The Federal share of the cost of activities assisted under this program for each fiscal year is 50 percent. See 20 U.S.C. 7259a(c).

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.

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

Note: We do not consider an application that does not comply with the deadline